

MBOIA 2025

Land Use Planning Ordinance Drafting Site Plan Review

Sugarloaf Mountain Resort

May 2025



Topics to Cover

- Basics of planning and project review
- Relationship of planning to ordinance to development review
- Planning Board best practices
- Municipal Land Use Plans
- Drafting & Updating Ordinances
- Development Review Process

What do you want to get out of today's session?

- Understand the role of a Comprehensive Plan and how it relates to other town plans
- Learn how plans shape policies & ordinances
- Best practices for drafting/updating Site Plan and other ordinances
- Best practices for working with my Planning Board
- Something else...

In a word or two...

What are the most pressing
planning needs in your
community?



Before we dive in...

- **What is planning?**
- **What do planners do?**
- **What do you need to know?**

Local Land Use Planning

URBAN PLANNERS



WHAT MY FRIENDS THINK I DO



WHAT MY MOM THINKS I DO



WHAT SOCIETY THINKS I DO



WHAT ARCHITECTS THINK I DO



WHAT I THINK I DO



WHAT I ACTUALLY DO

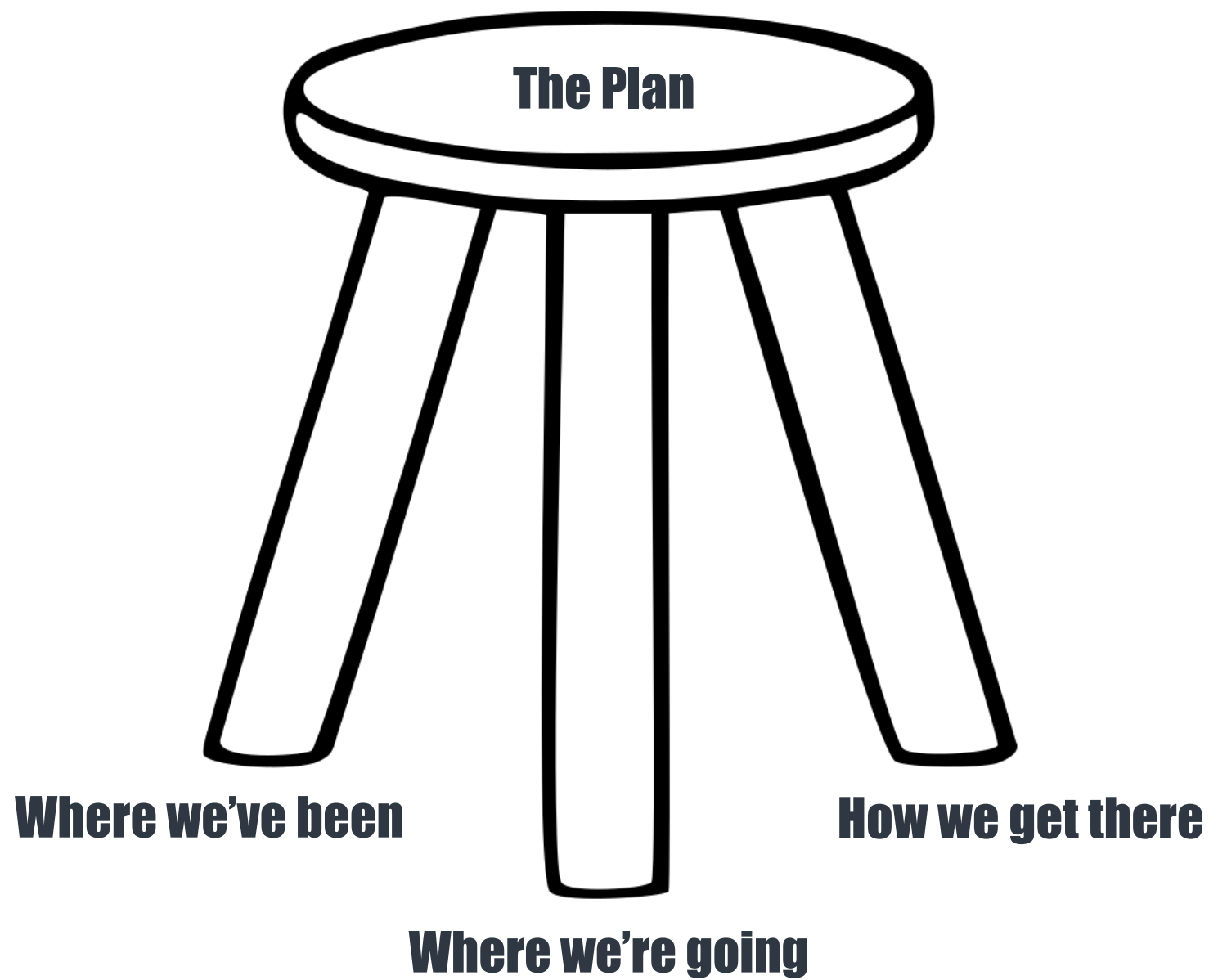


Some reasons to plan...

- **Identify & document** challenges, opportunities
- **Understand** community priorities and find consensus
- **Engage** the public and stakeholders on important issues
- **Budget** for capital needs
- **Articulate** priorities for funding, more detailed planning/engineering







Plan Anatomy

- Where we've been
 - **Inventory/Existing Conditions**
- Where we're going
 - **Vision Statement**
 - **Purpose & Needs Statement**
 - **Future Land Use Map & Plan**
- How we get there
 - **Goals, Policies, Strategies**
 - **Desired Outcomes, Actions**
 - **Regional coordination program**
 - **Implementation**



Know the purpose of your plan!

- **Broad, general plans...**

- Wide range of recommendations, less detail
- Need to engage whole community and range of stakeholders
- Implementation is policy based, more specific planning

- **Single topic, Area specific...**

- Focused, detailed, actionable recommendations
- May be more interest or geographic focus to outreach
- Implementation is project based, changes on the ground

More people
Less detail



Fewer people
More detail

Community

- **Input level:** Broad themes, values & vision
- **Who:** Every household, resident or business

Stakeholders

- **Input level:** Goals & strategies specific to subject or location
- **Who:** Groups based on demographics, location, interest group or relevant professions

