

SECTION 2. WHERE SHOULD THE SITE PLAN REVIEW PROVISIONS BE LOCATED?

■ SITE PLAN REVIEW AND HOME RULE

Site plan review is a local ordinance adopted by the municipality’s legislative body (i.e., council or town meeting). Historically, communities in Maine have adopted **site plan review** processes under their Home Rule authority. For communities that have received financial assistance under the Growth Management Law, all local land use regulations including **site plan review** provisions must be consistent with the community’s adopted comprehensive plan.

When a municipality decides that it wants to have **site plan review**, the first question it needs to address is: **Where should these provisions be located?** There are a number of alternative approaches. This section looks at the advantages and limitations of each alternative.

■ ALTERNATIVE APPROACHES TO SITE PLAN REVIEW

- **Site Plan Review Ordinance** - One approach is to adopt **site plan review** provisions as a freestanding ordinance. This approach is probably the most straightforward and easiest for people to understand. A number of Maine communities have adopted freestanding **site plan review** provisions.

While adopting a separate ordinance is a reasonable approach, it does have some drawbacks that communities should consider before proceeding. A freestanding ordinance needs to be complete. It needs to include administrative provisions, definitions, enforcement procedures, appeal mechanisms, etc. In many communities with other land use regulations, these administrative provisions already exist. Therefore care needs to be taken to assure that the requirements of the various ordinances are complete and consistent.

A second concern in communities with other local land use regulations is the

ability of the public and town officials and staff to understand which requirements apply in which situation. If the community has a zoning ordinance, subdivision regulations, floodplain management ordinance, **site plan review** ordinance, etc., it can become quite confusing to determine what someone needs to do to comply with all the different requirements. This can lead to frustration on the part of the public.

A third concern involves maintaining consistency among various local ordinances. As a community creates additional freestanding local ordinances, it needs to exercise caution to assure that they are consistent. One Maine community with local zoning and **site plan review** ordinances discovered that the two ordinances imposed differing stormwater management requirements resulting in applicants being caught in limbo and confused and frustrated Board members. Problems sometimes develop with the passage of time as one ordinance is amended but other ordinances are not, resulting in inconsistencies.

Adoption of a freestanding **site plan review** ordinance is therefore most sensible for communities that have few or no other local land use regulations. In communities with townwide zoning or other land use regulations, municipal officials should evaluate this option carefully before selecting it.

- **Site Plan Review as Part of a Zoning Ordinance** - In communities with townwide zoning, including the **site plan review** provisions within the zoning ordinance is an alternative to a freestanding ordinance. This approach allows many of the administrative provisions (enforcement, definitions, appeals, etc.) in the zoning ordinance to apply to **site plan review**. It also allows for easy referencing of the various standards and minimizes the potential for conflict between different requirements.

A drawback to this approach is that it equates **site plan review** with zoning. While both are locally adopted regulations, zoning and **site plan review** typically deal with different issues. Including **site plan review** provisions within a zoning

