Zoning Ordinance

Town of York, Maine

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ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2026

Certified by the Town Clerk: _____ (signature) on 5/20/2026 (date)

ARTICLE 1 – GENERAL PROVISIONS *Page 6*
- *1.1 SHORT TITLE*
- *1.2 APPLICABILITY*
- *1.3 PURPOSE*
- *1.4 EFFECTIVE DATE*
- *1.5 SCHEDULE OF FEES*

ARTICLE 2, DEFINITIONS *Page 13*

ARTICLE 3, ESTABLISHMENT OF ZONING DISTRICTS *Page 34*
- *3.1 LOTS DIVIDED BY DISTRICT BOUNDARIES*
- *3.2 CONFLICTS OF DISTRICTS*
- *3.3 MAPS INCORPORATED BY REFERENCE*
- *3.4 MAP OF BASE ZONING DISTRICTS*
- *3.5 DISTRICT BOUNDARY LINES*
- *3.6 RESERVED*
- *3.7 RESERVED*
- *3.8 SHORELAND OVERLAY DISTRICT*
- *3.9 WATERSHED PROTECTION OVERLAY DISTRICT*
- *3.10 RESERVED*
- *3.11 RESERVED*
- *3.12 WETLANDS PROTECTION OVERLAY DISTRICT*
- *3.13 YORK VILLAGE HOSPITAL OVERLAY DISTRICT*
- *3.14 YORK VILLAGE AFFORDABLE ELDERLY HOUSING OVERLAY DISTRICT*
- *3.15 RESERVED*
- *3.16 WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT*
- *3.17 FARM ENTERPRISE OVERLAY DISTRICT*

ARTICLE 4, USE REGULATIONS *Page 40*
- *4.1 BASE ZONE REQUIREMENTS*
- *4.2 PROHIBITED USES*
- *4.3 ADDITIONAL REQUIREMENTS*

ARTICLE 5, DIMENSIONAL REGULATIONS *Page 92*
- *5.1 GENERAL REQUIREMENTS*
- *5.2 SCHEDULE OF DIMENSIONAL REGULATIONS*
- *5.3 MINIMUM FLOOR AREA*
- *5.4 DENSITY*
- *5.5 RIGHT-OF-WAY STANDARDS*
- *5.6 AMATEUR RADIO ANTENNAS*

ARTICLE 6, SUPPLEMENTAL USE REQUIREMENTS *Page 104*
- *6.1 NON-RESIDENTIAL PERFORMANCE STANDARDS (APPLICABLE TO RES-1, RES-2, RES-3, RES-4, BUS-1, BUS-2, YBVC, YVC-1, YVC-2, GEN-1, GEN-2 & GEN-3 DISTRICTS)*
- *6.2 COMMERCIAL DEVELOPMENT REQUIREMENTS (APPLICABLE TO RES-1, RES-2, RES-3, YBVC, YVC-1, YVC-2, GEN-1, GEN-2 & GEN-3 DISTRICTS)*
- *6.3 PERFORMANCE STANDARDS APPLICABLE TO ALL NON-RESIDENTIAL AND MULTI-FAMILY USES IN THE ROUTE ONE DISTRICTS*
- *6.4 ADDITIONAL PERFORMANCE STANDARD APPLICABLE TO YBVC*
- *6.5 PERFORMANCE STANDARD TO CONTROL EROSION*
- *6.6 PROHIBITION OF DUMPING INTO WATERBODIES, WETLANDS AND MAN-MADE DRAINAGE FACILITIES*
- *6.7 PERFORMANCE STANDARDS FOR MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES*

