

Proposed Amendments



Town of North Yarmouth Land Use Ordinance April 30, 2022

IV. SITE PLAN REVIEW AND CONDITIONAL USE PROCEDURES

SECTION 4.4 PROCEDURES [AMENDED 6/19/21]

- 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 Code Enforcement Office (CEO).
- ~~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.~~
 - ~~6. **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 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.~~
 5. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (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, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for a butter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

6. If the applicant wishes to submit additional information, the supplemental information must be submitted to the CEO at least ~~2 weeks~~ fourteen (14) days prior to the Planning Board meeting where it is to be considered, otherwise the supplemental information will not be considered at that meeting.

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:
 3. A fully executed and signed copy of the application for site plan review, plus ten (10) copies of the same or as requested by the CEO.
 - c. ~~11 Ten (10)~~ Ten (10) copies of written materials plus ~~11 Ten (10)~~ Ten (10) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The original maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 100 feet to the inch for that portion of the tract of land being proposed for development. ~~Copies may be reduced to a size of 8½ by 11 inches or~~ Map sets may be reduced to a size of 11 by 17 inches.

G. Amendments: [Amended 06/16/12]

Any alteration to a site which is inconsistent with the approved site plan shall require an amendment to the site plan. Any alteration other than alterations approved by the ~~Code Enforcement Officer~~ CEO pursuant to Section 4.4 (F) shall require Planning Board approval prior to the alteration. The applicant may request that changes to an approved site plan that are not subject to approval under Section 4.4 (F) be placed on the Planning Board Agenda .

Prior to placement on the Agenda, the applicant shall meet with the Code Enforcement Officer to review the proposed changes and shall provide ~~eleven (11)~~ ten (10) copies of the revised site plan to the ~~Code Enforcement Officer~~ CEO at least fourteen (14) days prior to the next regular Planning Board meeting together with such other materials, which the ~~Code Enforcement Officer~~ CEO may limit, to address the scope of the proposed change to the site plan. The Board, at its discretion, may limit their review to the proposed amendments and other related elements.

V. SUBDIVISION REVIEW PROCEDURES AND CRITERIA

SECTION 5.5 MINOR SUBDIVISION [AMENDED 6/19/21]

- A. **General:** The Planning Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S. §4404 (See Section 5.12 Subdivision Review Criteria), or the standards of this Ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.
- B. **Procedure:**
1. Within (6) months after the site visit by the Planning Board, the applicant shall submit an application to the ~~Code Enforcement Officer (CEO)~~ CEO for approval of a final plan at least thirty (30) days prior to a scheduled meeting of the Planning Board. Failure to submit the application within six (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]
 4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to present the final plan. At the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Planning Board shall issue a dated receipt to the applicant.
 - ~~a. Issue a dated receipt to the applicant.~~
 - ~~b. Require that the applicant notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project, and provide evidence that such notification was mailed.~~
 - ~~7. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (30) days, or at the next regularly scheduled Planning Board meeting, after the Planning Board's determination that it has received a complete application. The Planning 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 two (2) times, the date of the first publication to be at least seven (7) 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. A copy of the notice shall also be mailed to the abutters.~~

6. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (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, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the- publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

SECTION 5.6 PRELIMINARY PLAN FOR MAJOR SUBDIVISION [AMENDED 6/19/21]

A. Procedure:

5. At the meeting at which an application for preliminary plan approval of a major subdivision is initially presented, the Planning Board shall issue a dated receipt to the applicant.
 - ~~a. Issue a dated receipt to the applicant.~~
 - ~~b. Require that the applicant notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project, and provide evidence that such notification was mailed~~
- ~~8. **Public Hearing:** Upon determination that a complete application has been submitted for review, the Planning Board shall notify the applicant in writing of its determination. The Planning Board shall determine whether to require a public hearing on the preliminary plan application.~~
- ~~9. If the Planning Board decides a public hearing is necessary, the hearing shall be held within 30 days, or at the next regularly scheduled Planning Board meeting, after the Board's determination that it has received a complete application. The Planning 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 seven (7) 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. A copy of the notice shall also be mailed to the abutters.~~

8. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (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, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

B. **Submissions:** The preliminary plan application shall consist of the following items:

3. **Preliminary Plan:** The preliminary plan shall be submitted in ~~eight (8)~~ ten (10) copies of one or more maps or drawings, which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. A copy of the subdivision plan(s) shall be eleven (11) by seventeen (17) inches. The CEO shall provide a copy of the reduced plan(s) plus all accompanying information shall be mailed to each Planning Board member no less than seven (7) days prior to the meeting. If any part of the subdivision is located within the Groundwater Protection Overlay District, a reduced copy of the plan and all accompanying material shall be provided to the Yarmouth Water District no less than seven (7) days prior to the meeting. A reduced copy of the plan and all accompanying material shall also be provided to other committees and/or conservation organizations as determined by the Planning Board, CEO or town planning office no less than seven (7) days prior to the meeting.