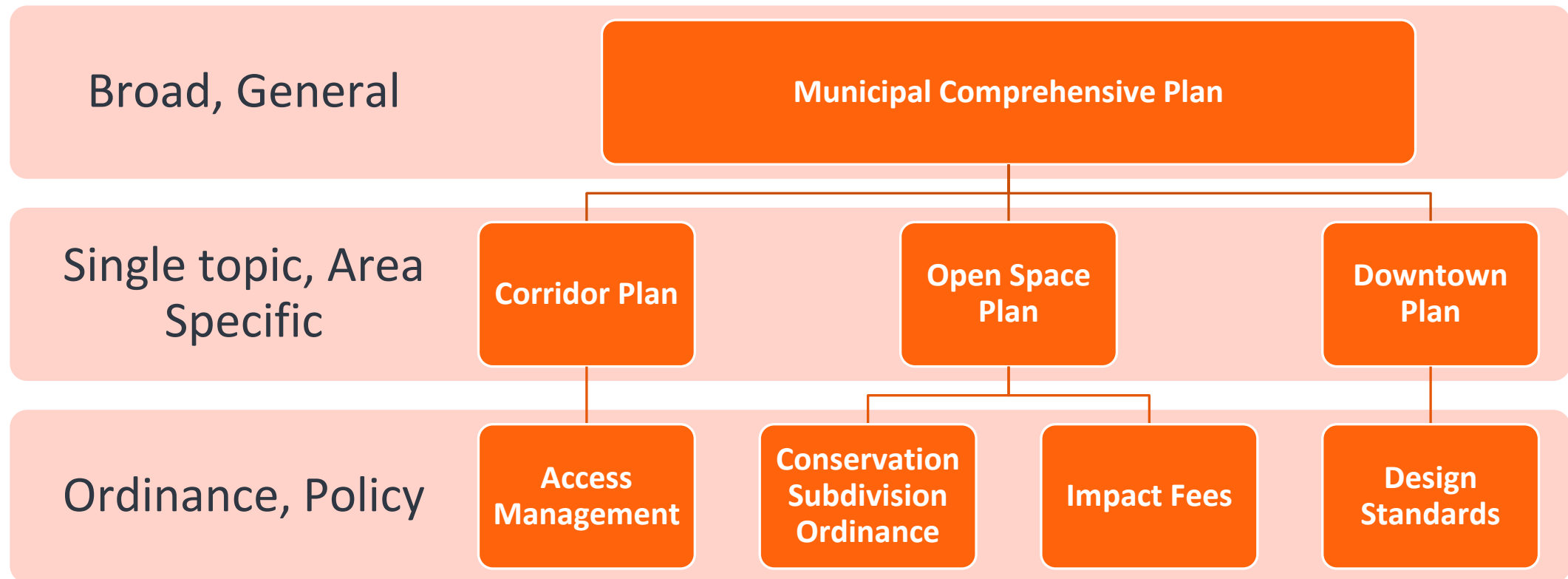
Engaged Citizens

- **Input level:** Policy & Ordinance
- **Who:** Volunteers & elected leaders charged with adopting & administering local regulations that meet local goals

Staff

- **Input level:** Best practices, equity, enforceability, legal
- **Who:** Municipal employees and contracted services

Hierarchy of Town Plans



What kinds of plans does your municipality have?

- Comprehensive Plan (within 10 years)
- Comprehensive Plan (more than 10 years old)
- Open Space/Recreation Plan
- Downtown/Economic Development Plan
- Climate Action Plan
- Transportation/Corridor Plan
- Others?

Role of the Comprehensive Plan

- **What it does**
 - Broad, high-level vision & guidance
 - Identifies priorities, presents options
 - Continuity, common framework

Role of the Comprehensive Plan

