

Town of Bowdoinham
Land Use Ordinance

ARTICLE 1: GENERAL

A) Title

This Ordinance and the accompanying land use map shall be known and may be cited as the “Land Use Ordinance of the Town of Bowdoinham, Maine.”

B) Authority

- 1) This Ordinance has been prepared and adopted pursuant to the enabling provisions of Article VIII, Part 2, of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001 (Home Rule), the Comprehensive Planning and Land Use Regulation Act, 30-A M.R.S.A. § 4312 et. seq., 30-A M.R.S.A. § 4352 (Zoning Ordinances), and the Mandatory Shoreland Zoning Act, 38 M.R.S.A. § 435 et. seq.
- 2) The Town of Bowdoinham has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to 30-A M.R.S.A. §§ 3001-3007, 4352, 4401-4407, and 38 M.R.S.A. § 440.
- 3) Effective July 16, 2015, the areas of special flood hazard, Zones A and AE, for the Town of Bowdoinham, Sagadahoc County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Sagadahoc County, Maine,” dated July 16, 2015 with accompanying “Flood Insurance Rate Map” dated July 16, 2015 with panels: 82F, 85F, 93F, 94F, 95F, 103F, 104F, 108F, 111F, 112F, 113F, 114F, 116F, 181F, 182F, 184F, 201F, 202F derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Sagadahoc County, Maine,” are hereby adopted by reference and declared to be a part of this Ordinance.

Commented [JH1]: References to Maine statute will be updated for consistent format throughout the document.

C) Purposes

The purposes of this Ordinance are:

- 1) to implement the provisions of the Town’s Comprehensive Plan;
- 2) to direct growth to identified growth areas of the town, and to manage growth in the rural areas;
- 3) to promote the health, safety and general welfare of the residents of the community;
- 4) to encourage the most appropriate use of land throughout the town;
- 5) to promote traffic safety;
- 6) to provide safety from fire and other elements;
- 7) to manage and conserve natural resources;
- 8) to protect buildings and lands from flooding and accelerated erosion; and
- 9) to conserve natural beauty and open space.

Commented [JH2]: Fixed the numbering in this section.

Town of Bowdoinham
Land Use Ordinance

D) Applicability

The provisions of this Ordinance shall govern all land and water areas of the Town of Bowdoinham and all structures within the Town's boundaries, including any structure built on, over, or abutting a water body.

E) Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

F) Ordinance Supersedes Prior Ordinances

This Ordinance supersedes, repeals, and replaces the following Ordinances:

- 1) Land Use Regulation & Shoreland Zoning Ordinance which originally became effective on September 15, 1975 and was revised through June 11, 2008.
- 2) Shoreland Zoning Ordinance which originally became effective on September 17, 1998 and was revised through January 8, 2008.
- 3) Building Permit Ordinance which originally became effective on March 3, 1969 and was revised through January 8, 2008.
- 4) Floodplain Management Ordinance which was enacted on June 24, 1998.
- 5) Ordinance Regulating Mobile Homes and House Trailers which originally became effective on January 25, 1988 and was revised through April 18, 1988.
- 6) The Bowdoinham Multi-Family Dwelling Ordinance which became effective on March 18, 1983.
- 7) Site Plan Review Ordinance which originally became effective on June 23, 1987 and was revised through June 11, 2008.
- 8) Subdivision Ordinance which originally became effective on June 13, 2007 and was revised through June 11, 2008.
- 9) Residential Growth Ordinance which originally became effective on June 11, 2002.

G) Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

H) Effective Date

- 1) The effective date of this Ordinance shall be the date of adoption by the legislative body on June 10, 2009.
- 2) The shoreland zoning provisions of this Ordinance, having been adopted by the legislative body on June 10, 2009, shall be effective upon the date of adoption provided that it is subsequently

Town of Bowdoinham
Land Use Ordinance

approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner fails to act on the shoreland zoning provisions of this Ordinance within 45 days of his/her receipt of the Ordinance, it shall be deemed approved. Upon approval of the shoreland zoning provisions of this Ordinance, the shoreland zoning ordinance previously adopted on September 17, 1998, is hereby repealed.

Commented [JH3]: I think these provisions can be removed now. At least, since I'm proposing some changes to the Shoreland text, we may need to update it.

I) Amendments

- 1) This Ordinance may be amended by a majority vote of the legislative body.
- 2) For amendments involving the shoreland zoning provisions of this Ordinance, copies of the amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not become effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of his/her receipt of the amendment, it shall be deemed approved. Any application for a permit submitted to the municipality within the 45-day period shall be governed by the terms of the amendment, if such an amendment is approved by the Commissioner.

J) Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of this availability shall be posted.

K) Annual Administrative Review

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually, in the month of January, to the Board of Selectmen on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Board of Selectmen shall include any recommended amendments that would:

Commented [JH4]: Fixed the numbering in this section

- 1) enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
- 2) enhance the implementation of the purposes of this Ordinance contained in Article 1, Section C, above.
 - a) The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

Commented [JH5]: Changed this to C from 1