SECTION 5.7 FINAL PLAN FOR MAJOR SUBDIVISION [amended 6/19/21]

A. **Procedure.**

~~6. **Public Hearing:** Upon determination that a complete application has been submitted for review, the Planning Board shall issue a dated receipt to the applicant. The Planning Board shall determine whether to require a public hearing on the final plan application.~~

~~7. If the Planning Board decides a public hearing is necessary, the hearing shall be held within thirty (30) days, or at the next regularly scheduled Planning Board meeting, after the Board's determination that it has received a complete application. The Planning Board shall require that the applicant publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing. The applicant shall provide a copy of the published notice in the newspaper. In addition, the applicant shall post the notice of the hearing in at least three (3) prominent places within the municipality at least seven (7) days prior to the hearing. The CEO will specify the newspaper and three (3) prominent places for posting. A copy of the notice shall also be mailed to the abutters.~~

6. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (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, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

B. **Submissions:** The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Planning Board. The final plan submission shall consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds, and a paper copy for review by the Planning Board. Following approval of the Final Plan by the Planning Board, the applicant shall submit a copy of the Final Plan as recorded at the Cumberland County Registry of Deeds, to include all recording information and Planning Board signatures.

In addition, the applicant shall submit ~~eight (8)~~ ten (10) copies of the final plan reduced to a size of eleven (11) by seventeen (17) inches, and all accompanying information. A copy of the final plan(s) and all accompanying information shall be provided to each Planning Board member no less than seven (7) days prior to the meeting. If any portion of the subdivision is located within the Groundwater Protection Overlay District a reduced copy of the final plan and all accompanying information shall also be provided to the Yarmouth Water District.

SECTION 5.9 REVISIONS TO APPROVED PLANS FOR MINOR AND MAJOR SUBDIVISIONS

- A. **Procedure:** An applicant for a revision to a previously approved plan shall, at least ~~fourteen (14)~~ thirty (30) days prior to a scheduled meeting of the Planning Board, request to be placed on the Planning Board's agenda. If the revision involves abandonment of the subdivision or the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. [Amended 6/18/11]
- B. **Submissions:** The applicant shall submit a copy of the approved plan as well as ~~eight (8)~~ ten (10) copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The Planning Board is authorized to decide whether it has received adequate supporting information to make this decision. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Cumberland County Registry of Deeds.

VII. ZONING DISTRICT REGULATIONS

TABLE 7.1 LAND USES BY ZONING DISTRICT [AMENDED 5/17/08¹ 6/19/21]							
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	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 Residential units in a permitted Building Type ⁹	SPR	N	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 *** For all Use definitions please refer to Section XII							

¹ Tables were also reformatted to include blank lines for future amendments.

² Includes "community living arrangements" for 8 or fewer persons with disabilities as defined in 30-A M.R.S. Section 4357-A

³ Single-family residential structures may be allowed by special exception only according to the provisions of Section 7-5. Special Exceptions. Two-family residential structures are prohibited.

⁴ Shall meet the requirements of Section 11-5. Manufactured Housing On Individual Lots

⁵ Shall meet the requirements of Section 11-1. Accessory Apartments

⁶ Shall meet the requirements of Section 11-4. Home Occupations

⁷ Propane tanks, or other tanks with liquefied gaseous fuels are allowed. Home heating fuel tanks and fuel storage of 660 gallons or less is allowed with all residential uses.

⁸ Signs, exterior displays and any other indications of a home-based occupation in a residential zone require conditional use approval from the Planning Board [Amended 5/30/09]

⁹ See Section X Section 10.4 for permitted Building Types.

TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)							
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*
Commercial and Industrial Uses (continued)							
Retail sales/services with 10,000 sq ft gross floor area, or more	N	N	N	N	N	N	N
Restaurants with less than 2,000 sq ft gross floor area	SPR	SPR	CU/SPR **	N	N	N	SPR
Restaurants with 2,000 sq ft gross floor area, or more	SPR	SPR	CU/SPR**	N	N	N	CU/SPR
<u>Tavern</u>	<u>CU/SPR</u>	<u>CU/SPR</u>	<u>CU/SPR</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU/SPR</u>
<u>Small Brewery, Small Winery, or Small Distillery</u>	<u>CU/SPR</u>	<u>CU/SPR</u>	<u>CU/SPR</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU/SPR</u>
Takeout eating place	SPR	SPR	N	N	N	N	SPR
Drive-through eating place	N	N	N	N	N	N	N
Redemption center less than 2,000 sq ft gross floor area	SPR	N	N	N	N	N	N
Commercial food processors, other than those where food is raised on the premises (see Natural Resource Based Uses)	SPR	SPR	SPR	N	N	N	N
Financial institution	SPR	N	N	N	N	N	SPR
Financial institution with drive through	CU/SPR	N	N	N	N	N	CU/SPR
Laundromat	SPR	N	N	N	N	N	SPR ¹
Dry cleaners' drop-off, no dry cleaning - processing	SPR	SPR	N	N	N	N	SPR
Dry cleaners - processing	N	N	N	N	N	N	N
Printers and photo processors	SPR	CU/SPR	N	N	N	N	CU/SPR
Motor vehicle services/repairs and body shops/sales [limited to small operations; 10 or fewer vehicles on site at a time]	SPR	CU/SPR	CU/SPR	N	N	N	N
Gas and/or service stations, sale of gas accessory to retail	SPR	CU/SPR	N	N	N	N	N
Petroleum/petroleum product storage for retail/wholesale sales, including fuel oil distributors	N	N	N	N	N	N	N
Petroleum/petroleum product use/storage for business use; more than 660 gallons of liquid fuel per parcel	SPR	SPR	SPR	N	N	N	N
Petroleum/petroleum product use/storage for business use; 660 gallons or less of liquid fuel ¹ per parcel	P	P	P	N	N	N	CU/SPR
Auto washing facilities	SPR	N	N	N	N	N	SPR ¹
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 *** <u>For all Use definitions please refer to Section XII</u>							

TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)							
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*
Commercial and Industrial Uses (continued)							
Discharge of commercial or industrial Nondomestic wastewater or wash water to an onsite septic disposal system	N	N	N	N	N	N	N
Light manufacturing, Warehousing & Storage, and Trucking & Distribution less than 5,000 sq ft gross floor area	SPR	SPR	SPR	N	N	N	CU/SPR***
Light manufacturing, 5,000 sq ft to 20,000 sq ft gross floor area	SPR	SPR	SPR	N	N	N	N
Warehousing & storage, 5,000 to 20,000 sq ft gross floor area	SPR	N	CU/SPR	N	N	N	N
Trucking & distribution facility, 5,000 to 20,000 sq ft gross floor area	SPR	N	CU/SPR	N	N	N	N
Wholesale business, research & development, light manufacturing, warehousing & storage, or trucking & distribution facility, 20,000 sq ft gross floor area or more	N	N	N	N	N	N	N
Excavating contractors and general contractors	SPR	SPR	SPR	N	N	N	SPR
Funeral homes	CU/SPR	CU/SPR	N	N	N	N	SPR
Commercial/industrial Nondomestic solid waste disposal, transfer station and/or recycling facility	N	N	N	N	N	N	N
Junkyard/auto graveyard/auto recycling	N	N	N	N	N	N	N
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. ***Except that the Planning Board may substitute "sq. ft. of Building Footprint" for "sq. ft. gross floor area", as long as the applicant shows that the additional square footage will not impact the site as far as standards of review such as parking, # of employees, and impervious surface restrictions, and any other requirements of review. [Amended 5/13/06] **** For all Use definitions please refer to Section XII							

TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)

