

**Town of North Yarmouth
Select Board/Planning Board Special Meeting Agenda
Tuesday, February 27, 2024
GPCOG LD 2003 Presentation
6:30PM
Wescustogo Hall & North Yarmouth Community Center**

Select Board Members

Amy Haile, Chairperson
Andrea Berry, V. Chairperson
Karl Cyr, Selectperson
Paul Hodgetts, Selectperson
Katherine Maloney, Selectperson

Planning Board Members

Paul Whitmarsh, Chair/Alternate
Trey Milam, Secretary
Jeffrey Brown
Jonathan Miller
Sanford Peabody

1. New Business

A. LD 2003 Presentation by GPCOG

2. Adjournment

Housing, State Law, & Me

(North Yarmouth, ADUs, & LD 2003)

Housing State Law & Me

Housing, State Law & Me

What's LD 2003 Actually Do?

Allows more dwelling units
in certain situations via:

- 1) affordable housing density bonus*
- 2) multiple dwelling units
- 3) accessory dwelling units**

*Existing Ordinance

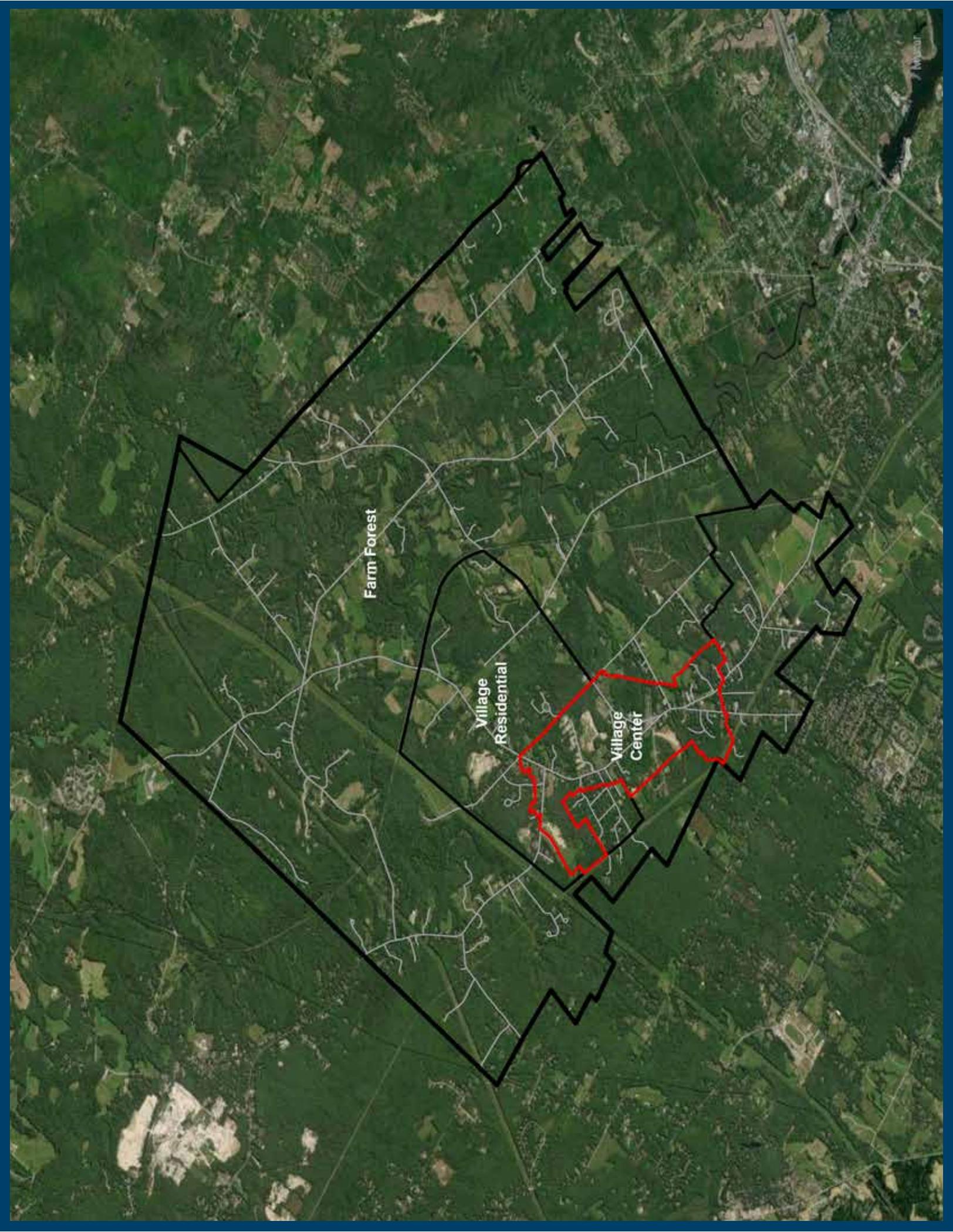
Already includes an affordable housing density bonus outside the Village Center (VC)

LD 2003 requires a more generous bonus applicable to the VC (the Town's designated growth area)

****Existing Ordinance**

Already allows ADUs in many situations, and exempts them from some requirements

LD 2003 requires ADUs be allowed in any area with residential use, with no additional parking requirement