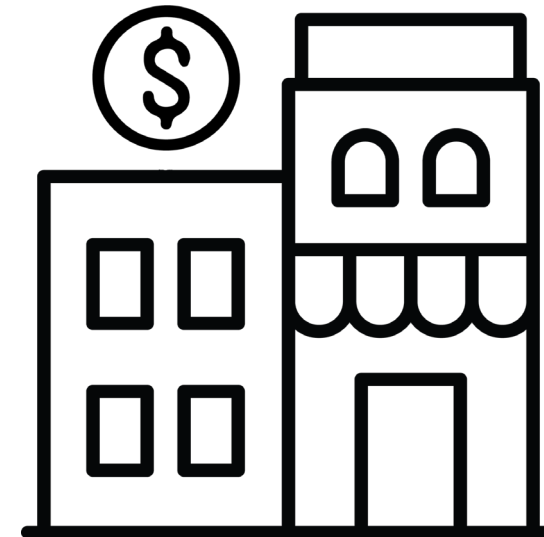
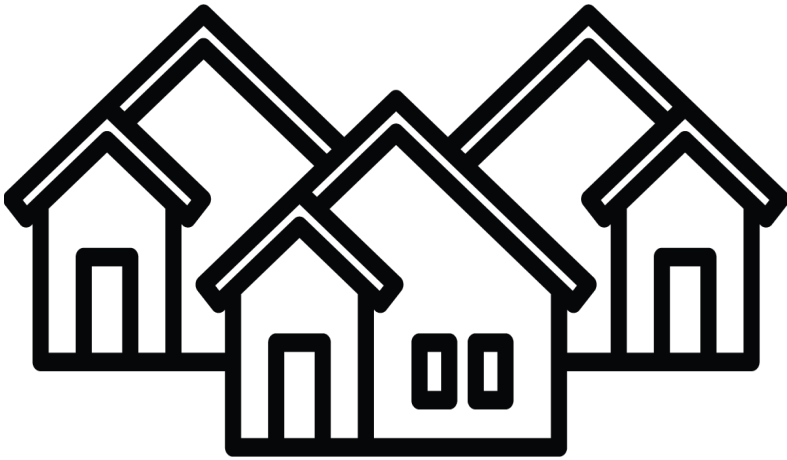
- **What it does**

- Broad, high-level vision & guidance
- Identifies priorities, presents options
- Continuity, common framework

- **What it doesn't do**

- Not the Plan to end all Plans
- Doesn't presume new opportunities or challenges won't arise
- Not a club to wield, but a touchstone to get guidance from

Connections to other policy areas





Downtown & Economic Development

- **Economic Development.** Attracting new businesses, job growth, diversity in uses
- **Urban Design + Infrastructure.** Activation, improved streetscapes, public open space.
- **Mixed-Use Development.** Blending residential uses with nearby commercial and retail.
- **Community Engagement.** Include residents, businesses, and the community in planning.