**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 Protection¹	Residential Shoreland¹	Royal River Overlay*	Groundwater Overlay*
Utility Uses							
Essential services, excepting the following (a. and b.) ² [Amended 5/17/08]	P	P	P	SPR	SPR	P	CU/SPR
a. Roadside distribution lines (34.5kV and lower)	P	P	P	P	P	P	P
b. non-roadside or cross-country distribution lines	P	P	P	SPR	SPR	SPR	P
<u>Large scale ground mount solar energy system</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SPR</u>
Service drops, as defined, to allowed uses ³	A	A	A	P	A	P	A
Public utility buildings	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Oil pipelines	CU/SPR	CU/SPR	CU/SPR	CU/SPR	CU/SPR	CU/SPR	N
Telecommunications towers	SPR	CU/SPR	SPR	N	SPR	N	SPR
Institutional Uses							
Public and private schools	SPR	SPR	CU/SPR	N	N	N	SPR
Public and private schools over 50,000 sq ft	CU/SPR	N	N	N	N	N	CU/SPR
Day care and nursery schools	SPR	SPR	CU/SPR	N	N	N	SPR
Church including accessory residence	SPR	SPR	N	N	N	N	SPR
Cemetery ⁵	SPR	SPR	P	N	N	N	N
Library and museum	SPR	SPR	N	N	N	N	SPR
Fraternal and social institutions	SPR	CU/SPR	CU/SPR	N	N	N	CU/SPR
Municipal and other governmental buildings	SPR	SPR	SPR	N	N	N	SPR
New municipal transfer stations	SPR	SPR	SPR	N	N	N	N
Municipal recycling facility	SPR	SPR	N	N	N	N	SPR
Nursing home/congregate care	SPR	CU/SPR	N	N	N	N	SPR ⁴
Small non-residential facilities less than 5,000 sq.ft gross floor area for educational, scientific, or nature interpretation purposes	SPR	SPR	SPR	N	SPR	N	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. *** <u>For all Use definitions please refer to Section XII</u>							

¹ See restrictions Section 9-1. Residential Shoreland District and Resource Protection District Standards.

² Utilities (gas, water, power lines etc.) excluding service drops and buildings, as defined in Section XII. Definitions.

³ Electric and/or telephone utility line extensions, see restrictions in Section 9-1. Residential Shoreland District and Resource Protection District Standards.

⁴ Must be served by sewer or advanced wastewater treatment systems for on-site sewage disposal.

⁵ See Family Burial Ground

TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review)
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USES***	Village Center	Village Residential	Farm and Forest	Resource Protection	Residential Shoreland	Royal River Overlay*	Groundwater Overlay*
Recreational Uses							
Campground	N	N	SPR	N	SPR	CU/SPR	N
Individual campsite	P	P	P	P	P	P	P
Golf course including club house	SPR	SPR	SPR	CU/SPR ¹	SPR	N	N
Fully enclosed places of recreation	SPR	CU/SPR	N	N	N	N	SPR
Piers/Docks/Wharfs/Bridges – Permanent	P	P	P	SPR ²	SPR ²	SPR	SPR
Piers/Docks/Wharfs/Bridges – Temporary	P	P	P	P ²	P ²	P	P
Marinas/Sheds/Boating facilities	-	-	-	N	SPR	N	N
Non-intensive recreational uses not requiring structures, roads or parking facilities, such as hunting, fishing, hiking	A	A	A	A	A	A	A
Government and non-profit parks and outdoor recreation	P	P	P	CU/SPR	SPR	SPR	SPR
Public and private recreational areas involving no structural development; recreational trails	A	A	A	SPR	SPR	SPR	A
Natural Resource Based Uses							
Aquaculture	A	A	A	SPR	SPR	SPR	N
Agriculture ³	A	A	A	SPR	A	A	SPR
Commercial processing of vegetables/crops raised on premises	P	P	P	N	SPR	N	SPR
Commercial processing of poultry and/or livestock raised on the premises (meat packer, slaughterhouse)	SPR	SPR	SPR	N	N	N	N
Storage, handling, processing, disposal and/or utilization of sludge/ash	N	N	N	N	N	N	N
Forest management activities, except timber harvesting	A	A	A	A	A	A	A
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. *** For all Use definitions please refer to Section XII							

¹ Clubhouse prohibited in Resource Protection District.

² Excluding bridges and other crossings not involving earth work, in which case no permit is required. [Adopted 5/17/08]

³ Agriculture: The production, boarding, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; Christmas trees; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. Agricultural activities for personal use only, do not require a Permit from the Planning Board.

TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)							
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*
Natural Resource Based Uses (continued)							
Timber harvesting	A	A	A	P	A	A	SPR ¹
Mineral exploration	N	N	P	N	P	A	N
Mineral extraction (including sand & gravel) 100 cubic yards to 999 cubic yards within any 12-month period	A	A	A	N	CU/SPR	N	CU/SPR
Commercial mineral extraction (including sand & gravel) 1,000 cubic yards or more within any 12-month period	N	N	SPR	N	N	N	N
Lumber yards including milling, distribution of wood products, wholesale/retail sales of building materials	SPR	SPR	CU/SPR	N	N	N	SPR
Commercial processing of wood including cutting, sawing, splitting, and chipping	SPR	SPR	SPR	N	N	N	SPR
Landscaping business, nursery, garden center	SPR	SPR	SPR	N	N	N	N
Soil and water conservation practices	A	A	A	A	A	A	A
Surveying and resource analysis	A	A	A	A	A	A	A
Wildlife management practices	A	A	A	A	A	A	A
Municipal and Public Safety Signs	SPR	SPR	SPR	SPR	SPR	SPR	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.							
*** For all Use definitions please refer to Section XII							

¹ Permit required when timber harvest consists of more than 5 acres (this includes transportation or utility corridors).

TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)

**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*
Other Uses							
Abandoned wells	N	N	N	N	N	N	N ¹
Private airstrip	P	P	P	N	CU/SPR	N	CU/SPR ²
Commercial airport: fueling area or maintenance area	N	N	CU/SPR	N	N	N	N
Clearing or removal of vegetation for activities other than timber harvesting [Amended 5/17/08]	A	A	A	SPR	A	SPR	A
Demolition	P	P	P	P	P	P	P
Family Burial Ground [Amended 4/28/18]	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Filling and earth moving of less than 10 cubic yards	A	A	A	P	A	A	A
Filling and earth moving of 10 cubic yards or more	A	A	A	SPR	P	P	P
Emergency operations and fire prevention activities	A	A	A	A	A	A	A
Land reclamation	P	P	P	SPR	P	SPR	SPR
Storage of chemicals, including herbicides, pesticides or fertilizers <u>other than</u> amounts normally associated with individual households or farms	SPR	SPR	SPR	N	N	N	N
Subsurface waste disposal and sewage systems	P	P	P	P	P	P	P
Advanced wastewater treatment systems	P	P	P	P	P	P	SPR
Storm water impoundments	SPR	SPR	SPR	N	N	N	SPR
Wastewater impoundments	N	N	N	N	N	N	N
Industrial waste disposal	N	N	N	N	N	N	N

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.

*** For all Use definitions please refer to Section XII

¹ Must be filled with inert material; see Section 9-2. Groundwater Protection Overlay District: Best Management Standards.

² No more than 660 gallons of liquid fuel per parcel of land may be stored on-site.

Proposed changed to LUO Town of North Yarmouth Land Use Ordinance

TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)							
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*
Other Uses (continued)							
Parking associated with single family and two-family dwellings, and non-commercial farmsteads	A	A	A	N ¹	SPR	SPR	A
Parking associated with uses other than single family and two-family dwellings, and non-commercial farmsteads	SPR	SPR	SPR	N	SPR	SPR	SPR
Road, driveway construction	P	P	P	N ²	SPR	SPR	P
New or expanded driveway/entrance onto public road	P	P	P	N	SPR	SPR	P
Overnight storage or parking of vehicles and equipment containing over 50 gallons of fuel, excluding municipal storage and parking of vehicles	A	A	A	N	N	N	P
Covered sand and salt piles	P	P	P	N	N	N	SPR
Snow dumps	SPR	SPR	SPR	N	N	N	N
Railroad stations and railroad yards	CU/SPR	SPR	SPR	N	N	N	N
Underground fuel storage tanks, other than propane	P	P	P	N	N	N	N
Signs	P	P	P	P	P	SPR	P
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. *** For all Use definitions please refer to Section XII							

¹ See Section 9-1. Residential Shoreland District and Resource Protection District Performance Standards

² Except as provided in Section IX. Section 9-1.L. [Amended 5/17/08]

TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS [AMENDED 6/19/21]

District	Minimum Lot Size (Acres)	Maximum Residential Density ¹ (Acres)	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	70%	18' – 100'	20' MAX	25' MAX <i>on one side</i>	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 – 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 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 VC 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 50percent 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. GPD or gallon per day design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 gpdflows 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 toSection 11-3. Cluster Housing Development and Open Space Development.

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

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

SECTION 10.17 SEWAGE DISPOSAL

2. No on-site sewage treatment and disposal system greater than two thousand (2,000) gallon-per-day capacity shall be approved until the applicant has conducted a hydrogeologic assessment pursuant to Section 10.25 Water Quality, Subsection D. that demonstrates the following:
 - f. In the case of a brewery, winery, or distillery the Planning Board may require:
 1. The applicant to escrow funds for a third-party engineer to review the design of the wastewater disposal system and its safe containment system in order to prevent potential contamination to the area water supply.
 2. A document from the State of Maine verifying the wastewater disposal standards have been met.