Farm Forest

Village Residential

Village Center

Biggest Change

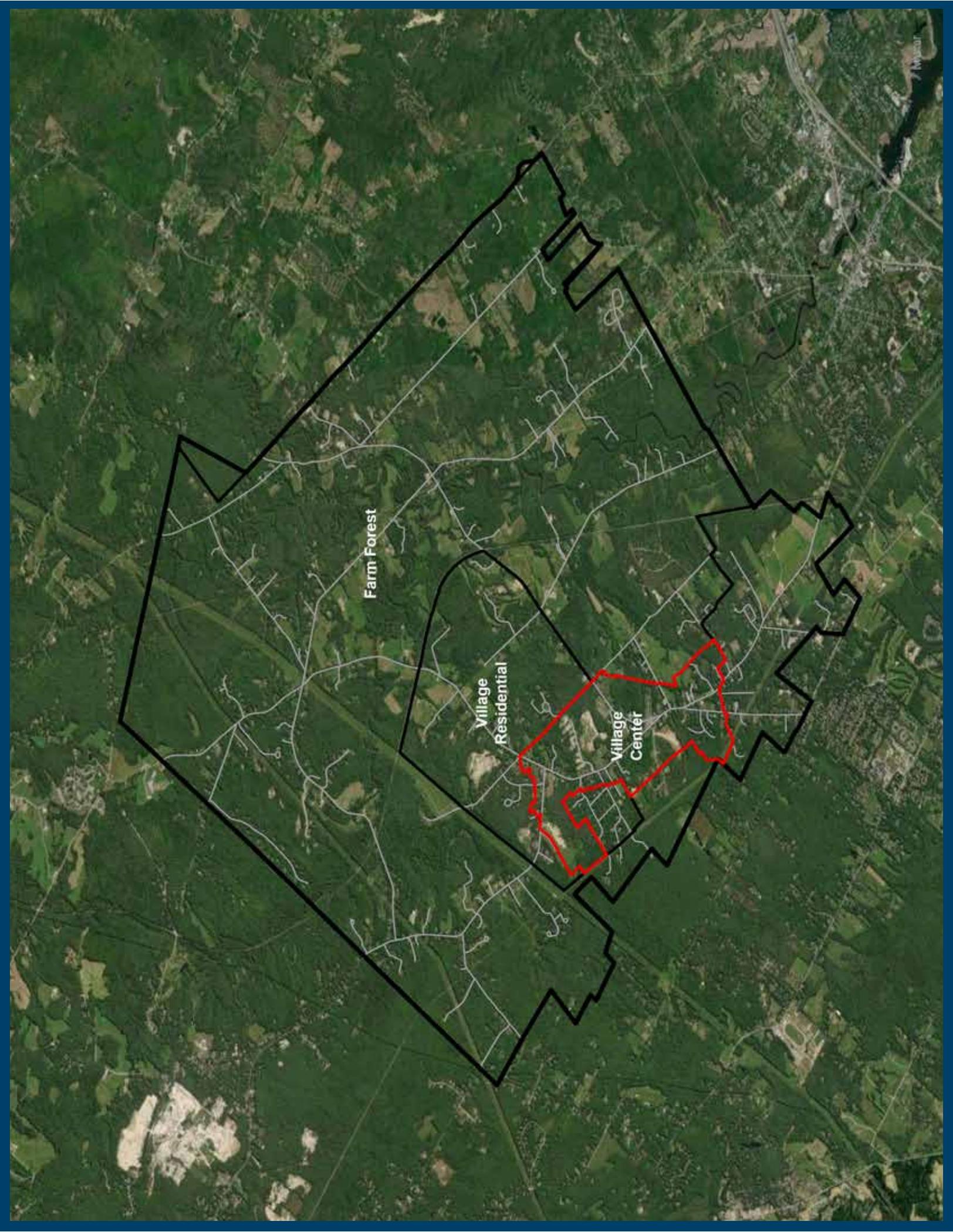
LD 2003 allows multiple dwelling units (between 2 and 4) on any lot in any area with residential use

(We'll get into how this interacts with ADUs later)

What's LD 2003 Actually Do?

Allows more dwelling units
in certain situations via:

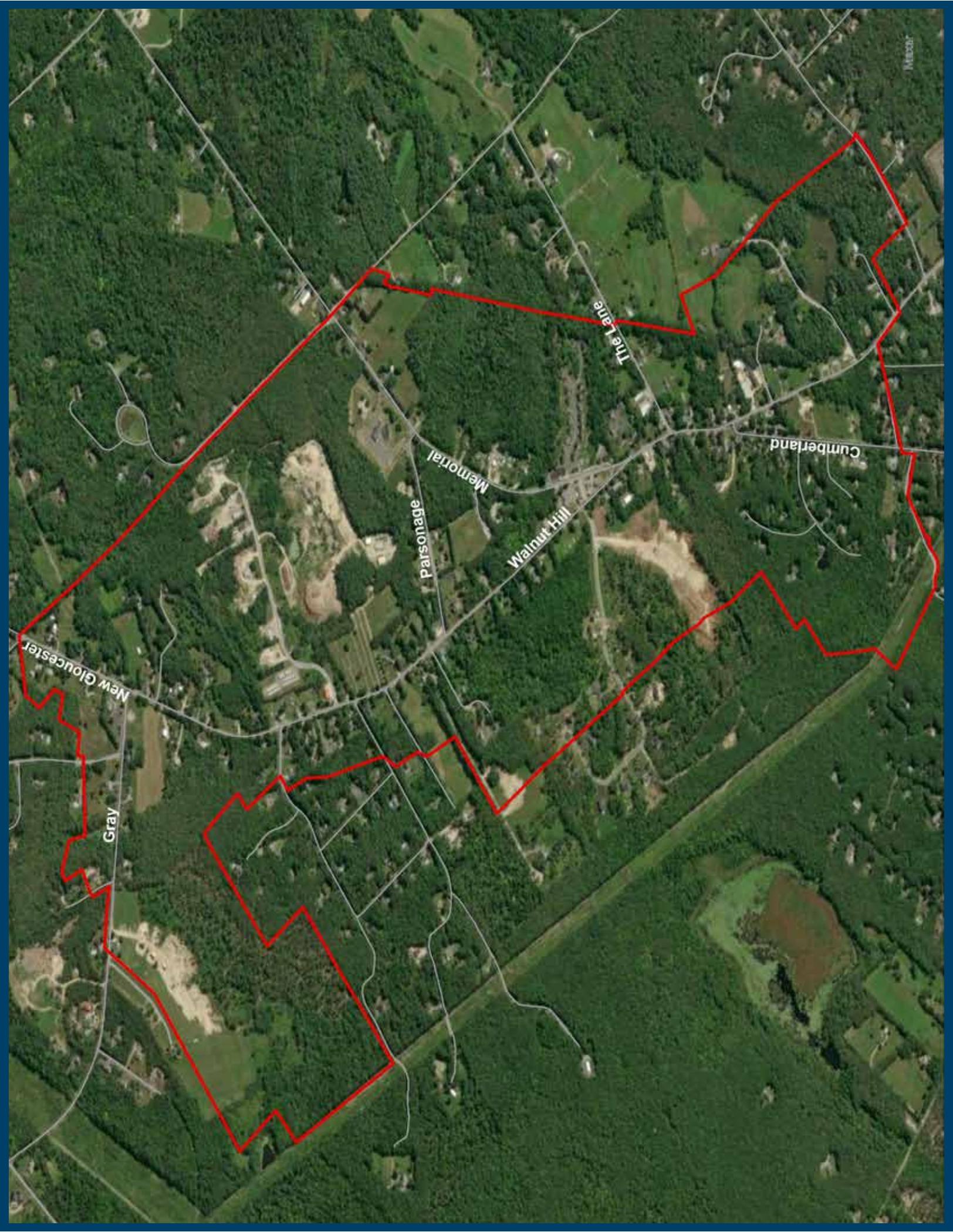
- 1) affordable housing density bonus
- 2) multiple dwelling units
- 3) accessory dwelling units