Open Space Planning

- **Quiet Places**
- **Active Places**
- **Network & Connections**



- **Moving around town**
- **Getting to your town**
- **PPI, VPI**





Process

- Who needs to be involved in planning?
- Who needs to be involved in making it happen?
- A person or group needed to make it happen should be part of the planning!



Regional Planning – when to do it?

- **Issues involve regional problems**
 - Housing markets
 - Labor markets, economic issues
 - Watersheds
 - Transportation issues across municipal boundaries
- **Implementation involves regional partners**
 - Regional jobs/housing balance strategies
 - Investment in shared infrastructure
 - Water quality solutions

Questions

How to write an ordinance

Local ordinance – land use rules

- **Land Use Ordinance**

- Zoning
- Subdivision
- Site Plan
- Use Standards

- **Zoning**

- **Subdivision**

- **Site Plan**

- **Design Standards, Signs,
Solar, Domestic Chickens**

The best ordinances are...

- **Clear & Enforceable**
- **Minimum lot size**
- **No more than 2 vehicles...**
- **Parking shall not be located between the building and the street...**

Ordinance Anatomy

- **Essential elements of any ordinance**
- **Administration, incl Violations, Appeals, Enforcement (who & how)**
- **Definitions (what)**
- **Standards (how & where)**

Zoning Ordinance - Administration

- Purpose
- Conflicts, Separability
- Effective Date
- Amendments
- Contract Zoning
- Administrative bodies, personnel
- Permits
- Violations/Enforcement
- Zoning Board, Appeals
- Nonconforming

Zoning Ordinance - Definitions

- Do focus on uses that appear later in ordinance
- Don't define "dictionary" words
- Do keep definitions as simple as possible

Zoning Ordinance – Zoning Districts

- Establishment & reference zoning map
- List of districts
- Purpose
- Permitted uses
- Dimensional standards
- Zoning standards

Zoning Ordinance – General Performance Standards

- The townwide “how” for certain definitions
- Setbacks, limits, design, operations, etc.
- In a LUO, you might find standalone ordinances in this section, like Signs, Solar Farms, Street Standards...

Let's start writing an ordinance!

Start with a policy statement -

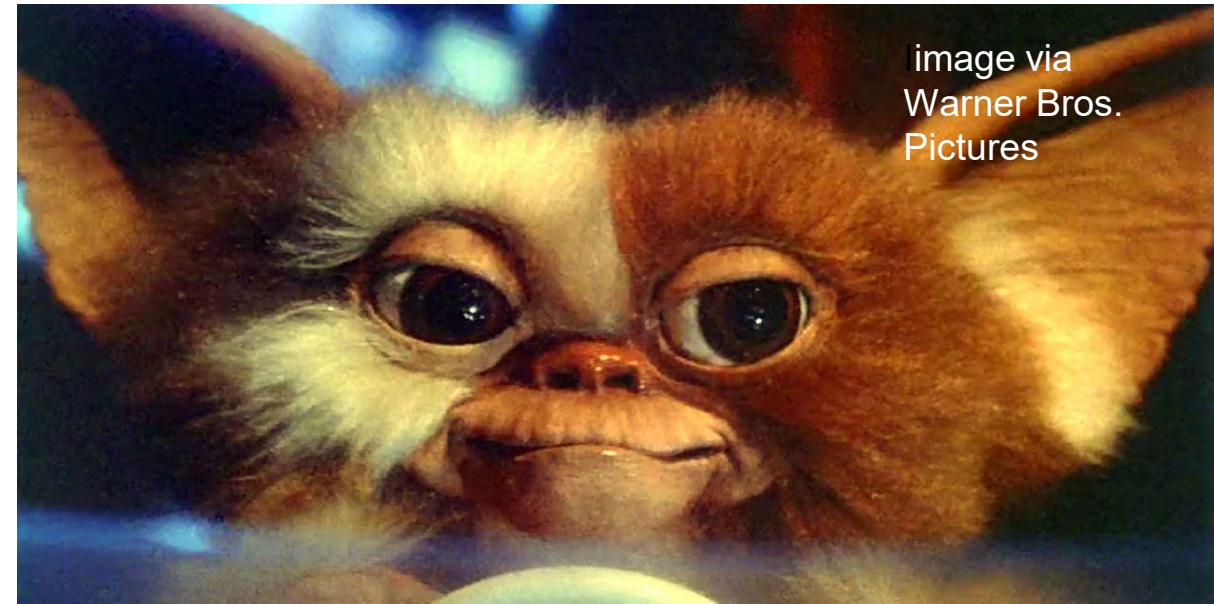
What are we trying to accomplish?

