

ARTICLE I. GENERAL PROVISIONS

SECTION 1.3 PURPOSE

- A. To implement the provisions of the town's duly adopted Comprehensive Plan, ~~adopted March 13, 2004~~, as amended from time to time.

SECTION 1.8 CONTRACT ZONING

A. Authorization:

1. Pursuant to 30-A M.R.S.A. § 4352(8), contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the Board of Selectmen finds it necessary or appropriate to modify the zoning district regulations applicable to a parcel of land, which will allow reasonable uses of the land and activities which would not have been permitted by the existing zoning district regulations but which remain consistent with the Town of North Yarmouth's Comprehensive Plan, and compatible with the existing and permitted uses within the existing zoning district classification. Nothing in this section shall authorize a rezoning, or an agreement to change or retain a zone, which is inconsistent with the Town's Comprehensive Plan.

~~In consideration of a request for a~~Considering a request for a contract zone agreement for change in zoning classification for a particular property or group of properties under this section, the Board of Selectmen may impose certain conditions and restrictions on the use of the property where it finds:

- a. ~~that~~ such conditions and restrictions are necessary to protect the public health, safety, and general welfare;
- b. ~~and~~ when the Board of Selectmen seek to advance desired land use objectives consistent with the Comprehensive Plan, and
- c. where such uses provide a public purpose or benefit.

B. Standards:

4. The proposed contract zoning agreement shall clearly describe the extent of variation (if any) from the ~~lot~~ standards for the zone in which the parcel is located, and may include site plan drawings and all other pertinent information to support the contract.

C. Conditions and Restrictions:

Conditions and restrictions imposed by the Board of Selectmen under the authority of this section shall relate only to the physical development and operation of the property and may include, but shall not be limited to, the following:

1. Limitation of the number and type of permitted uses of the property.
2. Restrictions on the scale and density of development
~~The height and lot coverage of any structure.~~
3. Specifications for the design and layout of building(s), accessory buildings and other site improvements
4. The setback of any structure. Contributions toward the provision of municipal services required by or as result of the development
- 4.5. The hours of operation for the proposed use.

- ~~5. The installation, operation and maintenance of physical improvements, such as parking lots, traffic control devices, fencing, shrubbery and screening.~~
6. The creation or preservation of open space areas or buffer zones, protection of natural areas and historic features.
7. The dedication of property, undeveloped or improved, for public purposes, such as streets, sidewalks and trails, parks, utility systems, and conservation easements.
8. Schedules for commencement and completion of construction
9. Provisions for enforcement and remedies for breach of any condition restriction.
10. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;

D. Notice Requirements and Procedures:

2. In accordance with 30-A M.R.S.A. §4352(8), the Planning Board shall hold a public hearing. Notice of this hearing shall be posted in the town office at least thirteen (13) days prior to the public hearing and shall be published in a newspaper of general circulation within the town at least two (2) times, the date of the first publication must be at least twelve (12) days prior to the hearing and the second notice at least seven (7) days prior to the hearing. Notice shall also be sent to the property owner and all abutters within a five-hundred foot (500 ft.) radius of the boundary lines of the property ~~to be rezoned~~ being considered for contract zoning at their last-known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.
3. After holding a public hearing, ~~T~~the Planning Board shall make a recommendation to the Board of Selectmen on the proposal and its conformance with the Town's Comprehensive Plan and land use goals, along with recommended conditions and restrictions. This recommendation is advisory in nature; the Board of Selectmen may act independently of the recommendation of the Planning Board.
4. The Board of Selectmen shall hold a public hearing and, following any testimony, approve, modify or deny the contract zoning request. If ~~t~~the Board of Selectmen modifies the proposal by doing any one or more of the following, the proposal will need to be referred ~~back again~~ to the Planning Board for a public hearing and subsequent recommendation to the Board of Selectmen:
 - a. Adds to the list of permitted uses or activities or hours of operation;
 - b. Substantially modifies restrictions on the scale and density of development
 - c. Substantially modifies specifications for the design and layout of building(s), accessory buildings and other site improvements
 - b-d. Eliminates or makes less restrictive performance standards; or,
 - e. ~~Reduces setback requirements;~~
 - d. ~~Increases the density beyond that allowed in the zone;~~

III. ADMINISTRATION AND ENFORCEMENT

SECTION 3.3 BUILDING/LAND USE PERMITS [Amended 5/17/08]

A. **Submissions:** The application shall be accompanied by the following information:

8. If the proposed development is located within the Village Center District, a scaled drawing providing evidence that the proposed building, renovation, or addition complies with Section 10.4 Building Standards.