Farm Forest

Village Residential

Village Center



New Gloucester

Gray

Memorial Parsonage

Walnut Hill

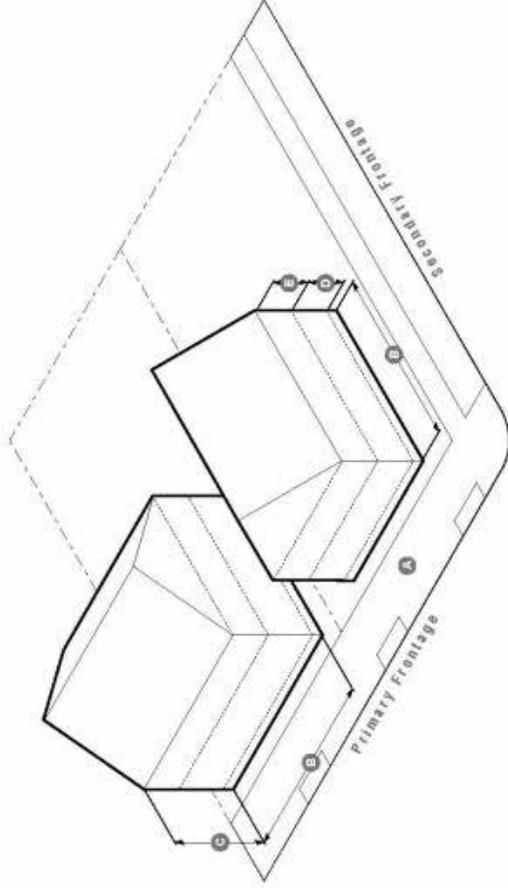
The Lane

Cumberland

Mapbox

Density Bonus (VC only):

7. APARTMENT BUILDING



a. DESCRIPTION

A moderately scaled building type comprised of up to 12 units.

d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

b. BUILDING FORM

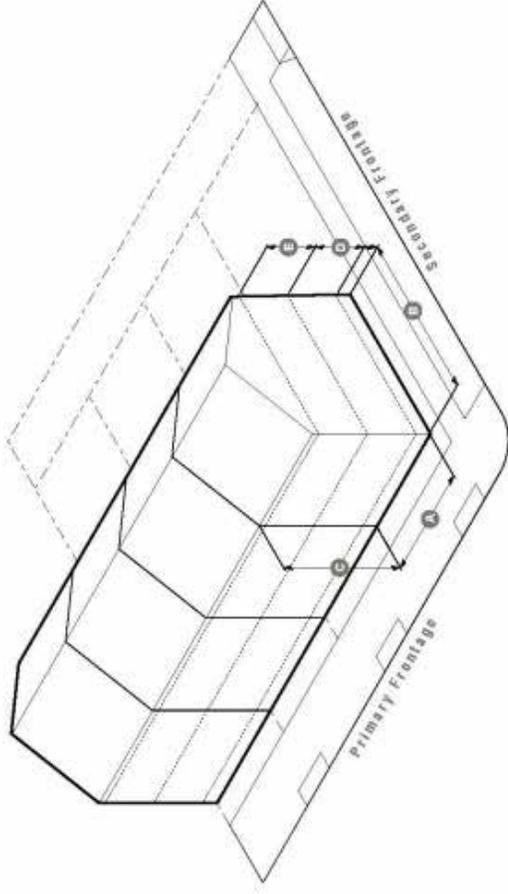
Building Width	60 ft max	A
Building Length	75 ft max	B
Total Stories	3 stories max	C
First Floor Height	9 ft min, 15 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see D Components	
Roofs	see E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

12 units max

ALLOWABLE UNITS: 12

8. TOWNHOUSE



a. DESCRIPTION

A small- to medium-sized attached building type comprised of up to 3 units.

d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

b. BUILDING FORM

Building Width	18 ft min, 36 ft max	A
Building Length	50 ft max	B
Total Stories	2 min, 3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	1 side min	

c. ALLOWABLE UNITS

3 unit max

ALLOWABLE UNITS: 3

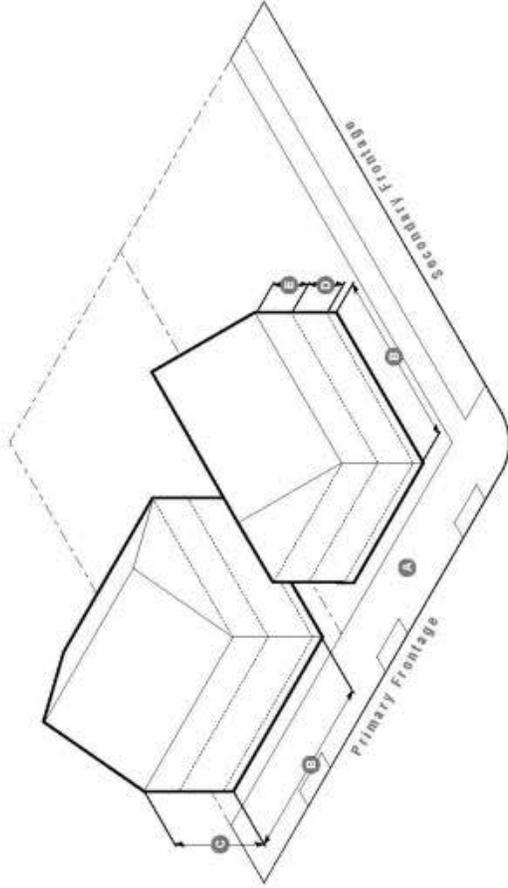
e. STANDARDS

1. A townhouse must attach to a townhouse or live/work floor on at least one side.
2. A maximum of 6 townhouses are allowed to attach.
3. All buildings in a single grouping of attached townhouses must maintain the same front setback.

