

**ARTICLE 4 – GROWTH MANAGEMENT STRATEGY****4.1. ESTABLISHING A GROWTH MANAGEMENT STRATEGY**

To accomplish the purposes of this Ordinance, as set forth in **Article 1, Section 1.3 Purpose**, this Ordinance uses three primary regulatory methods. The intent of each is to guide development to the minimum extent necessary to prevent negative impacts on neighborhoods and the environment.

The three regulatory methods used are: 1) designating allowed uses, 2) designating dimensional requirements, and 3) requiring compliance with general and specific land use standards.

**4.2. DESIGNATING CATEGORIES OF USES**

For the purposes of this Ordinance, land use activities are organized into two main categories, Residential Uses and Non-residential Uses. Non-residential Uses are grouped into five separate categories: 1) General Commercial Uses, 2) General Institutional Uses, 3) General Industrial Uses, 4) Transportation and Utility Uses, and 5) Resource-Based Uses. For determining allowed uses, Resource-Based Uses are further divided into Non-commercial and Commercial Uses. There are four types of Resource-Based Groups: 1) Agricultural, 2) Forestry, 3) Extractive and 4) Recreational.

**4.3. DESIGNATING ALLOWED USES IN THE GROWTH MANAGEMENT AREAS**

Designating allowed uses (and thereby, not allowing other uses) is one method to help prevent conflict between uses that may be 'incompatible'. It is the intent of this Ordinance to allow a mixture of uses within the whole town. Designating allowed uses is done to the minimum extent possible to allow landowners a range of development options while preventing harm to other landowners and to the environment. With initial enactment of this Ordinance, commercial and industrial uses may be more restricted than would be absolutely necessary. Therefore, in **Article 3.3**, a procedure for adopting additional 'development overlay areas' for future commercial and industrial development is set forth.

Specification of allowed uses is detailed in the Tables of Permitting and Approval in **Articles 8** (Residential Uses), **Article 9** (uses in the Shoreland Management Area) and **Article 13** (Non-residential) Uses. The intent of this section is to give a summary overview of allowed uses within each of the growth management areas established in **Article 3**.

**4.3.1 Allowed Residential Uses:**

**IN GMA 1:** Single-family residences, two-family residences, multi-family residences (6 units maximum per structure), home occupations (both Level 1 and Level 2), mobile home parks, bed and breakfasts, and accessory residential units, are allowed.

**IN GMA 2:** Single-family residences, two-family residences, multi-family residences (4 units maximum per structure), home occupations (both Level 1 and Level 2), bed and breakfasts, and accessory residential units, are allowed.

**IN GMA 3:** Single-family residences, two-family residences, home occupations (both Level 1 and Level 2), bed and breakfasts, and accessory residential units are allowed.

**4.3.2. Allowed Non-Residential Uses:**

**IN GMA 1:** General institutional, general industrial, and general commercial uses are allowed; however, depending on size and impact some will be restricted to or prohibited from GMA 1A

and GMA 1B. Many non-commercial resource-based uses and some commercial, industrial and recreational resource-based uses are allowed; however, depending on size, nature and impact, some will be restricted to or prohibited from GMA 1A and/or GMA 1B.

**IN GMA 2:** General institutional uses are allowed, except for larger and / or higher impact uses. Small, light impact general industrial and general commercial uses are allowed. Some moderate impact commercial uses are allowed. Many non-commercial resource-based uses, and some commercial and industrial resource-based uses, are allowed.

**IN GMA 3:** No general commercial, general industrial or general institutional uses are allowed. Some resource-based non-residential uses are allowed. Many resource-based commercial and non-commercial uses are allowed. Should a developer propose a general commercial, general industrial, or general institutional project in GMA 3, the developer will work with municipal officials to create a Development Overlay Area in accordance with the procedures outlined in Article 3 Establishment of Growth Management Areas.

#### **4.3.3. Allowed Uses In The Development Overlay Areas:**

**IN GROWTH MANAGEMENT AREA 1A (the ‘village’):** Some non-residential uses are allowed in GMA 1A that are not allowed elsewhere in GMA 1. The same residential uses are allowed in GMA 1A as in the rest of GMA 1.

**IN GROWTH MANAGEMENT AREA 1B (the ‘enterprise’ area):** Large, high impact general commercial and general industrial uses are allowed in GMA 1B and are not allowed elsewhere in GMA 1 or the rest of the Town. The same residential uses are allowed in GMA 1B as in the rest of GMA 1; however, residential developers should expect greater impact from neighboring non-residential uses than in other areas where non-residential use is more restricted.

#### **4.3.4. Allowed Uses In The Special Protection Areas:**

**IN THE SHORELAND MANAGEMENT AREA:** Some residential, recreational and resource-based uses are allowed in the Limited Residential District. Uses are severely restricted in the Resource Protection District. Many shoreland uses and activities are subject to Planning Board review.