SECTION 3.9 CONFORMANCE WITH OTHER LAWS, REGULATIONS

A. **General:** It is the applicant's responsibility to pursue all required local, state and federal permits. All Existing and proposed land use activities shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws and regulations. The applicant must comply with all permit conditions and restrictions.

IV. SITE PLAN REVIEW AND CONDITIONAL USE PROCEDURES

SECTION 4.3 REVIEW AND APPROVAL AUTHORITY

B. **Waivers of Application Requirements:** The Planning Board may waive any of the submission requirements based upon a written request by the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held and provide narrative justifying the request. A waiver of any submission requirement may be granted only if the Planning Board finds that the information is not required to determine compliance with the standards of this Ordinance.

SECTION 4.4 PROCEDURES

A. **Pre-application ~~Meeting~~Conference:**

1. Prior to submitting a formal application for Site Plan Review, the applicant is required to attend a pre-application meeting with the Planning Board. Additional staff may be invited to attend the pre-application meeting at the discretion of the CEO. ~~may request a pre-application conference with the CEO or the Planning Board. A pre-application conference is strongly advised for large commercial, industrial or institutional activities. A pre-application conference with the Planning Board is required for all applications for a Conditional Use Permit.~~ The pre-application meeting conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the pre-application meeting conference.
2. The purposes of the pre-application meeting conference are is to:
 - a. Allow the CEO, staff and/ Planning Board to understand the nature of the proposed development use and the issues involved,
 - c. Identify any issues that need to be addressed in future submission the formal application, and
 - d. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

e. Schedule a Site Visit.

3. ~~Site Visit Inspection:~~ **At the pre-application meeting,** ~~The CEO/Planning Board may schedule a site inspection visit if deemed necessary, and resolve any requests for waivers and variations from the submission requirements.~~
4. **Information Required:** There are no formal submission requirements for a pre-application ~~conference meeting~~. However, the applicant is encouraged to submit a sketch plan and narrative, and be prepared to describe the following topics: ~~should be prepared to discuss the following topics:~~
 - a. The proposed site, including its location, size, and general characteristics (a sketch plan of the site and proposed project is strongly recommended),
 - b. The nature of the proposed use and potential development,
 - c. A site inventory and analysis and a narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.
 - ~~b-d.~~ Copies of any available deeds and easements affecting the subject lot(s).
 - ~~e-e.~~ Any issues or questions about existing municipal regulations and their applicability to the project,
 - ~~e-f.~~ Any requests for waivers from the submission requirements.
5. **Site Plan Review Applications within the Groundwater Protection Overlay District:** The CEO shall notify the Yarmouth Water District of the date, time and place of the pre-application ~~meeting conference~~ at least 7 days prior to the conference if the proposed use is to be located within the Groundwater Protection Overlay District.
6. **Site Plan Review Applications within the Royal River Corridor Overlay District:** The CEO shall notify the Royal River Conservation Trust~~Conservation Commission~~ of the date, time and place of the pre-application ~~meeting conference~~ at least 7 days prior to the conference if the proposed use is to be located within the Royal River Corridor Overlay District.

B. Application Submission and Review Procedures: The applicant shall prepare and submit a Site Plan Review application, including a development plan and supporting documentation meeting the submission requirements set forth below. This material shall be submitted to the ~~Office of the CEO~~CEO.

~~make a preliminary determination of whether the application is complete before the application is placed on the Planning Board's agenda. The applicant shall notify by first-class mail all property owners within 500 feet of the parcel on which a proposed development is located at least 14 days prior to the meeting at which the application is to be considered. The applicant shall submit evidence of such notification. The notice shall include an accurate description of the project and the availability of the application for review. If the proposed use is located within the Groundwater Overlay District, the applicant shall mail a complete copy of the application to the Yarmouth Water District at least two weeks prior to the date of the first meeting at which the application is to be considered.~~

[Amended 6/12/10]

1. The CEO shall make a preliminary determination of whether the application is complete before the application is placed on the Planning Board's agenda. At the first meeting at which the application is considered, the Planning Board shall authorize the CEO to give a dated receipt to the applicant. The CEO shall notify the Selectmen, Fire Chief, Road Commissioner, Building Inspector, Plumbing Inspector, Conservation Commission and Yarmouth Water District and other interested parties, as appropriate. [Amended 6/12/10]

