

MEMORANDUM

TO: Diane Barnes, Town Manager

From: Ben Smith, AICP, Principal, North Star Planning *BS*

CC: Ben Scipione, Code Enforcement Officer
Jamel Torres, Senior Planner, North Star Planning
Kate Burch, Planner, North Star Planning

RE: Technical Modifications to the Land Use Ordinance

Date: January 29, 2024

Overview

North Star Planning (NSP) was engaged to undertake a review of North Yarmouth's Land Use Ordinance (LUO) in 2023. The purpose of the review was to meet the following goals as noted in the work plan:

1. Making submission requirements and the development review process easier to understand;
2. Addressing submission requirements that are not linked the review standards: and
3. Removing or amending standards that go beyond State requirements, or those of surrounding communities.

The proposed modifications to the LUO are technical in nature and help to clarify the existing development review process and to establish a process consistent with best practices. Additionally, NSP staff noted some potential policy changes to the LUO that would require dedicated committee work or a broader public process as part of our review of the ordinance.

August 2023 Work Plan

Below is the checklist from the Ordinance Work Plan, 2023-2024 noting the work completed for the project. As noted in the approved work plan, the items below are listed in priority order. As such, NSP staff was able to complete most of the items listed below within the project budget. The remaining items could form the start of a work plan for the coming year.

Items Completed:

- Development Review Process
 - ✓ Update and clarify Site Plan and Subdivision submission requirements and review process.
 - ✓ Separate and relocate elements from Section 10 to the either Site Plan Review or Subdivision Review, as appropriate.
 - ✓ Update standards that aren't related to findings
- Table 7.1 and Table 7.2 formatting and footnote updates
 - ✓ Footnotes should be clarified and checked to ensure they have a valid reference to the corresponding table.
 - ✓ Footnotes that include definitions or standards should be moved to relevant sections of the ordinance.
- Standards Review
 - ✓ Combine standards for duplicated local requirements (i.e. Sections 11.4, Home Occupations and 11.10, Home Based Occupation)
 - ✓ For standards that duplicate state regulations, revise to reference relevant state law.
 - ✓ Review standards for hidden definitions and submission requirements.

Items Partially or Not Completed:

- Definitions
 - All permitted and conditional uses in the ordinance should be defined in the ordinance.

NSP staff created a document that includes a list land uses, as provided in Table 7.1. Land Uses by Zoning District, that are not defined in Section 12 of the LUO. Given the amount of land uses that are not defined in the ordinance, the town should discuss how to approach this portion of the project NSP recommends a more complete overhaul of definitions based on land use categories, rather than adding definitions for terms more commonly found in a building code or plumbing code..
- Relocate Special District Standards in Section 9 to the relevant subsections of Zoning District Regulations in Section 7.

Recommendations

Please note that within the draft ordinance language attached to this memo, a more detailed overview is provided at the beginning of each section.

Development Review Process

NSP Staff has proposed modifications to the Site Plan Review and Subdivision Ordinances related to the following –

- Updates and clarification to Site Plan Review and Subdivision submission requirements and review process.
- Separation and relocation of specific submission requirements and standards from Section 10 in the LUO to the Site Plan Review or Subdivision Ordinances.
- Updates to standards in the Site Plan Review and Subdivision Ordinances that are not related to findings of fact and the review criteria.

These proposed modifications have been redlined in the existing Site Plan Review and Subdivision Ordinances. The proposed modifications are also summarized in separate documents attached to this memorandum.

Table 7.1 Formatting and Footnote Updates

NSP staff has proposed modifications to Table 7.1 – Land Uses by Zoning District related to the following –

- A new footnotes key is recommended to be located just before the table of land uses. The new key includes all of the footnotes from Table 7.1 in ascending order. The reasoning for the new key is to help limit confusion and to provide some organization to the table. The existing footnotes have been renumbered accordingly.

These proposed modifications have been redlined in the existing Table 7.1. The proposed modifications are also summarized in a separate document attached to this memorandum.

Table 7.2 Formatting and Footnote Updates

NSP staff has proposed modifications to Table 7.2 – Space and Dimensional Requirements related to the following –

- A new footnotes key is recommended to be located just before the table of land uses. The new key includes all of the footnotes from Table 7.2 in ascending order. The reasoning for the new key is to help limit confusion and to provide some organization to the table. The existing footnotes have been renumbered accordingly.

These proposed modifications have been redlined in the existing Table 7.2. The proposed modifications are also summarized in a separate document attached to this memorandum.

Standards Review

NSP staff has proposed modifications to the following sections in the LUO –

- Section 8 – General Requirements: Applicable to All Land Uses
- Section 9 – Special District Standards
- Section 10 – Performance and Design Standards for Site Plan Review and a Subdivision Review
- Section 11 – Standards for Specific Activities

These proposed modifications include the moving, editing, deleting, etc. of ordinance language that is either duplicative, not relevant to a specific section, or irrelevant to the development review process altogether. These proposed modifications have been redlined in the existing sections of the LUO. The proposed modifications are also summarized in a separate document attached to this memorandum.

Definitions

NSP staff reviewed the uses noted in Table 7.1 – Land Uses by Zoning District and created a list of land uses that are not defined in Section 12 of the LUO. These land uses without definitions are noted in a separate document attached to this memorandum. NSP did not attempt to define these uses but would suggest each use is defined in the LUO in the future.