ARTICLE 7, SPECIAL PROVISIONS _____ *Page 119*
- *7.1 TEMPORARY USE OF MANUFACTURED HOUSING UNIT*
- *7.1-A TEMPORARY USE OF RECREATION VEHICLE*
- *7.2 CAMPGROUNDS*
- *7.3 OPEN WINTER STORAGE OF VACANT CAMPER/TRAILER VEHICLES*
- *7.4 HOME OCCUPATIONS*
- *7.5 CONVERSION OF HISTORIC BUILDINGS*
- *7.6 OPEN SPACE CONSERVATION HOUSING SUBDIVISION APPLICATION* (Formerly known as the Cluster Housing Subdivision Application)
- *7.7 BED AND BREAKFAST OPERATIONS*
- *7.8 ELDERLY HOUSING STANDARDS*
- *7.9 ACCESSORY RESIDENTIAL UNIT*
- *7.10 RESTAURANT ACCESSORY TO RETAIL USE*
- *7.11 OVERBOARD DISCHARGE SYSTEMS*
- *7.12 PROPANE TANKS*
- *7.13 CONVERSION OF BUILDINGS TO AFFORDABLE APARTMENTS*
- *7.14 OCCUPANCY OF SEASONAL DWELLINGS*
- *7.15 CULTURAL FACILITIES STANDARDS*
- *7.16 COMMERCIAL FUNCTIONS ON RESIDENTIAL LOTS ACCESSORY TO RESIDENTIAL USE*
- *7.17 ACCESSORY DWELLING UNITS*
- *7.18 MEDICAL MARIJUANA*
- *7.19 OUTDOOR SEATING FOR RESTAURANT USES*

ARTICLE 8, SHORELAND OVERLAY DISTRICT _____ *Page 146*
- *8.1 DIMENSIONAL STANDARDS FOR LOTS*
- *8.2 LAND USES PERMITTED IN THE SHORELAND OVERLAY DISTRICT*
- *8.3 LAND USE STANDARDS*

ARTICLE 9, SUSTAINABLE ENERGY EFFICIENT BUILDINGS _____ *Page 176*
- *9.1 PURPOSE*
- *9.2 STANDARDS FOR NEW MUNICIPAL BUILDINGS*
- *9.3 STANDARDS FOR PRIVATE BUILDINGS*

ARTICLE 9-A, SMALL WINDMILLS _____ *Page 177*
- *9-B.1 PURPOSE*
- *9-B.2 APPLICABILITY*
- *9-B.3 PERMITTING*
- *9-B.4 DIMENSIONAL STANDARDS*
- *9-B.5 STANDARDS FOR BUILDING INTEGRATED, BUILDING-MOUNTED PHOTOVOLTAIC, ROOF-MOUNTED AND SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS*
- *9-B.6 STANDARDS FOR MEDIUM AND LARGE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEMS*

ARTICLE 9-B, SOLAR ENERGY SYSTEMS _____ *Page 180*
- *9-A.1 PURPOSE*
- *9-A.2 CAPACITY*
- *9-A.3 LOCATION AND DIMENSIONAL STANDARDS*
- *9-A.4 PERFORMANCE STANDARDS*
- *9-A.5 ABANDONMENT OF USE*

ARTICLE 10, WATERSHED PROTECTION OVERLAY DISTRICT _____ *Page 183*
- *10.1 WATERSHED PROTECTION DISTRICT*
- *10.2 LAND USES*
- *10.3 PERFORMANCE STANDARDS*
- *10.4 DIMENSIONAL STANDARDS*
- *10.5 ADMINISTRATION AND ENFORCEMENT*
- *10.6 SUBMISSIONS*
- *10.7 NONCONFORMITIES*

ARTICLE 10-A, ELDERLY CONGREGATE HOUSING STANDARDS_____ Page 188
10-A.1 APPLICABILITY
10-A.2 GENERAL STANDARDS
10-A.3 DIMENSIONAL REGULATIONS
10-A.4 PERFORMANCE STANDARDS

