

### Summary of proposed LUO changes

- 1 LUO Table 7.2 page 83 - Village Center Minimum Lot Size (1st row of table)  
Remove footnote #2 for Pocket Neighborhood Standards  
Remove footnote #4a - #4d for Village Center Minimum Lot Size
- 2 LUO Table 7.2 page 83 - Village Center Street Frontage (feet) (1st row of table)  
Remove Village Center Street Frontage (feet) 18' - 100' and replace with Minimum 50 feet
- 3 LUO Table 7.2 page 83 - Village Center Structure Setback from Property Lines (1st row of table)  
Remove Village Center Structure Setback from Property Lines Front Maximum 0-20' for Front and replace with 10' Minimum  
Remove Village Center Structure Setback from Property Lines Side Maximum of 25' and replace with 10' Minimum  
Remove Village Center Structure Setback from Property Lines Side Rear Minimum 5' and replace with 10' Minimum
- 4 LUO Table 7.2 page 83 Reduce Village Center Max Height (1st row of table)  
Remove Maximum Structure Height 3 stories no higher than 50 feet and replace with 2.5 stories no higher than 35 feet
- 5 LUO Table 7.1 page 74 - Define Discharge of commercial or industrial wastewater with footnote
- 6 LUO Section 3.1 - page 15 Remove CEO shall interpret - replace with apply  
Add sentence in the event ....  
Note: Maine State law does not give CEO authority to interpret the Land Use Ordinance
- 7 LUO Section 3.3 E.6. page 18, Remove "The CEO" and replace with "The Town Manager and Select Board"

Current

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

District	Minimum Lot Size (Acres)	Maximum Residential Density <sup>1</sup> (Acres)	Maximum Lot Coverage (%)	Street Frontage (feet)	Structure Setback From Property Lines (Feet) <sup>6</sup>			Maximum Structure Height (Feet)
					Front	Side	Rear	
Village Center <sup>2</sup>	1 acre <sup>4</sup>	N/A	70%	18' – 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 – 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 <sup>5</sup>	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**

<sup>1</sup> See Subsection C. for calculation of "net residential acreage", which is only applicable to subdivisions

<sup>2</sup> See Subsection D. for Pocket Neighborhood Standards.

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

<sup>4</sup> 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 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. GPD or 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.

<sup>5</sup> 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.

<sup>6</sup> 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'.

Proposed

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District	Minimum Lot Size (Acres)	Maximum Residential Density <sup>1</sup> (Acres)	Maximum Lot Coverage (%)	Street Frontage (feet)	Structure Setback From Property Lines (Feet) <sup>6</sup>			Maximum Structure Height (Feet)
					Front	Side	Rear	
Village Center	1 acre	N/A	70%	50' Min feet	10' Min	10' MIN	10' MIN	2.5 stories, no higher than 35 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	'Min 20	10 ' MIN	10 ' MIN	2.5 stories, no higher than 35 feet
Farm and Forest <sup>5</sup>	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3 net residential acres	20%	Min 200 feet	'Min 50	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	'Min 50	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	'Min 50	20 ' MIN	20 ' MIN	35'

**Table Continued on Next Page**

<sup>1</sup> See Subsection C. for calculation of "net residential acreage", which is only applicable to subdivisions

<sup>2</sup> N/A

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

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<sup>5</sup> 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

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*Cusset*

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 wastewater or wash water to an on site septic disposal system	N	N	N	N	N	N	N
Light manufacturing, Warehousing & Storage, and Trucking & Distribution less than 5,000 sq.ft. grossfloor area	SPR	SPR	SPR	N	N	N	CU/SPR***
Light manufacturing, 5,000 sq.ft. to 20,000 sq.ft. grossfloor area	SPR	SPR	SPR	N	N	N	N
Warehouse and storage, 5,000 to 20,000 sq.ft. grossfloor area	SPR	N	CU/SPR	N	N	N	N
Trucking & distribution facility, 5,000 to 20,000 sq.ft. grossfloor 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 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]