2. The Office of the CEO shall circulate copies of the application to staff including but not limited to: Fire Chief, Road Commissioner, and Yarmouth Water District and other interested parties, as appropriate. [Amended 6/12/10]
3. The applicant shall notify by certified mail all property owners within 500 feet of the parcel on which a proposed development is located at least 14 days prior to the meeting at which the application is to be considered. The applicant shall submit evidence of such notification. The notice shall include an accurate description of the project and the availability of the application for review.
4. If the proposed use is located within the Groundwater Overlay District, the applicant shall mail a complete copy of the application to the Yarmouth Water District at least two weeks prior to the date of the first meeting at which the application is to be considered.
5. If the proposed use is located in the Royal River Corridor Overlay District, the applicant shall mail a complete copy of the application to the Royal River Conservation Trust at least two weeks prior to the date of the first meeting at which the application is to be considered.
6. Within ~~60~~30 days of the receipt of a formal Site Plan Review application, the Planning Board shall review the material and determine whether or not the submission is complete. ~~If the application is determined to be incomplete, the Planning Board may vote to either table the application to a specific date and time, or reject the application. shall authorize the CEO to will notify the applicant in writing of this finding, and shall specify the additional materials required to make the application complete. The CEO shall advise the applicant that the Planning Board will not consider the application until the additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete. If the application is rejected, a future submission will be reviewed as a new application.~~
7. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may ~~begin review of the site plan application or~~ decide to schedule a public hearing ~~is necessary~~. **A public hearing shall be required for all applications for a Conditional Use.** The hearing shall be held within 30 days of finding the application complete, -or at the next regularly scheduled Board meeting, after the Board's determination it has received a complete application. The Board shall require that the applicant publish the notice of the date, time and place of the hearing in a newspaper of general circulation in the town at least 2 times, the date of the first publication to be at least ~~14~~147 days prior to the hearing. The CEO shall specify the newspaper of general circulation. The applicant shall provide a copy of the published notice in the newspaper. The Planning Board shall require that the applicant give written notice of the date, time, and place of the hearing to all persons who received the notice in Subsection B.1, above.
9. ~~On-site Inspection~~**Site Visit:** The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate a development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. The Planning Board may decide not to hold ~~an on-site inspection~~site visit when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take ~~a~~ final action on the application as specified in Subsection B.6. below, may be extended, which extension shall not exceed 60 days after the Planning Board is able to conduct an on-site inspection. The CEO shall notify the applicant of the ~~on-site inspection~~site visit.

E. Submission Requirements:

3. **All Other Applications for Site Plan Review and/or Conditional Use Approval**, other than a single family dwelling, accessory apartment or home occupation, must contain the following information:

f. Proposed Development Activity:

~~9.8. Graphic representations of how the development will look upon completion using artist renderings, photo manipulation, computer generated imaging or similar techniques. The submission of such graphic representations is encouraged for all applications and may be required by the Planning Board where they determine that the location, scale or nature of the proposal requires such graphic representations to enable the Board to evaluate the application under the performance and design standards of this Ordinance.~~

~~15. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.~~

- g. In addition to the information required above, the Planning Board may require any of the following additional information for a major development:

~~1) Graphic representations of how the development will look upon completion using artist renderings, photo manipulation, computer generated imaging or similar techniques. The submission of such graphic representations is encouraged for all applications and may be required by the Planning Board where they determine that the location, scale or nature of the proposal requires such graphic representations to enable the Board to evaluate the application under the performance and design standards of this Ordinance.~~

~~1) A site inventory and analysis and a narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.~~

~~9)3) A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.~~

~~5. The name, registration number, and seal of the architect, engineer, landscape architect and/or similar professional who prepared the plan.~~

~~6. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.~~

~~7. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.~~

V. SUBDIVISION REVIEW PROCEDURES AND CRITERIA

SECTION 5.3 PRE-APPLICATION MEETING, SKETCH PLAN AND SITE ~~INSPECTION~~VISIT

A. Purpose: The purpose of the pre-application meeting and ~~on-site inspection~~site visit is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

B. Procedure:

2. ~~Yarmouth Water District~~Interested Stakeholders: The CEO shall invite the Yarmouth Water District to this meeting if any portion of the subdivision is located within the Groundwater Protection Overlay District or if the subdivision intends to utilize the public water supply system. The CEO shall invite the Royal River Conservation Trust to this meeting if any portion of the subdivision is located within the Royal River Corridor Overlay District. The ~~Office of the CEO~~applicant shall provide a copy of the pre-application sketch plan ~~to the Yarmouth Water District~~ at least one week prior to the pre- application meeting.