ARTICLE 10-B, YORK VILLAGE HOSPITAL OVERLAY DISTRICT _____ Page 191
10-B.1 PURPOSE
10-B.2 DESIGN STANDARDS

ARTICLE 10-C, YORK VILLAGE AFFORD. ELDERLY HOUSING OVERLAY ___ Page 192
10-C.1 PURPOSE
10-C.2 STANDARDS
10-C.3 CONFLICT

ARTICLE 10-D, YORK RIVER WATERSHED OVERLAY DISTRICT _____ Page 193

ARTICLE 10-E, YORK VILLAGE CENTER OVERLAY DISTRICT _____ Page 194
10-E.1 PURPOSE
10-E.2 LOT' COVERAGE LIMITS
10-E.3 MUNICIPAL BUILDING HEIGHT

ARTICLE 10-F, WORKFORCE AFFORD. HOUSING OVERLAY DIST. _____ Page 195
10-F.1 WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT
10-F.2 LAND USES
10-F.3 DIMENSIONAL REGULATIONS
10-F.4 PERFORMANCE STANDARDS
10-F.5 PERMIT AUTHORITY
10-F.6 GOVERNANCE
10-F.7 SELECTION PRIORITIES

ARTICLE 10-G, FARM ENTERPRISE OVERLAY DISTRICT_____Page 200
10-G.1 PURPOSE
10-G.2.a ALLOWED AGRICULTURE-RELATED USES
10-G.2.b PROHIBITED COMMERCIAL USES
10-G.2.c SPECIAL EVENTS
10-G.3 ADMINISTRATION
10-G.4 PERFORMANCE STANDARDS
10-G.5 DIMENSIONAL STANDARDS

ARTICLE 10-H, OUTDOOR LIGHTING ORDINANCE_____ Page 202
10-H.1 PURPOSE
10-H.2 DEFINITIONS
10-H.3 APPLICABILITY
10-H.4 EXEMPT AND PROHIBITED OUTDOOR LIGHTING
10-H.5 STANDARDS FOR NON-RESIDENTIAL USES AND MULTI-FAMILY DWELLINGS
10-H.6 STANDARDS FOR SINGE-FAMILY AND TWO-FAMILY DWELLINGS
10-H.7 WAIVERS
10-H.8 PROCEDURES, PENALTIES FOR OFFENSES

ARTICLE 10-I, YORK BEACH GREENWAY DISTRICT _____ *Page 209*

ARTICLE 11, WETLAND PROTECTION OVERLAY DISTRICT _____ *Page 211*
11.1 PURPOSE
11.2 WETLAND PERMIT
11.3 PERMITTED USES
11.4 CONDITIONS
11.5 BUILDING PERMITS

ARTICLE 12, HISTORIC AND ARCHEOLOGICAL RESOURCES _____ *Page 213*
12.1 DEFINITIONS
12.2 CREATION AND ORGANIZATION OF HISTORIC DISTRICT COMMISSION
12.3 DUTIES, FUNCTIONS, AND POWERS OF THE COMMISSION
12.4 QUALIFICATIONS
12.5 ESTABLISHMENT OF HISTORIC DISTRICTS, HISTORIC SITES, OR HISTORIC LANDMARKS
12.6 HISTORIC DISTRICTS, SITES, AND LANDMARKS DESIGNATED
12.7 APPLICATION OF ZONING ORDINANCES
12.8 IMPROVEMENTS NOT REQUIRING HISTORIC DISTRICT COMMISSION REVIEW
12.9 IMPROVEMENTS REQUIRING HISTORIC DISTRICT COMMISSION REVIEW
12.10 APPLICATIONS FOR CERTIFICATES OR APPROPRIATENESS OR DEMOLITION
12.11 APPLICATION PROCEDURE
12.12 APPLICATION CONTENTS
12.13 MEETINGS, HEARINGS, AND APPLICATION REVIEW
12.14 STANDARDS OF REVIEW
12.15 VISUAL COMPATIBILITY FACTORS
12.16 PROPERTY TAX REFUND POLICY
12.17 DEMOLITION DELAY

ARTICLE 13, MODULAR HOMES, MANUFACTURED HOUSING AND MANUFACTURED HOUSING PARKS _____ *Page 231*
13.1 MODULAR HOMES
13.2 MANUFACTURED HOUSING
13.3 MANUFACTURED HOUSING PARKS
13.4 DOCUMENTATION OF TAX PAYMENT
13.5 STATE PREEMPTION