1. What is the issue to be addressed?
 1. Solar Farms, Domestic Chickens, Dangerous Building – pick something relevant.
2. What are the definitions to be created?
3. Where will this use be allowed/not allowed?
4. What are the concerns/impacts that need to be addressed through ordinance standards?
 1. Noise, traffic, pollution/environmental, hours of operation, visibility, design?



Zoning Ordinance – Care & Feeding

- **Group things together as much as possible to minimize cross references**
- **Eliminate footnotes**
- **Consistency in formatting**



Development Review & the Planning Board

How does your town/city staff the Planning Board?

- PB has no staff
- CEO is staff to PB
- Town/City Planning staff
- Regional Planner/Contract Planner (all the time)
- Regional Planner/Contract Planner (as needed)

Planning Board Scenarios

Scenario 1: The planning board meeting is over, and members are headed out of the building. James, a new member of the board, and Ralph, the Chair, are walking next to one another. James says, “I was just thinking – we should ask that last applicant to submit a landscaping plan...”

What should happen next?

Planning Board Scenarios

Scenario 2: The Board is considering a proposed subdivision on the site of a former factory that was demolished. Emma mentions her uncle worked at the factory and she visited as a child. Several other Board members discuss their memories of watching the building's demolition.

What should happen next?

Planning Board Scenarios

Scenario 3: An applicant who has done a few successful projects in town comes to the Board for a site plan review. His plans are lacking a few technical details about fencing and hardscaping, but he assures the Board they know his work and he'll do a good job.

What should happen next?

Planning Board Scenarios

Scenario 4: Ashley, a member of the board, lives near the site of a proposed subdivision. At the next meeting, she mentions she took a walk through the site while walking her dog.

What should happen next?

Planning Board Scenarios

Scenario 5: Before a gravel pit application is introduced, John, a member of the board, discloses that he has bought gravel from the applicant in the past, and wants to recuse himself.

What should happen next?

Role of the Planning Board

- The Planning Board is here for
 - Property owners
 - The environment
 - Neighbors
 - The interests of the Town – safety, infrastructure, community

Role of the Planning Board

- **Policy advisory role**
- **Ordinance development/recommendations**
- **Long Range Planning committee**
- **Quasi-judicial**
- **Judge applications against the ordinance**
- **Subdivision review**
- **Site Plan review**

Local control of Site Plan Review

- Review threshold
- Exemptions
- Minor/Major Site Plans (review authority)

Site Plan Review Ordinance

- **Submission Requirements**

- Everything the Board needs to conduct a review
- Finding of completeness = submission requirements met

- **Performance Standards**

- Thresholds for approval/denial of project
- Findings of Fact & Conclusions

Performance Standards

• General

- All new site alterations shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Adequate provisions must be made for the collection and disposal of all storm water that runs off proposed driveways, parking areas, roofs, and other surfaces to prevent adverse impacts on abutting or downstream properties.

• Specific

- Peak discharge rates should be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters. The best management practices as set forth by the Maine Department of Environmental Protection shall be used as a guide for compliance with this requirement

Performance Standards

• General

- Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of nearby A and B buildings.

• Specific

- (a) Where pitched roofs are used, the minimal pitch shall be at least 5/12. Buildings with projecting rooflines shall be designed to create strong patterns of shade and shadow.
- (b) Nontraditional roof forms shall not be used as the primary roofline. Examples of nontraditional roof forms include, but are not limited to, false mansard, A-frames, and others.
- (c) Flat roofs are allowed, provided that the design creates no horizontal line greater than 50 feet.
- (d) Where parapets are used to break up a flat roofline, the height of the parapet shall be at least 5% of the total length of the wall.
- (e) Composite asphalt shingles and standing-seam, nonglare metal are acceptable for visible roofing. High-gloss roofing materials shall not be used.
- (f) Mechanical and other equipment mounted on rooftops must be screened from public view or grouped at the rear of the structure where visibility is limited. Rooftop screening shall be designed as an integral part of the architecture to complement the building's mass and appearance.