C. Submission:

3. A copy of any available deeds, easements and encumbrances applicable to the proposed subdivision.

D. On-Site InspectionSite Visit: The Planning Board shall endeavor to hold ~~an on-site inspection~~a site visit of the property within 30 days of the Pre-application meeting. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Planning Board shall reserve the right to postpone the on-site inspection if the Board determines that the on-site inspection is not possible due to surface conditions of the site, such as, but not limited to, snow cover, flooding rains, and frozen ground, or due to the unavailability of Planning Board members.

E. Rights not Vested: The pre-application meeting, the submittal or review of the sketch plan or the ~~on-site inspection~~site visit shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A. §302.

SECTION 5.5 MINOR SUBDIVISION

B. Procedure:

- a. Within 6 months after the ~~on-site inspection~~site visit by the Planning Board, the applicant shall submit an application to the Code Enforcement Officer (CEO) for approval of a final plan at least 14 days prior to a scheduled meeting of the Planning Board. Failure to submit the application within 6 months shall require resubmission of the sketch plan to the Planning Board. The final plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board. [Amended 6/12/10]

SECTION 5.6 PRELIMINARY PLAN FOR MAJOR SUBDIVISION

A. Procedure:

1. Within 6 months after the ~~on-site inspection~~ site visit by the Planning Board, the applicant shall submit an application for approval of a preliminary plan to the CEO at least ~~44~~ 30 days prior to a scheduled meeting of the Planning Board. Failure to submit an application within 6 months shall require resubmission of the sketch plan to the Planning Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.

SECTION 5.7 FINAL PLAN FOR MAJOR SUBDIVISION

A. Procedure.

1. Within 6 months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least ~~44~~ 30 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the Planning Board in care of the CEO. If the application for the final plan is not submitted within 6 months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.
8. The Planning Board shall notify the North Yarmouth Road Commissioner, School Superintendent, local law enforcement, the Yarmouth Water District (if applicable) and North Yarmouth Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of streets and roads, and the size and construction characteristics of any ~~permitted building types with multiple residential units, multiplex, and~~ commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

SECTION 5.10 INSPECTIONS AND ENFORCEMENT

B. Violations and Enforcement:

- ~~6.—No lot in a subdivision may be sold, leased, or otherwise conveyed before the road or street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multiplex development shall be occupied before the road or street upon which the unit is accessed is completed in accordance with these regulations.~~

VII.ZONING DISTRICT REGULATIONS

SECTION 7.4 DISTRICT LAND USE TABLE

A. General: All land use activities shall conform to the use, development, and performance and design standards of the district(s) in which such use is located, and all standards identified in Article XI Performance and Design Standards for Specific Activities. The following Table 7-1. Land Uses by District identifies which uses of land, buildings, or structures are permitted by right, permitted subject to review, and/or permitted subject to the issuance of a conditional use permit in the various districts. Throughout this Ordinance reference is made to Table 7-1. in which allowed uses, permitted uses, conditional uses and prohibited uses are organized by categories of use such as "residential uses" or "institutional uses." These headings or categories shall carry no legal meaning, but rather serve only for organizational purposes.

TABLE 7.1 LAND USES BY ZONING DISTRICT [Amended 5/17/08¹]

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review)
CU = Conditional Use (Planning Board Review); N = Prohibited Use**

USES	Village Center	Village Residential	Farm and Forest	Resource Protection	Residential Shoreland	Royal River Overlay*	Groundwater Overlay*
Residential Uses							
Single-family detached dwelling ²	P	P	P	N ³	P	SPR	P
Duplex	P	P	P	N	P	N	P
Manufactured housing - individual lot ⁴	P	P	P	N	P	SPR	P
Conversions - seasonal to year-round residences	P	P	P	N	P	SPR	P
Mobile Home Park	CU/SPR	SPR	N	N	N	N	N
Multiple	SPR	SPR	N	N	N	N	SPR
Multiple Residential units above-ground-floor mixed-use in a permitted Building Type⁹	SPR	SPR <u>N</u>	N	N	N	N	SPR
Accessory Apartment ⁵ [Amended 5/17/08]	P	P	P	N	N	N	P
Accessory use – Home Occupation ⁶	P	P	P	N	SPR	SPR	SPR
Home heating fuel tanks & fuel storage (greater than 660 gallons of liquid fuel ⁷ per parcel of land)	SPR	SPR	SPR	N	N	N	N
Accessory use – Home Based Occupation ⁸ [Amended 5/30/09]	P	P	P	N	N	SPR	SPR
Commercial and Industrial Uses							
Beauty salons	SPR	CU/SPR	N	N	N	N	CU/SPR
Bed and breakfast	SPR	SPR	SPR**	N	N	N	SPR
Boat builders and refinishers	SPR	N	N	N	N	N	N
Business/professional office less than 2,000 sq.ft. gross floor area	SPR	SPR	CU/SPR* *	N	N	N	SPR
Business/professional office, 2,000 to 10,000 sq.ft. gross floor area	SPR	N	N	N	N	N	SPR
Retail sales/services, less than 2,000 sq.ft. gross floor area	SPR	SPR	N	N	N	N	SPR
Retail sales/services, 2,000 to 10,000 sq.ft. gross floor area	SPR	N	N	N	N	N	CU/SPR

Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch.
**Can only be conversions of buildings in existence as of June 14, 2005.

⁹ See Article X Section 10.4 for permitted Building Types.

TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS

District	Minimum Lot Area (Acres)	Maximum Residential Density ¹ (Acres)	Maximum Lot Coverage (%) ²	Minimum Street Frontage ³ (Feet)	Minimum-Structure Setback From Property Lines (Feet) ⁶			Maximum Structure Height (Feet) ⁴
					Front	Side	Rear	
Village Center	1 acre ⁴	N/A	70%	1820 '-100'	0'-20' MAX	25' MAX	5' MIN	3 stories, no higher than 50 feet
Village Residential	1 acre	1 Residential unit per acre; Subdivisions – 1 residential unit per net residential acre	30%	Routes 9, 115 and 231 – 200 feet; Other streets – 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 acres; Subdivisions– 1 residential unit per 3 net residential acres	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 acres; Subdivisions – 1 residential unit per 3 net residential acres	20%	MIN 200 feet	50' MIN	20' MIN	20' MIN	35'
Resource Protection	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3 net residential acres	20%	MIN 200 feet	50' MIN	20' MIN	20' MIN	35'

(Table continued on next page)

¹ See Subsection C. for calculation of “net residential acreage”, which is only applicable to subdivisions

² See Subsection D. for Pocket Neighborhood Standards.

³ Not applicable to wireless communications towers, windmills, antennas, barn silos and structures having no floor area

⁴ Minimum Lot Size:

a. The minimum lot size can be reduced in the Village Center to 20,000 square feet when the lot is served by an advanced wastewater treatment system, or the existing system is retrofitted with an advanced wastewater system that meets or exceeds the state definition providing 50 percent or more reduction in nitrates and has demonstrated that water quality will not be degraded.

b. The minimum lot size can be further reduced below 20,000 sf when that lot treats its wastewater on a separate lot that complies with Maine Subsurface Wastewater Disposal criteria.

c. gallon per day design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 gpd flows of a typical residential home per lot. This type of development requires Planning Board approval.

d. Pocket Neighborhoods allow for the use of reduced lot size below 20,000 sf (as described in b. above) and can use gallons per day design flow (as described in c. above), if designed to comply with the standards of Subsection D.

⁵ Open space or clustered subdivisions are mandatory and at least 50 percent of the total parcel must be preserved in open space pursuant to Section 11-3. Cluster Housing Development and Open Space Development.

⁶ In the Village Center District, Civic buildings are exempt from maximum setback requirements. The recommended maximum front yard setback for Civic Buildings is 60'.

Cross Reference Notes for other provisions with dimensional requirements:

D. Pocket Neighborhoods allow for the arrangement of a single building type around a ~~central~~-common ~~civic courtyard~~ space to promote greater density than otherwise allowed with the base district.

1. The purpose of a Pocket Neighborhood is:

b. To allow the creation of fine-grained ~~civic space~~~~public urban courtyards~~ surrounded by buildings of the same type.