ARTICLE 14, CONVERSION OF SEASONAL DWELLINGS _____ *Page 234*
14.1 RESTRICTIONS
14.2 ADMINISTRATION

*ARTICLE 15, PARKING*_____ *Page 235*
15.1 PROVISIONS APPLICABLE TO ALL DISTRICTS
15.2 ALTERNATIVE PARKING STANDARDS IN THE YBVC ZONING DISTRICT
15.3 PARKING PERFORMANCE STANDARDS IN THE YVC-1 & YVC-2 ZONING DISTRICTS
15.4 LEGALIZATION OF OFF-SITE PARKING AGREEMENTS

ARTICLE 15-A, TRAFFIC SAFETY _____ *Page 240*
15-A.1 PURPOSE
15-A.2 OVERVIEW OF PROCESS
15-A.3 INITIAL ASSESSMENT
15-A.4 FULL TRAFFIC STUDY
15-A.5 PERFORMANCE STANDARDS

ARTICLE 16, SIGN STANDARDS _____ *Page 242*

16.1 PURPOSE
16.2 SIGN TYPES
16.3 PERFORMANCE STANDARDS
16.4 ILLUMINATION OF SIGNS
16.5 DIMENSIONAL STANDARDS
16.6 TEMPORARY SIGNS
16.7 EXEMPTIONS
16.8 NON-CONFORMING SIGNS
16.9 PROHIBITED SIGNS AND DISPLAYS

SUMMARY TABLE OF DIMENSIONAL STANDARDS

SUMMARY TABLE OF PERMITTING AUTHORITY BY SIGN TYPE

ARTICLE 17, NON-CONFORMING SITUATIONS _____ Page 252
17.1 NON-CONFORMING USES
17.2 NON-CONFORMING STRUCTURES
17.3 NON-CONFORMING LOTS OF RECORD
17.4 NON-CONFORMING DESIGN

ARTICLE 18, ADMINISTRATION _____ Page 258
18.1 ROUTE ONE USE PERMITS
18.2 SHORELAND PERMITS
18.3 DELEGATION OF SMALL WINDMILL REVIEW AUTHORITY
18.4 WATERSHED PROTECTION OVERLAY DISTRICT PERMITS
18.5 WETLAND PERMITS
18.6 HISTORIC OVERLAY DISTRICT
18.7 CONVERSION OF SEASONAL DWELLINGS
18.8 APPEALS AND BOARD OF APPEALS
18.9 RESERVED
18.10 YORK BEACH VILLAGE CENTER DESIGN STANDARDS
18.11 WIRELESS COMMUNICATIONS FACILITIES
18.12 COMMUNITY FACILITIES IMPACT FEE PROGRAM
18.13 SHORELAND AND WETLAND MITIGATION POLICY
18.14 RESERVED
18.15 DELEGATION OF SITE PLAN REVIEW AUTHORITY
18.16 CONDOMINIUM CONVERSION
18.17 PROFESSIONAL CERTIFICATION OF PROJECT COMPLIANCE
18.18 PLANNED GROWTH ORDINANCE

ARTICLE 18-A, APPLICATION REVIEW PROCEDURES _____ Page 271
18-A.1 DEFINITIONS
18-A.2 GENERAL PROVISIONS
18-A.3 APPLICATION FEES
18-A.4 APPLICATION PROCESS FOR PERMIT ISSUES BY THE CEO
18-A.5 APPLICATION PROCESS FOR BOARD APPROVAL

ARTICLE 19, ENFORCEMENT AND VIOLATIONS _____ Page 277

ARTICLE 20, AMENDMENTS _____ Page 278

ARTICLE 21, SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES_ Page 279

ARTICLE ONE

GENERAL PROVISIONS

1.1 Short Title

This ordinance shall be known as the "ZONING ORDINANCE" of the Town of York, Maine.