2.5x Density

Bonus

7. APARTMENT BUILDING



a. DESCRIPTION

A moderately scaled building type comprised of up to 12 units.

d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

b. BUILDING FORM

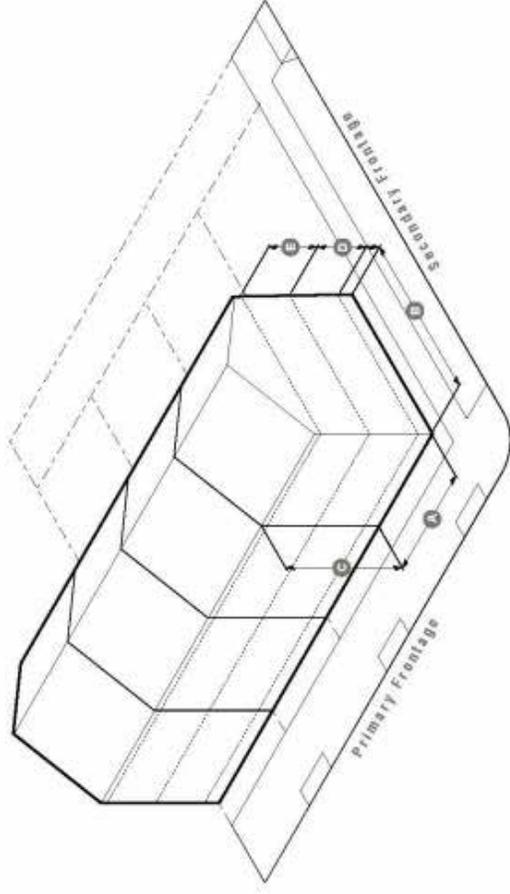
Building Width	60 ft max	A
Building Length	75 ft max	B
Total Stories	3 stories max	C
First Floor Height	9 ft min, 15 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see D Components	
Roofs	see E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

12 units max

ALLOWABLE UNITS: 30

8. TOWNHOUSE



a. DESCRIPTION

A small- to medium-sized attached building type comprised of up to 3 units.

d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

b. BUILDING FORM

Building Width	18 ft min, 36 ft max	A
Building Length	50 ft max	B
Total Stories	2 min, 3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	1 side min	

c. ALLOWABLE UNITS

3 unit max

e. STANDARDS

1. A townhouse must attach to a townhouse or live/work floor on at least one side.
2. A maximum of 6 townhouses are allowed to attach.
3. All buildings in a single grouping of attached townhouses must maintain the same front setback.

ALLOWABLE UNITS: 9

Density Bonus Details

Not a free pass - requirements apply:
utilities
lot coverage
etc.

Parking requirement maximum is 2
spaces per 3 units

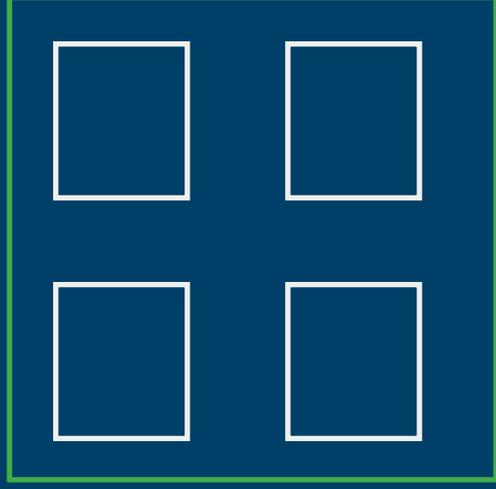
What's LD 2003 Actually Do?

Allows more dwelling units
in certain situations via:

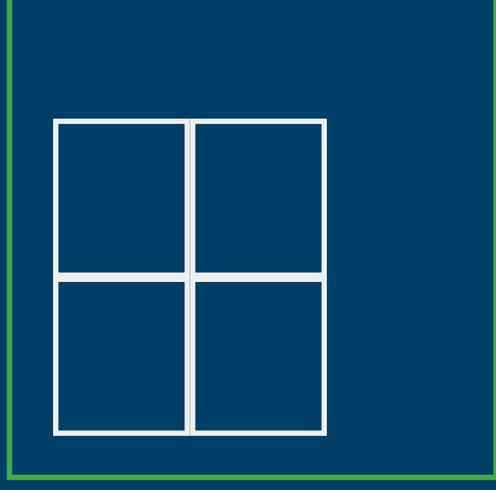
- 1) affordable housing density bonus
- 2) multiple dwelling units
- 3) accessory dwelling units

Multiple Dwelling Units:

VC lot *without* dwelling unit

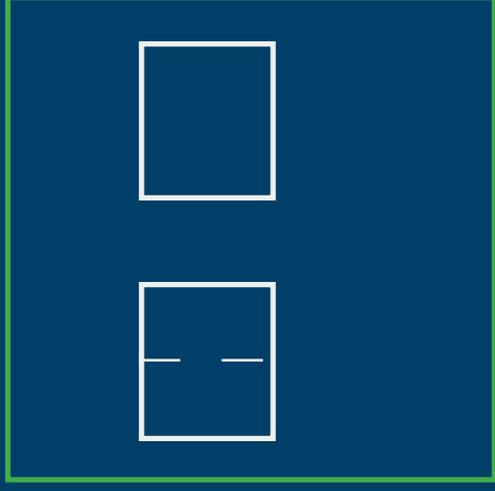
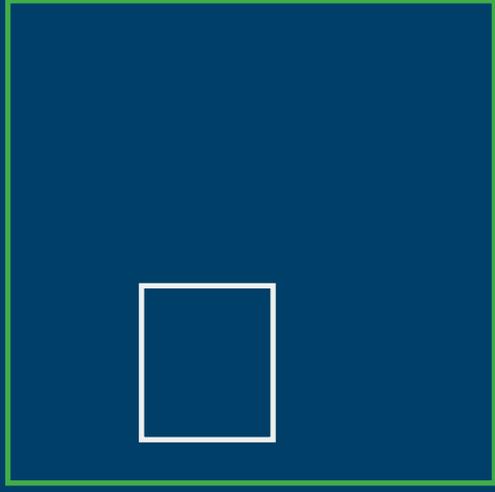


or

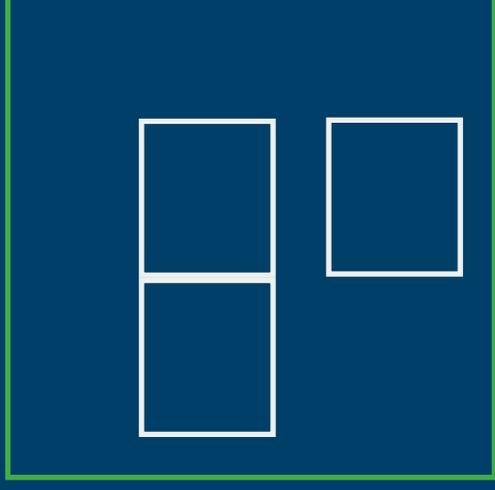


Multiple Dwelling Units:

