

2023 Amendment to the Lovell Zoning Ordinance Regarding District Regulations

Prohibits conditional uses not expressly subject to specific performance standards set forth in Article VIII.

Recent developments have called into question the enforceability of conditions that the Planning Board might impose on the approval of conditional use applications when those conditions go beyond the specific performance standards already imposed by the Zoning Ordinance. Presently, there are not specific performance standards for over half of all conditional uses in the Table of Uses, potentially leaving the Planning Board powerless to impose conditions and exposing the town to development on the developers' terms. The amendment prohibits conditional uses for which there are no express specific performance standards, thereby enabling the Planning Board to develop specific performance standards that can be added to the Zoning Ordinance by amendment.

Principal Changes

Revising Section 6.2 of the Zoning Ordinance to prohibit conditional uses not expressly subject to performance standards set forth in Article VIII.

Lovell Zoning Ordinance Provisions to be Amended

Section 6.2 District Regulations

2023 Amendments to the Lovell Zoning Ordinance Regarding District Regulations

The Zoning Ordinance of the Town of Lovell shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend Article VI, District Regulations, so that the paragraph following the Table of Uses and preceding the Notes to Table reads as set forth below:

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Subject to the provisions herein governing lawfully existing nonconforming uses, any use not either (a) expressly listed in the above table as a permitted use (Y or P) conditional use (C), special exception (SE), or permit required from Bureau of Forestry (BFP), or (b) both (i) expressly listed in the above table as an conditional use (C) and (ii) expressly subject to specific performance standards set forth in Article VIII, shall be considered prohibited in the zoning district. When there is a question about whether a proposed use is listed in the above table, the Code Enforcement Officer shall make a formal, written determination.

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