

Summary of Proposed Changes to the Blue Hill Shoreland Zoning Ordinance

Overview: This update to the ordinance reflects an effort to consolidate multiple working documents reflecting past amendments, clean up various clerical errors, and mirror suggested language in the Maine Department of Environmental Protection's *Guidelines for Municipal Shoreland Zoning Ordinances*.¹ The ordinance has been revised to bring it into compliance with the State's minimum requirements as required by the State Department of Environmental Protection. Where the existing Town ordinance is more stringent than the State's minimum requirements, the Town's more restrictive elements remain.

Substantive Changes:

1. *"Limited Commercial District" vs. "General Development 1 District"*

The 2002 amendment and the 2007 amendment that clarified the 2002 amendment changed the Town's Limited Commercial District to General Development 1 District. Despite this change, several references to a Limited Commercial District remain in the ordinance. This revision changes all remaining Limited Commercial District references to General Development District 1. With no Limited Commercial Districts remaining in Blue Hill, the Limited Commercial District is removed from the ordinance in this version, which is the State's standard.

2. *State Minimum Requirements*

The following are mandated changes that bring the Town's Shoreland Zoning Ordinance into compliance with the State's minimum requirements (where those are more restrictive than the Town's existing requirements).

a. *Permit Expiration*

Section 16(F) of the previous ordinance specified that "if no substantial start is made in construction or in the use of the property within two years of the date of the permit, the permit shall lapse and become void." Per the more restrictive State guidelines, this has been updated to require a substantial start within one year of the issuance of the permit.

b. *Table of Land Uses*

- i. In the previous ordinance, Section 14, Table 1, Item 15(A) "Principal Structures and Uses - One and two family residential, including driveways" indicated allowed with Planning Board approval in the CFMA District. The associated footnote #14 read: "Principal and accessory structures relating to residential use that are not functionally water-dependent shall meet the requirements for such structures in a Limited Residential District adjacent to coastal wetland."

Per the more restrictive State guidelines, this has been updated to indicate that this land usage is not allowed in the CFMA District. Footnote #14 has no remaining associations in the table and has been removed.

¹ 06-096 Code of Maine Rules Chapter 1000.

- ii.* In the previous ordinance, Section 14, Table 1, Item 17(A) “Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland – Permanent” indicated allowed with CEO permit in the SP, RP, LR and GD Districts. The associated footnote #13 read: “Except that permanent structures on inland waters require planning board approval. All permanent structures require Department of Environmental Protection approval.”

Per the more restrictive State guidelines, this has been updated to show that this land usage in SP, RP, LR and GD requires Planning Board approval. Footnote #13 has no remaining associations in the table and has been removed.

- iii.* Section 14, Table 1, Item 19 “Essential Services” of the previous ordinance has been expanded to reflect the addition of the following four (4) subsections in the State guidelines:
 - A. Roadside distribution lines (34.5kv and lower)
 - B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone
 - C. Non-roadside or cross-country distribution lines involving ten poles or more in the shoreland zone
 - D. Other essential services