*Approved*

Town of North Yarmouth Land Use Ordinance

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	Village Center	Village Residential	Farm and Forest	Resource Protection	Residential Shoreland	Royal River Overlay*	Groundwater Overlay*			
<b>Commercial and Industrial Uses (continued)</b>										
Discharge of commercial or industrial wastewater or wash water to an on site septic disposal system – Footnote with definition	N	N	N	N	N	N	N			
Light manufacturing, Warehousing & Storage, and Trucking & Distribution less than 5,000 sq.ft. grossfloor area	SPR	SPR	SPR	N	N	N	CU/SPR***			
Light manufacturing, 5,000 sq.ft. to 20,000 sq.ft. grossfloor area	SPR	SPR	SPR	N	N	N	N			
Warehousing & storage, 5,000 to 20,000 sq.ft. grossfloor area	SPR	N	CU/SPR	N	N	N	N			
Trucking & distribution facility, 5,000 to 20,000 sq.ft. grossfloor 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 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			

### **III. ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 3.1 CODE ENFORCEMENT OFFICER (CEO) [AMENDED 5/17/08]**

The Code Enforcement Officer (CEO) shall interpret and enforce the provisions of this Ordinance and shall require compliance with its requirements and restrictions. The CEO shall adopt procedures to facilitate the handling of all matters and questions arising hereunder within the scope of the CEO's authority and duties. Any decisions of the CEO denying a permit shall be in writing, a copy of which shall be given to the applicant. Appeals from decisions of the CEO shall be to the Zoning Board of Appeals (ZBA) in accordance with the provisions of Section VI. Variances and Appeals.

The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.

The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of all records associated with essential transactions in the Residential Shoreland District and Resource Protection District shall be submitted to the Director of the Bureau of Land and Water Quality within the Maine Department of Environmental Protection.

#### **SECTION 3.2 APPROVALS AND PERMITS REQUIRED [AMENDED 5/17/08, 6/19/21]**

Activities involving the use of land, the construction, structural alteration, repair, enlargement or relocation of a building or structure, or the demolition of a building or structure may require approvals and/or permits under the requirements of this Ordinance. All land use activities, including those that may not otherwise require a permit, that are located within the Groundwater Protection Overlay District must comply with Section 9.2. Groundwater Protection Overlay District: Best Management Practices. No activity subject to an approval and/or permit shall commence until after the issuance of all required approvals and permits. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. The following approvals or permits shall be required:

- A. **Building/Land Use Permit from the Code Enforcement Officer:** No construction, structural alteration, enlargement, or relocation of a building or structure, or land use activity requiring a permit shall commence until after the issuance of a Building/Land Use Permit by the CEO in accordance with Section 3.3. Building Permits/Land Use Permits. A building or land use permit for new residential uses must meet the requirements of the Residential Growth Limitations in Section 3.3.E. No building or land use permit shall be issued until the proposed construction or alteration complies with the provisions of this Ordinance, approvals of the Planning Board or with a decision rendered by the Zoning Board of Appeals, as applicable.
- B. **Driveway/Road Entrance Permit from Code Enforcement Officer:** No person may build or construct a driveway or road that provides access to a public street without first obtaining a Driveway/Road Entrance Permit from the CEO in accordance with Section 8.4. Driveway/Road Entrance Permit Requirements and the Town's Roadway Ordinance.
- C. **Demolition Permit from the Code Enforcement Officer:** No demolition of a building or structure or major portion thereof, shall commence until after the issuance of a Demolition Permit from the CEO. **When demolition is proposed for a building or structure that was constructed prior to 1900**, the applicant must notify the North Yarmouth Historical Society in writing, and present

Proposed

### **III. ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 3.1 CODE ENFORCEMENT OFFICER (CEO) [AMENDED 5/17/08]**

The Code Enforcement Officer (CEO) shall apply and enforce the provisions of this Ordinance and shall require compliance with its requirements and restrictions. In the event the Ordinance is unclear or not specific, the CEO shall get direction and agreement on the proper rule application from both the Town Manager and the Planning Board. The CEO shall adopt procedures to facilitate the handling of all matters and questions arising hereunder within the scope of the CEO's authority and duties. Any decisions of the CEO denying a permit shall be in writing, a copy of which shall be given to the applicant. Appeals from decisions of the CEO shall be to the Zoning Board of Appeals (ZBA) in accordance with the provisions of Section VI. Variances and Appeals.

The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.

The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of all records associated with essential transactions in the Residential Shoreland District and Resource Protection District shall be submitted to the Director of the Bureau of Land and Water Quality within the Maine Department of Environmental Protection.