When might choose general over specific?

Best Practices

- Focus on process – timelines
- Don't put an item on an agenda unless the Board can take an action
- Work with your Chair on how to run a meeting
- This is the project owner's application, public doesn't get veto
- Set expectations on Public Hearings – avoid back and forth
- Set expectation on comments outside public hearing

Best Practices - Communication

- Freedom of Information Act
- Any discussion, questions, or ideas about projects or applications **should not** occur outside public meetings
 - Email should be used for logistical details or updates only – not for comments or feedback on applications
 - Discussion & decisions should only happen during public meetings
 - All written communications are public information
 - Board members should not discuss projects with the public or on social media

Best Practices - Recusals

- Maine State Law requires recusals for 3 reasons:
 - Financial conflicts of interest
 - Bias due to a blood or marital relation
 - If the Board member is so biased they cannot make an impartial decision
- If a Board member has a conflict of interest or bias – or there may be the perception of one, the member should:
 - Disclose the relationship to the Board
 - Provide an assessment of their conflict/bias
 - The Board can then vote on whether the member should be recused.
- Best practice: Board Chair should ask if there are any conflicts of interest prior to discussing a case.

The Follow-up Convo

Scenario 1: The planning board meeting is over, and members are headed out of the building. James, a new member of the board, and Ralph, the Chair, are walking next to one another. James says, “I was just thinking – we should ask that last applicant to submit a landscaping plan...”

What should happen next?

Compared to where we started, how has your knowledge changed?

- Understanding the role of a Comprehensive Plan and how it relates to other town plans
- Learn how plans shape policies & ordinances
- Best practices for working with my Planning Board
- The process of Site Plan Review

The Follow-up Convo

What should happen next?

Ralph should respond by telling James that they cannot discuss active projects outside of the meeting, but he should share this idea at the next meeting.

Why?

The State of Maine requires that all communications about active projects be made in a public meeting. Any discussion, questions, or decisions should be public.

Off-topic Conversation

Scenario 2: The Board is considering a proposed subdivision on the site of a former factory that was demolished. Emma mentions her uncle worked at the factory and she visited as a child. Several other Board members discuss their memories of watching the building's demolition.

What should happen next?

Off-topic Conversation

What should happen next?

If the meeting starts to go off-topic, the Board Chair or staff should politely remind Board members to stick to the project review.

Why?

While you don't have to strictly follow Roberts Rules of Order, side conversations and interesting anecdotes can make meetings less efficient and can even lead to the perception of bias.

Plan Details

Scenario 3: An applicant who has done a few successful projects in town comes to the Board for a site plan review. His plans are lacking a few technical details about fencing and hardscaping, but he assures the Board they know his work and he'll do a good job.

What should happen next?

Plan Details

What should happen next?

The Board should require the applicant to fulfill all submission requirements, or request a waiver.

Why?

To ensure a fair process, the Board must treat every applicant equally.

Self Guided Site Walk

Scenario 4: Ashley, a member of the board, lives near the site of a proposed subdivision. At the next meeting, she mentions she took a walk through the site while walking her dog.

What should happen next?

Self Guided Site Walk

What should happen next?

The Board Chair should remind Ashley that any visits to a project site must be through an official site walk, and that Board members should not do their own research.

Why?

Every Board member should have equal access to project information. As a quasi-judicial board, you should stick to the information that is provided to everyone.

Recuse Me

Scenario 5: Before a gravel pit application is introduced, John, a member of the board, discloses that he has bought gravel from the applicant in the past, and wants to recuse himself.

What should happen next?

Recuse Me

What should happen next?

The Board Chair should thank John for making the disclosure, then ask John if that history would lead to an inability to make an unbiased decision on the project, then put the matter to a Board vote to recuse John.

Why?

Board members should not recuse themselves – it should be a Board decision after an assessment of a member's disclosure.

What are your Scenarios?

Thank you!



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