VC lot with dwelling unit

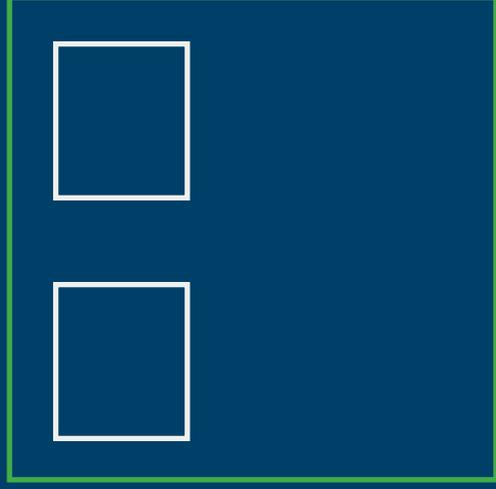


or

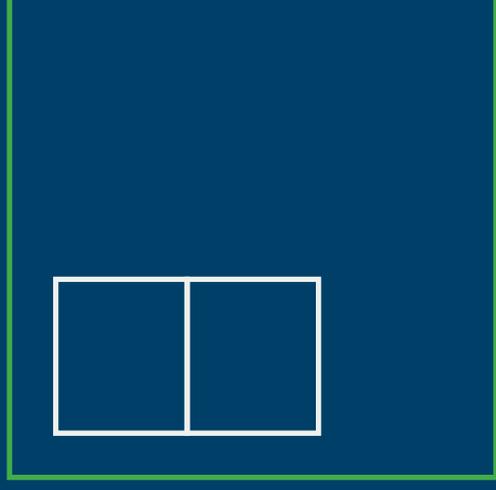


Multiple Dwelling Units:

Lot *without* dwelling unit *outside* VC

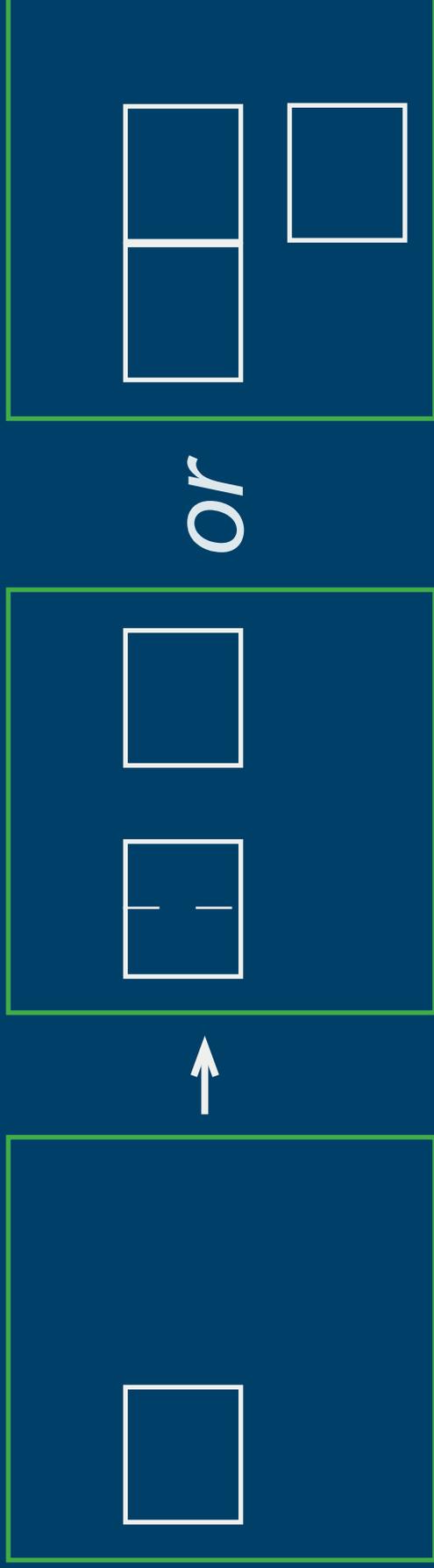


or



Multiple Dwelling Units:

Lot with dwelling unit *outside* VC



Dwelling Unit Details

Not a free pass - requirements apply:

utilities

lot size

parking

rate of growth

etc.

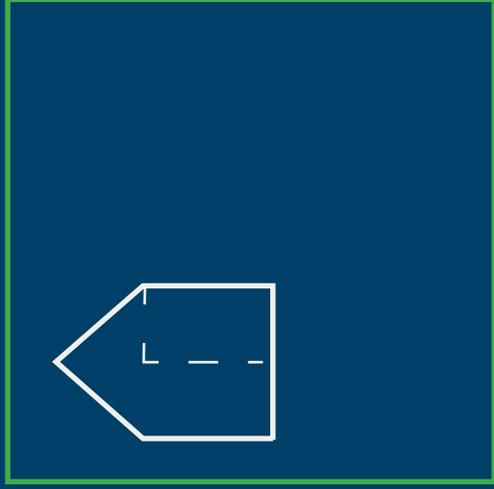
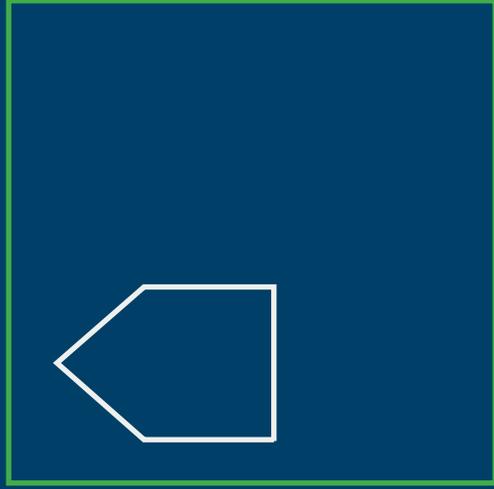
What's LD 2003 Actually Do?