2. Pocket Neighborhoods must be designed to meet the following standards:

a. Pocket Neighborhoods consist of three elements; the building lots on which buildings are placed, the ~~courtyard~~~~civic space~~ around which the building lots are arranged, and access areas which may or may not include driveways, parking lots, and pedestrian walks.

b. Pocket Neighborhoods include one of the following three house types, subject to Article X Section 10.4 Building Standards: the following standards:

1.) A cottage, ~~14 ft. min – 20 ft. max width, 40 ft. max length, 1 story max. A cottage is a detached building with one unit.~~

2) A bungalow, ~~not to exceed 36 feet width, 50 ft. max length, 2 stories max. A bungalow is a detached building with one unit and a front porch. The gable of the bungalow must not face the courtyard, and the second story must be contained within the roof structure or,~~

3) A townhouse, ~~18 ft. min – 36 ft. max width, 50 ft. max length, min 2 stories – 3 stories max. A minimum of 2 townhouses must attach. A maximum of 6 townhouses may attach.~~

e. Pocket Neighborhoods may not contain public or private thoroughfares, except that a new public or private thoroughfare may be constructed adjacent to a pocket neighborhood to provide frontage for the Pocket Neighborhood. .-

g. Parking lots within a Pocket Neighborhood may provide no more than ~~one~~1 parking space per unit constructed within the Pocket Neighborhood. One additional parking space per 4 units may be provided for guest parking.

i. The ~~civic space~~~~courtyard~~ at the center of a Pocket Neighborhood must be at least 20 ft. wide on its shortest side, and have an area not smaller than 1000 sf and not larger than 10,890 sf (1/4 acre).

j. The ~~courtyard~~~~civic space~~ must be built to create a ~~civic~~-common, park, or square.

k. A ~~courtyard~~~~civic space~~ with 4 or more sides must directly front a thoroughfare or alley on at least one side and no more than 2 sides.

l. A ~~courtyard~~~~civic space~~ with 3 sides must directly front a thoroughfare or alley on only one side.

- m. A Pocket Neighborhood must consist of at least 4 and no more than 20 units of the ~~same permitted~~ building types.
- n. No building may orient a rear wall towards the ~~courtyard-civic space~~ or any thoroughfare, except alleys.
- o. Building lots must meet the following lot measurement and building setback standards ~~for the multi-use court~~, rather than for the base zoning district:
- p. Pedestrian walkways and sidewalks providing access within a ~~pocket neighborhood multi-use court~~ may not exceed a width of 10 ft.

VIII. GENERAL REQUIREMENTS: APPLICABLE TO ALL LAND USES

SECTION 8.4 DESIGN AND CONSTRUCTION STANDARDS FOR ROADS AND DRIVEWAYS

B. Classification.

Streets are classified according to the average daily traffic (ADT) they are intended to serve, as calculated by the number of average daily trips, as follows:

1. **Average daily trip. "**

Table 8.1

Average Weekday Trip Generation Rates	
Housing Type (trips per dwelling unit	
Single- family detached	10
D uplex, Multiplex , Townhouse, Apartments, Condominium, etc	8
Mobile Home	5.5
R etirement Home	3.5

IX. SPECIAL DISTRICT STANDARDS

SECTION 9.1 RESIDENTIAL SHORELAND DISTRICT AND RESOURCE PROTECTION DISTRICT PERFORMANCE STANDARDS [Amended 5/17/08]

K. Parking Areas:

- 3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: approximately ~~40-9~~ feet wide and ~~20-18~~ feet long, ~~g.g., except that~~ parking spaces for a vehicle and boat trailer shall be 40 feet long.

SECTION 9.3 ROYAL RIVER CORRIDOR OVERLAY DISTRICT

B. Standards: In addition to the provisions of the underlying district, all land use activities within the Royal River Corridor Overlay District shall be in accordance with these provisions.

2. Subdivisions:

- c. **Additional Submission:** The applicant shall submit a Royal River Corridor Management Plan that includes consideration for preserving natural beauty, enhancing wildlife habitat and corridors, considers public access to water bodies and inter-connected trails, and shows how the subdivision development will contribute to the town's vision for the Royal River Corridor District as described in the town's Comprehensive Plan, ~~and the Open Space Plan.~~

X. PERFORMANCE AND DESIGN STANDARDS FOR SITE PLAN REVIEW AND SUBDIVISION REVIEW

SECTION 10.2 GENERAL LAYOUT OF DEVELOPMENT

B. Lots: [Amended 4/9/16]

- ~~1. If more than one residential dwelling unit or more than one principal non-residential structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure. For purposes of this section, an accessory apartment shall not be counted as a residential unit or principal structure. If more than one principal building is located on a lot, the lot size and location of each building shall be such that a separate lot conforming to the provisions of this Ordinance could be created for each building. The creation of a separate lot shall be demonstrated by submitting a plan to the CEO showing how the land could be divided to create conforming lots.~~
1. If more than one building is located on a lot, a plan must be submitted to the CEO to show how the the lot can be divided by theoretical lot lines to create multiple building lots that conform to the standards of this Ordinance. Theoretical lot lines show compliance with the standards of this Ordinance without causing legal subdivision of land. Theoretical lot lines may not span multiple lots of record.