1.2 Applicability

This Ordinance shall apply to all of the land area within the Town of York, including land in the former York Harbor Village Corporation area and land in the former York Beach Village Corporation.

1.3 Purposes

1.3.1 General

In the broadest sense, the Zoning Ordinance helps protect public health, safety and welfare by encouraging appropriate use of land and protection of resources by following policy directions of the Comprehensive Plan and State Statutes. The remainder of this section describes what citizens of York seek to achieve with zoning.



York has a large land area with a diversity of landscapes: seashore, tidewater, forested hills, open fields, and picturesque villages. Intensity of development ranges from large, wild undeveloped tracts of land around Mt. Agamenticus to rural farms and forests to suburban-style neighborhoods to densely developed villages. From its historical beginnings, the landscape has influenced settlement patterns, and to this day the Mountain, Cape Neddick, the Village, the Harbor, the Beach and other areas of Town have retained much of their distinctive personalities.

A large influx of seasonal residents and tourists swells the population several fold in the summer. There is a trend toward the seasonal influx starting earlier and ending later. Conversion of homes from seasonal to year-round use is contributing to the growing year-round population.

Sitting astride Interstate 95 and served by the last exit south of the tollbooth, York is highly susceptible to regional influences. York is within commuting distance of three major metropolitan areas--Portsmouth, Portland and Boston. Good highway infrastructure and the impending arrival of the Boston-Portland passenger rail service put York at great risk of increased use as a bedroom community. While regional influences can bring diversity and enrichment to the Town, they also stress the unique community character which citizens highly value. The balance between regional and local control should favor the local community whenever such decisions are possible.

Among the oldest towns in Maine, York's historic and archeological resources are important. These resources are varied and scattered throughout town, though there are some concentrations. Protection of historic resources is more complex than only preserving colonial buildings. Land features have historic significance. Archeological sites may be obliterated by development. Some buildings are important representations of more recent eras, such as the old Chevy dealership in the Village and the row of summer houses along Long Sands Beach.

York's natural resource base is highly varied and fragile, and contributes greatly to the Town's quality of life. The Atlantic Ocean dominates the eastern edge of Town with its rocky coast, the beaches, and the harbor. Inland, the land rises to Mount Agamenticus and nearby hills. Slopes are generally moderate, but soils are generally poor. Wetlands

and shorelands abound and need careful protection. The tidal York and Cape Neddick rivers lie almost entirely within York, and the York River is the dominant landscape feature on the southwestern side of York. The Town wants to enhance sustainable resource-based activities including farming, forestry, fishing, recreation and hunting.

An extensive, undeveloped block of forested open space surrounds Mount Agamenticus and the watersheds of the York and Kittery water supplies. Protection of these surface water supplies is of paramount importance. This area is also where the Northern forest blends into the Southern forest, presenting a rich diversity of plant communities. Further fragmentation of this area by development and new roads should be discouraged. This area, and other large, unbroken tracts of land are important wildlife habitat, and in general have high recreation, existence and aesthetic values.

The visual character of York is exceptional, and is an important factor contributing to quality of life and the economy. The natural and historic resources contribute significantly, as does protecting open space, encouraging compatible design of development, retaining narrow, winding tree-lined roads, and maintaining the strong contrasts between different areas in the community. Scenic vistas abound, many of which are public views across well-managed private land.

Access to and responsible use of natural resources is important. Townspeople continue to seek access to natural resources, open space, and the ocean. However, there are concerns associated with access. Rights of ownership, overuse of resources, and vandalism are a few of the concerns that must be addressed. Ideally access can continue to be accommodated and expanded through cooperative arrangements with private property owners.

Tourism makes a significant contribution to York's economy. The tourism industry and seasonal housing provide income for residents. Seasonal housing generates net property tax revenues. Seasonal businesses and housing should be maintained. Tourists and seasonal residents are drawn to York, in large part, because of its beaches, its waterfront, its scenic beauty, and its historic small town character.