Allows more dwelling units
in certain situations via:

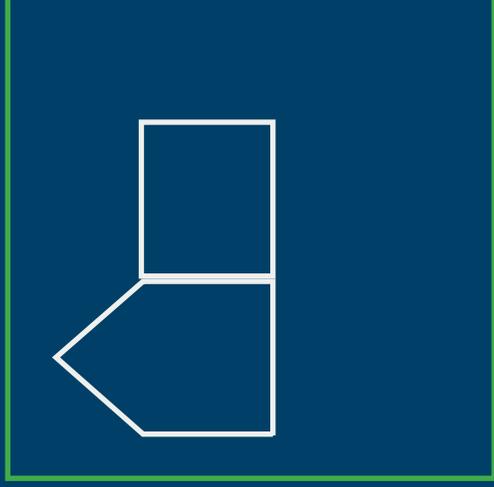
- 1) affordable housing density bonus
- 2) multiple dwelling units
- 3) accessory dwelling units

Accessory Dwelling Units:

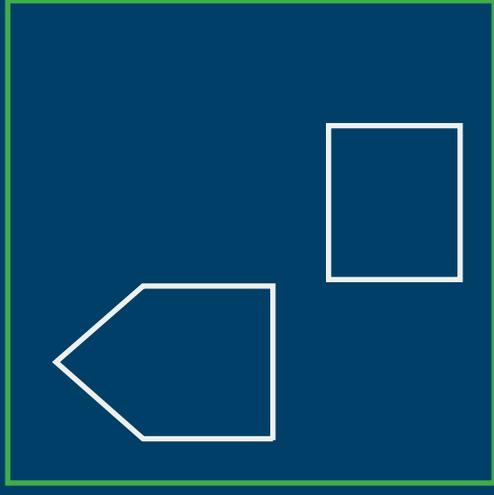
any lot with a single family home



or



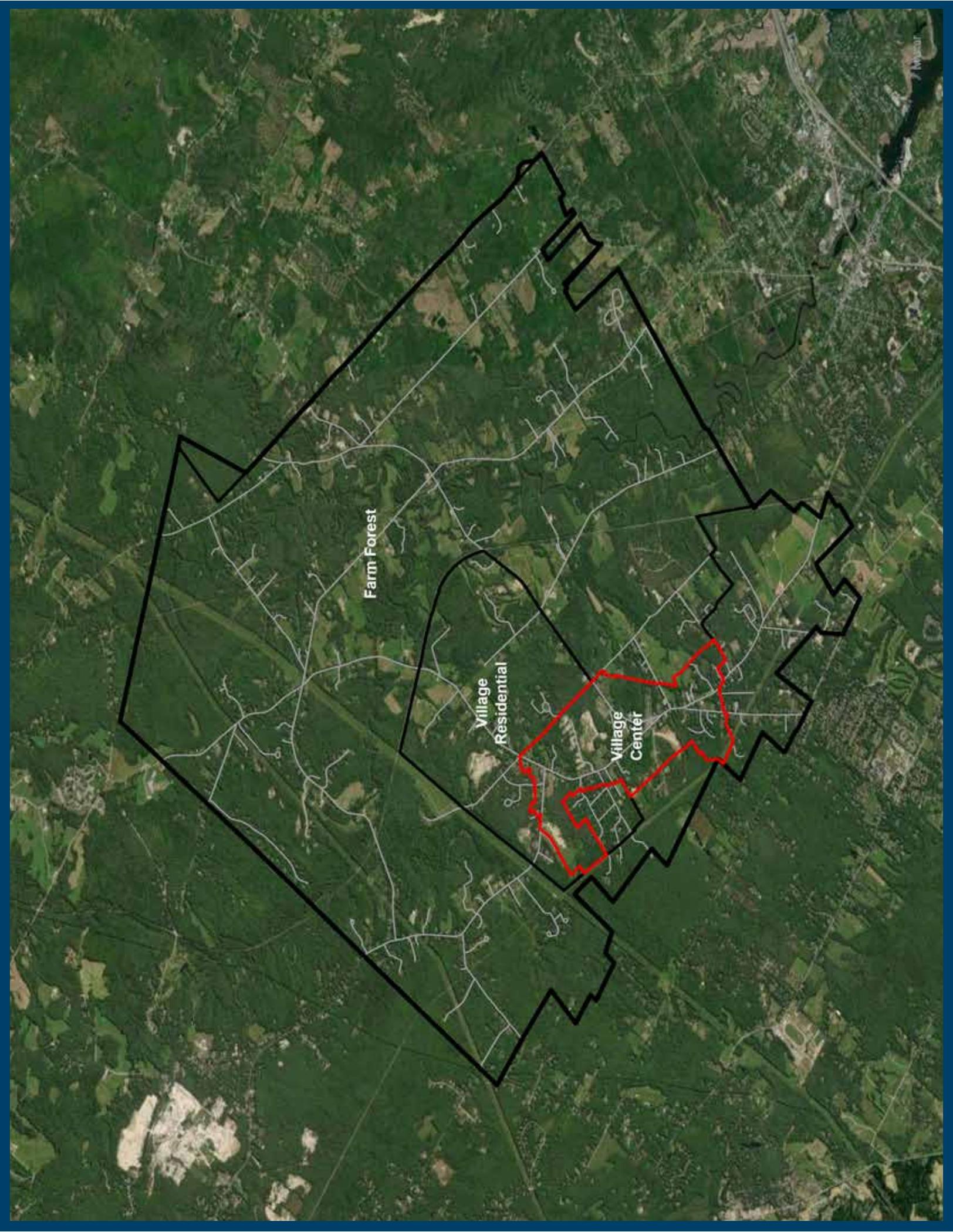
or



ADU Details

Not a free pass: requirements apply:
utilities
setbacks
etc.

Not subject to parking requirements
or rate of growth ordinance



Farm Forest

Village Residential

Village Center

Law sets the minimum:

At least the following must be allowed

VC Lot, No Dwelling Unit

4 dwelling units

3 dwelling units

2 dwelling units

VC Lot, With Dwelling Unit

Original unit +

additional unit within or attached

and / or

additional unit detached

Other lot, no dwelling unit

2 dwelling units, attached

2 dwelling units, detached

But what about....?

You may define what ADUs are

You may say multiple dwelling unit and ADU bonuses can't be combined

You may set a maximum ADU size (but the minimum is 190 sf)

You may forbid teardown exceptions

But what if we....?