SECTION 10.4 BUILDING DESIGN STANDARDS

~~**A. Applicability:** The following standards apply to all multiplex developments, and all commercial, industrial, institutional and other non-residential development that requires site plan approval.~~

B. Standards:

- ~~1. New structures and additions to or expansions of existing structures shall be designed and constructed so that they are visually integrated with existing buildings and features, both on the site and on adjacent properties, with respect to size, scale, building materials and setbacks from streets.~~
- ~~2. No less than 20 percent of the front façade of any building shall be window area.~~
- ~~3. Minimum front yard building setback: 20 feet~~

~~4. Parking is permitted only to the sides or to the rear of buildings. No such parking shall be permitted in the area between the street on which the building fronts and a line parallel to the street intersecting the front of the building at its greatest distance from the street line, and paving shall not cover more than 25 percent of such area. The use of shared parking, shared driveways and the cross-connection of parking lots is strongly encouraged. This paragraph shall not require the relocation of parking spaces existing on the effective date of this Ordinance (June 14, 2005).~~

~~5. **Drive-Through Facilities**[†]: Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.~~

[†]Drive through eateries are prohibited; drive through bank tellers are conditional uses in Village Center District

SECTION 10.6 DRIVE-THROUGH FACILITIES

A. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within the normal parking area. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street. The drive-through must not interfere with any sidewalk or bicycle path.

[†]Drive through eateries are prohibited; drive through bank tellers are conditional uses in Village Center District

SECTION 10.~~22-23~~ RECREATION AND OPEN SPACE LAND IN DEVELOPMENTS

A. Retention of Useable Open Space and Recreation Land in Residential Developments:

Guidelines for the Percentage of Total Parcel to be Reserved for Common Open Space and Recreation Land		
Type of Development	Average Size of Lots	Percentage of Total Parcel to be Reserved
Single Family Lots	80,000 square feet or greater	1.6%
	40,000 square feet	3.3%
	20,000 square feet	6.5%
	15,000 square feet	8.7%
	10,000 square feet	13.0%
Multi-family units (Duplex & Multiplex)		1,300 square feet per unit

SECTION 10.28-29 ACCESS MANAGEMENT STANDARDS

D. Access Management and Safety Standards:

8. **Access Ways to Non-Residential Developments ~~or to Multiplex Developments~~** shall be designed to avoid queuing of entering vehicles on any public road. Left lane storage capacity shall be provided to meet anticipated demand. The Planning Board may require a traffic assessment to determine if a turning lane is necessary.

SECTION 10.31-32 PEDESTRIAN WAYS AND BICYCLE ACCESS, CIRCULATION AND FACILITIES

B. Standards:

6. Parking Plans:

- a. The parking plan shall delineate bicycle-parking facilities for commercial, recreational, and institutional ~~and multiplex~~ developments. Such facilities shall be located as close as possible to the principal building(s). The provision of bicycle parking may be used to offset the number of automobile spaces required.

SECTION 10.33-34 OFF STREET PARKING

A. Applicability: Off street parking shall be provided for all new construction, expansions, and changes of use in accordance with the requirements and standards in this section. Off street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district. This section does not apply to single family residential units.

C. Parking Layout and Design:

3. Off-street parking ~~for multiplex development, and commercial, industrial and institutional uses~~ shall be located behind or to the side of the principal building and shall be landscaped. All parking spaces, access drives, and impervious surfaces must be located at least 5 feet from any side or rear lot line, except where standards for buffer yards require a greater distance, or where two adjacent lots share a parking lot.
7. All individual parking spaces shall be 940 feet by 1820 feet. The provision for oversized parking spaces shall be permitted for activities that normally serve oversize vehicles, such as recreation vehicles and trucks. Aisles shall be a minimum of 24 feet for two-way traffic, and 14 feet for one-way traffic.