**IN THE FLOOD HAZARD MANAGEMENT AREA:** Uses in the Flood Hazard Management Area are more restricted by standards than by allowed use and are subject to Planning Board review.

**IN THE SIGNIFICANT AQUIFER PROTECTION AREA:** Some uses are prohibited, or require Planning Board review and are subject to strict land use standards.

#### **4.3.5. Allowed Transportation and Utility Uses:**

Transportation and Utility uses are needed in all growth management areas. There is some restriction of higher impact projects and there are some uses not allowed in some areas. General Performance Standards and Special Project Standards address concerns with the siting of these uses.

### **4.4. DESIGNATING DIMENSIONAL REQUIREMENTS**

Regulation of dimensional requirements for development helps to preserve rural character, promote public safety and prevent environmental harm. This Ordinance sets requirements for both residential and non-residential uses.

Dimensional requirements include: minimum lot area; maximum lot coverage; minimum front setbacks from major highways, local roads, and private ways; minimum side and rear setbacks; maximum height of structures; minimum lot width for frontage on highways, local roads and private ways; minimum shore frontage, structure height and lot width in the Shoreland Management Area.

Residential dimensional requirements are found in **Article 8**; shoreland dimensional requirements are found in **Article 9** and in **Article 16** Non-conformity. Non-residential dimensional requirements are found in **Article 12**; **Table 12C** for Tier 2 uses and **Table 12D** for Tier 3 uses.

#### **4.4.1. Designating Dimensional Requirements In The Growth Management Areas**

The dimensional requirements of this Ordinance reflect the existing character of the GMA and the intended purposes of this Ordinance. Requirements in GMA 1 promote more densely developed areas. In GMA 2, requirements promote a more rural, less dense level of development. In GMA 3, requirements encourage low density development that is compatible with higher impact resource-based uses and conservation of natural resources.

#### **4.4.2. Designating Net Developable Acreage Requirements**

Designating net developable acreage requirements for residential and non-residential development helps to ensure that minimum lot area takes into account the presence of slopes, wetlands, right-of-ways, and other factors that limit the amount of developable land on a parcel.

#### **4.4.3. Designating Net Residential Density Requirements**

Designating net residential density requirements for cluster development allows for diversity in housing development by allowing smaller lots while preserving the overall capacity of a tract of land for supporting residential use.

#### **4.4.4. Designating Net Non-Residential Density Requirements**

Designating net non-residential density requirements allows for more compact non-residential development while preserving natural features of the land and promoting conservation of natural resources.

### **4.5. REQUIRING COMPLIANCE WITH LAND USE STANDARDS**

Land use standards help protect abutting properties and the natural environment from negative impacts of development. This Ordinance contains a number of standards for all development and some standards that will only apply to specific development. The burden of proof of compliance with all aspects (including submission and performance standards) of this Ordinance is on the applicant and the owner/operator of any permitted use.

#### **4.5.1. Compliance and Burden of Proof**

All development shall be required to comply with all applicable standards of this Ordinance. The developer shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

**4.5.2. Required Standards For Site Plan Review And Subdivision Applications**

All subdivision (including multi-family residential) and non-residential development applications requiring review by the Planning Board shall comply with all applicable Specific Site Review Standards in **ARTICLE 6.7**. Subdivision including multi-unit structures with fee ownership schemes shall comply with all applicable Maine Statutory Review Criteria in **ARTICLE 6.8**.

**4.5.3. Required General Performance Standards (GPS)**

All development applications requiring CEO permits and / or Planning Board review according to the provisions of this Ordinance shall comply with all applicable General Performance Standards in **ARTICLE 7**.

**4.5.4. Required Residential Standards (RS)**

All residential development applications shall comply with all applicable Residential Standards in **ARTICLE 8**.

**4.5.5. Required Shoreland Standards (SS)**

All applications for development in the Shoreland Management Area shall comply with all applicable Shoreland Standards in **ARTICLE 9**.

**4.5.6. Required Flood Hazard Standards**

All development applications in the Flood Hazard Management Area shall comply with all applicable Flood Hazard Development Standards in **ARTICLE 10**.

**4.5.7. Significant Aquifer Standards**

All development applications in the Significant Aquifer Protection Area shall comply with all applicable Significant Aquifer Conditions and Standards in **ARTICLE 11.1.5**.

**4.5.8. Specific Project Standards (SPS)**

Specific development projects, when required by provision of this Ordinance, shall comply with all applicable specific project standards in **ARTICLE 14**.

**4.5.9. Major Development Standards (MDS)**

Major development projects, when required by provision of this Ordinance, shall comply with all applicable major development standards (such as, road design and constructions standards, storm water management system design and construction standards, cluster development and open space standards) in **ARTICLE 15**.