You cannot set a minimum lot size for a subsequent unit that is greater than that of the first

You can set a consistent minimum lot size for each unit, including the first

Next Steps:

- 1) Drafting regulations
- 2) Additional public session
- 3) Adoption at Town Meeting

Resources:

North Yarmouth Land Use Ordinance

DECD LD 2003 Guidance

Final Legal Rule

Questions?

You can also email us!

Christian: croadman@gppcog.org

Matt: mpanfil@gppcog.org

Diane: dbarnes@northyarmouth.org

GPCOG RECOMMENDATIONS FOR LD 2003 COMPLIANCE

TOWN OF NORTH YARMOUTH – LAND USE ORDINANCE

LAND USE ORDINANCE – TABLE OF CONTENTS:

1. In Section XI. Standards for Specific Activities, replace the term “accessory apartments” with “accessory dwelling units.”

SECTION 7.4 – DISTRICT LAND USE TABLE:

1. In Table 7.1, “detached” is not required within the term “single-family detached dwelling.” By definition a “single-family attached dwelling” would be considered a “duplex.”
2. In Table 7.1, a Duplex should be changed from “N = Prohibited Use” to “SPR = Site Plan Review (Planning Board Review)” because it must be treated the same as Single-Family Dwelling.
3. In Table 7.1, replace the term “Multiple Residential units in a permitted Building Type” with “Multifamily dwelling units in a permitted Building Type.”
4. In Table 7.1, Accessory Apartment (now Accessory Dwelling Unit) must be a Permitted Use in the Residential Shoreland and Royal River Overlay District because they also allow single-family dwelling units.

SECTION 7.5 – SPECIAL EXCEPTION FOR SINGLE FAMILY DWELLINGS AND ACCESSORY STRUCTURES IN THE RESOURCES PROTECTION DISTRICT

1. Change the title of the section to “Special Exception for Single Family Dwellings, Duplexes, and Accessory Structures in the Resources Protection District.”
2. Rename the title of Section A to “New Single Family Residential Dwelling and Duplexes.” Within the text of Section A add the term “or duplex” after “new single-family residential dwelling...”

SECTION 7.6 – SPACE AND DIMENSIONAL REQUIREMENTS

1. Replace Table 7.2 with the following:

TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS										
District	Minimum Lot Area Per Dwelling Unit Size (Acres)	Maximum Residential Density of Subdivisions ¹	Maximum Dwelling Units Per Vacant Lot Residential Density ⁴ (Acres)	Maximum Dwelling Units Per Lot with Existing Dwelling Unit ^{7,8}	Maximum Lot Coverage (%)	Street Frontage (Feet)	Structure Setback from Property Lines (Feet) ⁶			Maximum Structure Height (Feet)
							Front	Side	Rear	
Village Center ²	1 acre ⁴	N/A	<u>4 units</u>	<u>3 units</u>	70%	100' Min	10' Min	10' Min	5' Min	3 stories, no higher than 50 feet
Village Residential	1 acre	1 residential unit per net residential acre	<u>2 units</u>	<u>3 units</u>	30%	Route 9, 115, and 231 – Min 200 feet; Other streets – Min 100 feet	20' Min	10' Min	10' Min	2.5 stories, no higher than 35 feet
Farm and Forest ⁵	3 acres	1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' Min	20' Min	2.5 stories, no higher than 35 feet
Residential Shoreland	3 acres	1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' Min	20' Min	35'
Resource Protection	3 acres	1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' Min	20' Min	35'
Royal River Corridor Overlay	3 acres	Same as underlying district			Same as underlying district					
Groundwater Protection Overlay	Single lots not part of a subdivision must	Same as underlying district			Same as underlying district					

	<p>meet the minimums for the underlying district; no reduction in lot size shall be permitted</p>		
--	---	--	--

7. Additional units may be constructed as a.) one unit within or attached to the existing dwelling unit; b.) one unit detached; or c.) one of each.

8. If a property owner tears down an existing dwelling unit, the lot is considered under this section as if the dwelling unit were still in existence.

SECTION 10.4 – BUILDING STANDARDS

- Section B – Primary Building Types indicates Item “1. Informal Building” can be a residential use (yurt, cabin, or a-frame). Therefore, subitem c. should read “Allowable Units Per Lot” and the allowable number of units should read:

Vacant Lots: Village Center: 4 units
 All other Zoning District: 2 units

Lots with Existing Dwelling: All Zoning Districts: 3 additional units

- Section B Items “2. Cottage,” “3. House,” and “4. Bungalow” should make the same changes as in above Item 1.

SECTION 11.1 – ACCESSORY APARTMENTS

- Make below changes:**

~~Deleted Text in Strikethrough~~
 New Text in **Bold Underline**

A. **Purpose:** The purpose of this provision is to allow an affordable housing option that is in keeping with the character of the community. This provision allows for the creation of a single, subordinate **accessory** dwelling unit ~~accessory~~ and incidental to an existing or new single-family dwelling. ~~An accessory apartment is intended to be a separate suite of rooms where one or two people occupy the unit.~~

B. **Standards and Requirements: One (1)** accessory **dwelling unit** ~~apartment may be~~ constructed ~~within or attached to an existing or new single family dwelling, or constructed as a separate structure within the vicinity of an existing or new single family dwelling, for the purpose of adding a separate living area for rental purposes, as well as for “in-laws,” as long as the conversion~~ **on the same lot as a single-family dwelling unit in any area in which housing is**

allowed, subject to the requirements of ~~is carried out in compliance with~~ the following criteria:

1. Private, state, or local standards such as homeowners' association regulations, deed restrictions, setbacks, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.
2. An accessory dwelling unit may be constructed only:
 - a. Within an existing dwelling unit on the lot;
 - b. Attached to a single-family dwelling until;
 - c. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit; or
 - d. Within an existing accessory structure.
3. Dimensional Requirements:
 - a. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.
 - b. For an accessory dwelling unit permitted in an existing accessory structure, the required setback requirements in this Ordinance of the existing accessory structure apply.
 - c. An accessory dwelling unit is allowed on a lot that does not conform to this Ordinance if the accessory dwelling unit does not further increase the nonconformity, excluding lot area.
4. Accessory dwelling units are exempt from any density or lot area requirements related to the area in which the accessory dwelling unit is constructed.
5. Accessory **dwelling units** ~~apartments~~ shall be exempted from meeting the requirements of Section 3.3.E. Residential Growth Limitation.
6. ~~the~~ Accessory **dwelling units** ~~apartment~~ **are** is limited to one (1) bedroom.
7. Accessory Dwelling Unit Size:
 - a. An accessory dwelling unit shall, whether constructed within, attached to, or detached from the single-family dwelling, shall not exceed forty (40) percent of the available living area of the principal single-family dwelling (excluding the basement of the single-family dwelling).
 - b. An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722.