SECTION 10.23 RECREATION AND OPEN SPACE LAND ~~IN DEVELOPMENTS~~ [AMENDED 6/19/21]

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

3. At least seventy five percent (75%) of the common open space shall be contiguous to other common open space area within the parcel being developed. Areas shall be considered contiguous if they are within one hundred (100) ft of each other and there are no impediments to access between areas.
4. No area of common open space shall be less than fifty (50) ft in its smallest dimension and less than ten thousand (10,000) sq ft in total, unless the proposed open space is sufficient to satisfy the requirements of this Section 10.23. Open space not meeting this standard may be permitted but must be for enhancement of the project and will not be counted toward the required common open space requirements.
5. The boundaries of any parcel of open space shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the open space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be limited to the extend necessary to accomplish this objective.

D. **Ownership and Maintenance of Common Open Space and/or Recreation Land:**

4. The following items must be submitted with the subdivision application:
 - a. A description of all common open space and any other lands and facilities proposed to be owned by the Town, a conservation organization, or a homeowner's association, or that will be permanently protected by conservation easements. This description shall include a map indicating the approximate location of these lands and facilities.
 - b. A description of proposed ownership arrangements for the parcels identified in Section 10.23.D.1.
 - c. A description of the proposed conservation restrictions that will permanently protect these parcels.
 - d. A description of proposed arrangements and the responsible party for the long-term stewardship of the common open space including management objectives and techniques for each parcel or area.

XII.DEFINITIONS [AMENDED 6/19/21]

Commercial Wastewater: Any wastewater from non-domestic sources, such as beauty salons or auto body repair shops, for example. This wastewater may contain hazardous materials and requires special treatment or disposal.

Domestic Wastewater: Any wastewater produced by ordinary living uses, including liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin. This definition includes wastewater from commercial, industrial, or residential sources which is of a similar quality (constituents and strength) to that produced by these same ordinary living uses.

Non-Domestic Wastewater: Any wastewater from commercial, industrial, or residential sources which has constituents unlike that of or of significantly higher strength than that of domestic wastewater.

Restaurant: A business establishment where food and drink are prepared, served, and consumed primarily within the principal building. Providing food to patrons shall clearly be the primary use and the serving of alcoholic beverages shall be ancillary (see Tavern).

Small Brewery: "Small brewery" means a facility that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed thirty thousand (30,000) barrels per year.

Small Distillery: "Small distillery" means a distiller that produces spirits in an amount that does not exceed fifty thousand (50,000) gallons per year.

Small Winery: "Small winery" means a facility that ferments, ages, and bottles:
A. Up to fifty thousand (50,000) gallons per year of its own wine that is not hard cider and
B. Up to three thousand (3,000) barrels per year of its own wine that is hard cider.

Tavern: A business establishment, serving either the public or a private party, where beverages and/or food are prepared, served, and consumed predominantly within the principal building. Serving beverages shall clearly be the primary use and providing food shall be ancillary (see Restaurant).

Large Scale Solar System: Ground Mount solar-electric system greater than five thousand (5,000) sq ft of air space.

Open Space: The portion of a lot or site which is maintained in its natural state or planted with grass, shrubs, trees or other vegetation and which is not occupied by buildings, structures or other impervious surfaces. A significant portion of the open space should include high value open space areas as identified in the Comprehensive Plan. ~~'s Open Space Plan.~~

Open Space Development: A subdivision with a very low residential density, less than one (1) residential unit on ten (10) acres, designed to preserve open space, and to permanently preserve high value openspace as defined in the Comprehensive Plan. ~~'s Open Space Plan.~~



TOWN OF NORTH YARMOUTH

The Town Where Others Began.

Certification of Proposed Amendments to the Land Use Ordinance (General Housekeeping) by the Municipal Officers

To: Debbie Allen Grover, Town Clerk

This is a true certified copy of the Proposed Amendments to the Town of North Yarmouth Land Use Ordinance. To be voted on at the Annual Town Meeting scheduled for the 30th day of April 2022, warrant articles to be assigned.

Given under our hands this 19th day of April 2022.

Select Board

Brian Sites, Chair

James Moulton, Vice-Chair

Paul Hodgetts

David Reed

Vacant

A majority of the Municipal Officers of North Yarmouth, Maine