North Yarmouth Land Use Ordinance Amendments

Parking Guidelines	
USE	Parking Spaces Required (Minimum)
Residential: Single Family, Duplex	2 per dwelling unit
Multiple Residential Units in a permitted Building Type	1.0 spaces per dwelling unit with 1 bedroom, 1.75 spaces per unit with 2 bedrooms, and 2 spaces per unit with 3 or more bedrooms.
Home Business	2 spaces in addition to required parking for residence (may be reduced by Board of Appeals)
Municipal Use	1.25 spaces per employee plus 1 space per 150 square feet of floor area for public assembly & meeting room space
Institutional and/or Places of Public Assembly, such as Theaters, Auditoriums, Churches, Synagogues, Gymnasiums, Stadiums, Sports Arenas	1 space per 4 seats plus 1 space per 2 employees
Day Care Center and Nursery School	1 per employee/volunteer worker plus a safe area for vehicle pick-up and drop-off of students/children
Schools	<u>Grades K-8:</u> 1 space per classroom plus 1 space for each employee plus parking in accordance with the places of public assembly <u>Secondary:</u> 8 spaces per classroom plus parking in accordance with the places of public assembly
Commercial Retail Sales	3 spaces per 1,000 square feet plus 1 space per employee
Gas and/or Service Station; Auto Repair Garage	.25 space per fuel pump plus 1 space per employee plus 4 spaces per service bay
Banks	4 spaces per 1,000 square feet of floor area
Personal Services, Business Services, Business and Professional Offices (non-medical)	3 spaces per use or 4 spaces per 1,000 square feet of floor area (or 1 space per 250 square feet of floor area or portions thereof), whichever is greater

XI. PERFORMANCE AND DESIGN STANDARDS FOR SPECIFIC ACTIVITIES

SECTION 11.2 AFFORDABLE HOUSING

C. Standards and Requirements:

4. An affordable housing development may be developed as a clustered housing development pursuant to Section 11.3. Clustered Housing Developments, ~~and/or as multiplex housing pursuant to Section 11.7. Multiplex Housing.~~ Affordable housing may be condominiums.

SECTION 11.6 MOBILE HOME PARKS

B. Standards and Requirements:

7. Road Standards:

- j. Parking Requirements: For each mobile home lot there shall be provided and maintained at least 2 off street parking spaces. ~~Each parking space shall contain minimum dimensions of 9 feet by 18½ feet.~~

SECTION 11.7. MULTIPLEX DWELLINGS

~~A. Applicability: The construction of any new multiplex dwelling or the conversion of an existing single family dwelling or duplex dwelling into a multiplex dwelling shall comply with the following standards and any other applicable provisions of this Ordinance, including Article X. Performance and Design Standards for Site Plan Review and Subdivision Review. The review of multiplex dwellings shall be pursuant to Article VII. Zoning District Regulations.~~

B. Standards:

- ~~1. The number of multiplex units allowed on a tract or parcel shall be calculated by dividing the net residential acreage of the tract or parcel by the minimum lot area per dwelling unit required by the appropriate zoning district for the multiplex development.~~
- ~~2. Multiplex housing is housing containing 2 or more attached dwelling units, each of which has independent outside access. Multiple units may be arranged in a variety of configurations. Each individual building may contain no more than 4 units. Existing structures, including large older homes, may be converted to multiplex housing as long as the conversion otherwise meets this definition. Multiplex housing may include condominiums.~~
- ~~3. A buffer shall be established between the multiplex housing and any dwelling on abutting tracts or parcels, which buffers shall be sufficient to minimize any potential nuisance, including but not limited to headlights, noise, storage areas and solid waste storage. This buffering shall consist of landscaping, fencing or grading or a combination of some or all of these techniques, and shall be in accordance with Section 10.13 Landscaping, Buffers and Screening.~~
- ~~4. The scale and surface area of parking areas, driveways and paved areas shall be compatible with adjacent structures, must be properly screened (see subsection 3 above) and must provide parking in accordance with Section 10.34 Off Street Parking.~~

- ~~5. It shall be the responsibility of the owner(s) to provide for rubbish disposal, snow removal, and site maintenance. A wooden or masonry screen shall enclose all outdoor storage areas for waste collection at least 6 feet in height.~~
- ~~6. **Useable open space and recreation land** shall be required in all multiplex developments pursuant to Section 10.22 Useable Open Space and Recreation Land in Developments.~~

XII. DEFINITIONS

Complete Substantial Construction: The completion of a portion of the improvements that represents no less than 30 percent of the costs of the proposed improvements within a development or subdivision. If a subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. ~~If a subdivision is a multiplex development, or if~~ If the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, street frontage, shore frontage, building scale and building height.

~~**Multiplex Housing:** Multiplex housing is housing containing 2 or more attached dwelling units, each of which has independent outside access. Multiple units may be arranged in a variety of configurations. Each individual building may contain no more than 4 units. Existing structures, including large older homes, may be converted to multiplex housing as long as the conversion otherwise meets this definition. Multiplex housing may include condominiums.~~

~~**Parking Space:** Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be constructed as to be usable year round.~~