8. The Code Enforcement Officer (CEO) approves the **accessory dwelling unit** apartment. The CEO shall require **an owner of an accessory dwelling unit to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy. Written verification must include the following:**
 - a. **If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Chapter 241, *Subsurface Wastewater Disposal Rules*;**
 - b. **If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and**
 - c. **If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Chapter 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.**
9. The owner of the property must occupy either the accessory **dwelling unit** apartment or the principal dwelling unit.
10. **Accessory dwelling units are not subject to any additional vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.**

SECTION 11.2 – AFFORDABLE HOUSING

Deleted Text in Strikethrough

New Text in **Bold Underline**

11.2.1 – Village Center (VC) District Affordable Housing Density Bonus

A. Purpose:

The purpose of these provisions is to provide incentives for the development of affordable housing consistent with 30-A M.R.S. §4364 as the Village Center (VC) District is the Town's designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A)

B. Minimum Lot Size Requirements:

All lots must comply with 12 M.R.S. §4807-A. Minimum lot size required.

C. Water and Wastewater Requirements:

The property owner must provide written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy. Written verification must include the following:

1. If a public or special sewer district is constructed within the Village Center (VC) District, or if a comparable sewer system is proposed, proof of adequate service to the support any additional flow created by the unit and proof of payment for connection to the system.
2. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
3. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
4. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

D. Long-Term Affordability

Prior to granting a certificate of occupancy or other final approval of an affordable housing development, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the Cumberland County Registry of Deeds to ensure that for at least thirty (30) years after completion of construction

1. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the area median income, as defined by the U.S. Department of Housing and Urban Development (HUD), at the time of initial occupancy; and
2. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the area median income, as defined by the U.S. Department of Housing and Urban Development (HUD), at the time of initial occupancy.

E. Density Bonus:

1. To receive the density bonus and be considered an affordable housing development, as defined in Section 12, a majority of the total units on the lot must be designated as affordable.
2. The affordable housing development shall have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location or by building type; and
3. No more than two (2) off-street motor vehicle parking spaces for every three (3) dwelling units shall be required.
4. If fractional results occur when calculating the density bonus or parking requirement in this subsection, the number of units or parking spaces is rounded down to the nearest whole number.

11.2.2 Affordable Housing for Other Residential Districts:

A. Purpose:

5. The purpose of these provisions is to provide incentives for the development of affordable housing **outside the Village Center District**, with the following priorities:

- ##### **B. Applicability:** These provisions shall apply to any affordable housing development as defined in Section XII. Definitions., **outside of the Village Center District**. Affordable housing pursuant to these provisions must be approved by the Planning Board through Site Plan Review or Subdivision Review.

SECTION XII – DEFINITIONS

1. **Replace the term “Accessory Apartment” with “Accessory Dwelling Unit” and define as:**

A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Replace the term in all locations where it is used:

- Section 3.3.E.5.c
- Section 4.4.E.2
- Section 4.4.E.3
- Table 7.1, including Footnote 6
- Section 7.5.B.5
- Section 7.6.B.2
- Section 11.1 (see above recommendations regarding Section 11.1. Accessory Apartments)

2. **Replace the term “Affordable Housing” with “Affordable Housing Development” and define as:**

1. *For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and*

Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

2. *For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.*
3. *For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.*
4. *For purposes of this definition, "housing costs" include, but are not limited to:*
 - a) *For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and*
 - b) *For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.*

Replace the term in all locations where it is used:

- Section 3.3.E.5.d
- Table 7.2 (Cross Reference Notes for Section 11.2 Affordable Housing)
- Section 10.2.D.
- Section 11.1.A
- Section 11.2 (see above recommendations regarding Section 11.2 Affordable Housing)
- Section 11.3.C.7.b

3. **Add definition: Area Median Income**

The midpoint of the region's income distribution as calculated on an annual basis by the U.S. Department of Housing and Urban Development.

4. **Add definition: Attached**

Connected by a shared wall to the principal structure or having physically connected finishing spaces.

5. **Add definition: Base Density**

The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Ordinance.

6. Add definition: Certificate of Occupancy

The municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

7. Add definition: Comparable Sewer System

Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Chapter 241, Subsurface Wastewater Disposal Rules.

8. Add definition: Comprehensive Plan

A document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

9. Add definition: Density Requirements

The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

10. Add definition: Designated Growth Area

An area that is designated in the Town's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

11. Replace the definition of "Dimensional Requirements" with the following:

Requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

12. Add definition: Housing

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless otherwise allowed in this Ordinance.

13. Add definition: Dwelling Unit, Existing (or Existing Dwelling Unit)

A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

14. **Replace the term “Dwelling, Single-Family Detached” and replace with “Dwelling Unit, Single-Family” and define as follows:**

A structure containing one (1) dwelling unit.

15. **Replace the definition of “Dwelling Unit” with the following:**

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

16. **Add definition: Land Use Ordinance**

An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

17. **Replace the definition of “Lot” with the following:**

A single parcel of developed or undeveloped land.

18. **Add definition: Multifamily Dwelling**

A structure containing three (3) or more dwelling units.

19. **Add definition: Potable**

Water safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

20. **Replace the definition of “Principal Structure” with the following:**

A structure in which the main or principal use of the structure is conducted.

21. **Replace the term “Public Water System” with “Centrally Managed Water System” and define as follows:**

A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

The Yarmouth Water District is a “Community Water System,” which serves people in their place of residence. There are two (2) other types of public water supplies that are regulated by state and federal law: “Non-Transient Non-Community Water Systems” such as schools or office buildings, and “Transient Non-Community Water Systems,” which serve a constantly changing, transient population such as motels, restaurants and campgrounds.

Replace the term in all locations where it is used:

- Section 3.8.K
- Section 5.7.A.3.b
- Section 5.7.B.4.c
- Section 10.24.A

22. Add definition: Restrictive Covenant

A provision in a deed, or other covenant conveying real property; restricting the use of the land.

23. Replace the term “Setback” with the following:

The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in this Ordinance.

24. Replace the definition of “Structure” with the following:

Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).