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- A. **Building/Land Use Permit from the Code Enforcement Officer:** No construction, structural alteration, enlargement, or relocation of a building or structure, or land use activity requiring a permit shall commence until after the issuance of a Building/Land Use Permit by the CEO in accordance with Section 3.3. Building Permits/Land Use Permits. A building or land use permit for new residential uses must meet the requirements of the Residential Growth Limitations in Section 3.3.E. No building or land use permit shall be issued until the proposed construction or alteration complies with the provisions of this Ordinance, approvals of the Planning Board or with a decision rendered by the Zoning Board of Appeals, as applicable.
- B. **Driveway/Road Entrance Permit from Code Enforcement Officer:** No person may build or construct a driveway or road that provides access to a public street without first obtaining a Driveway/Road Entrance Permit from the CEO in accordance with Section 8.4. Driveway/Road Entrance Permit Requirements and the Town's Roadway Ordinance.

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3. Applications for residential building permits shall be processed in the order that the CEO receives complete applications.
4. If the allowed number of residential building permits is not issued within the calendar year, they shall not be carried over to the next year.
5. **Exemptions:** Exempted from the provisions of this section shall be the following:
  - a. Lots which are created by way of a gift, sale or lease to a person related to the donor (that means a spouse, parent, grandparent, brother, sister, child, grandchild related by blood, marriage or adoption);
  - b. A dwelling to be built upon a lot that has been owned by a resident of North Yarmouth for at least 10 years, provided that resident both owned the property and has been a resident of North Yarmouth for at least 10 years, and that the dwelling will be occupied by that resident.
  - c. Accessory apartments
  - d. Affordable Housing, as defined herein
6. **Monitoring and Adjustment of the Residential Growth Limitation (Cap):** The Town Manager and Select Board shall track the number of residential permits issued and residential units constructed in each Zoning District on an annual basis. This data will be used to evaluate and adjust the Residential Growth Cap. The Residential Growth Cap shall be reviewed and updated no later than June 2007 to determine if it continues to be needed to control the pace, timing and location of development. The Residential Growth Cap is intended to allow only modest growth within the Farm and Forest District, Resource Protection District and Residential Shoreland District. The Residential Growth Cap in the Village Center District and the Village Residential District is to be phased out. Any future application of the residential growth cap shall be based on an evaluation of the effectiveness of the land use regulations in controlling and directing growth, anticipated population growth, and specific municipal needs, including the need for additional school capacity. Any re-implementation of the residential growth cap in the Village Center District or the Village Residential District beyond June 2007 shall require the following actions to be taken and criteria to be met:
  - a. A clear, quantified assessment of the fiscal or other municipal capacity problems that necessitate the continued imposition of a growth cap. The number of units, over and above the cap that could be reasonably expected if the cap were lifted must be identified. The municipal services impacted by development and unable to accommodate the additional units must be identified. Such identification will include a quantification of the services required by each unit and a clear quantification of existing capacity, demonstrating the lack of existing capacity.
  - b. The cap will be re-adjusted to allow growth at a rate demonstrated through the analysis completed in a. above.
  - c. The Capital Investment Plan and the Capital Improvement Plan will be reviewed and adjusted, as necessary, to address the capacity needs required to eliminate the growth cap.



1. **Calendar Year 2007 and Beyond.** For calendar year 2007 and beyond, the following shall apply:
  - a. In the **Village Center District and Village Residential District**, the residential growth limitation shall be lifted to allow for the issuance of an unlimited number of building permits for residential dwelling units.
  - b. In the **Farm and Forest District, Residential Shoreland District and Resource Protection District**, combined, building permits granted for the construction of new residential units shall not exceed 15 dwelling units per year. No single person, entity, corporation or developer may apply for more than 3 new dwelling permits per year.
2. The Zoning Board of Appeals shall have discretion to vary these requirements in the event of undue hardship based upon illness or disability.
3. Applications for residential building permits shall be processed in the order that the CEO receives complete applications.
4. If the allowed number of residential building permits is not issued within the calendar year, they shall not be carried over to the next year.
5. **Exemptions:** Exempted from the provisions of this section shall be the following:
  - a. Lots which are created by way of a gift, sale or lease to a person related to the donor (that means a spouse, parent, grandparent, brother, sister, child, grandchild related by blood, marriage or adoption);
  - b. A dwelling to be built upon a lot that has been owned by a resident of North Yarmouth for at least 10 years, provided that resident both owned the property and has been a resident of North Yarmouth for at least 10 years, and that the dwelling will be occupied by that resident.
  - c. Accessory apartments
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  - a. A clear, quantified assessment of the fiscal or other municipal capacity problems that necessitate the continued imposition of a growth cap. The number of units, over and above the cap that could be reasonably expected if the cap were lifted must be identified. The municipal services impacted by development and unable to accommodate the additional