Other than tourism, there is a growing year-round business sector in the community. Several large-scale businesses have been established in York in recent years. While there are questions about scale and character of the big, new development, there is support for continued development of small, locally owned businesses. Home-based businesses, traditional resource-based businesses (especially farming, forestry, and fishing), and other businesses which can meet stringent performance standards are desired.

Housing in York is problematic. There is a deficit of elderly and affordable housing despite the housing construction boom. Large, expensive homes are being built throughout Town, often out of scale with the surrounding neighborhoods. An adequate supply of seasonal housing should be maintained. Incentives are needed to help provide elderly and affordable housing to serve community needs.

Roads range from narrow, winding, tree-lined roads to the six lanes of I-95. The network of arterial and collector roads is congested with seasonal traffic, and congestion is becoming a year-round issue. Development along Route One is congesting the road, requiring added traffic signals, and is changing the character of the highway corridor. Historic rural and neighborhood roads contribute significantly to the Town's character. Neighborhood roads should be designed to control traffic flow, reduce speeds, and reduce conflicts with pedestrians and bicyclists. The Town should seek to keep rural gravel roads unpaved. New and re-constructed roads should be designed to have effective shared-use design for multiple modes. Traffic calming and access management should be promoted to prevent congestion, increase safety and reduce air pollution. Automobile access to the beaches is indirect and adds to circulation problems in York Village and the Harbor. Pedestrian circulation is often difficult and dangerous in the villages, which should be safe and pleasant. There are few provisions for bicycle circulation anywhere in York. Parking should be redesigned in York Village and at the beach. Zoning which controls commercial trucking in residential neighborhoods should be encouraged.

The component communities within the Town of York from the outset of settlement expected to serve a variety of functions such as farming, fishing, forestry, commerce, shipping, and governance. They are defined both economically and politically. They have evolved until the present, still distinctive in character, but integral to the whole community.

While York is not strictly speaking a small town, its people take pride in York's small town character. Attributes of the Town of York which exemplify small town character are: a small town's heritage; few traffic lights; low population density when calculated over the entire land mass; unique and distinguishable village, residential and rural areas; interaction of people in town; high regard among people in different parts of town; volunteer fire department; a sense of safety; knowing the people with whom one does business; and a local labor force. Enhancing the ability of York's citizens to afford homes in their community and to create and sustain low impact businesses in York is vital to the character of the community.

In general the villages have: higher population density; compromised pedestrian and bicyclist circulation; local, owner-operated businesses; public services and infrastructure; acquaintances among business people and residents; and a mix of small scale residential, commercial, historic and civic land uses. Each village has its unique combination of these attributes. Zoning should allow continuation and enhancement of these characteristics. Existing villages should continue to serve both residents and tourists.

The attributes of rural lands in York are mixed land use which includes home occupations and traditional rural uses such as: farming, forestry, and fishing; narrow, tree-lined roads, open space between homes (which is different from spacing in the village centers); separation of built areas by natural features such as forests, water or fields; open spaces between villages; abundance of natural resources; large unbroken tracts of land and water; scenic vistas; public lands; lack of infrastructure; recreational lands; low overall density; and appropriately scaled buildings. Businesses in the rural area should "look good", mitigate adverse impacts and be an asset to the community. In between the rural areas and village centers are a range of lower density, primarily residential areas on the east of Route One, and commercial activities along the Route One corridor.

It is important for the Town to recognize that many property owners practice responsible and sustainable resource management. In matters ranging from preservation of historic buildings to keeping open land undeveloped to engaging in sustainable forestry practices, many property owners do a great job and deserve the Town's thanks. Still, individuals make decisions that cause change. Development can inalterably change the community. Through this Ordinance, the Town must strike a balance between rights of development and the public interest.

Zoning should allow the capability of building in harmony with natural and historic resources, require the preservation of unique characteristics of the surrounding properties, and maintain traditions of established land uses. The design of new development should be compatible in scale, mass, height, roof line, rhythm, transparency, setback, and other such elements with the design of surrounding properties and landscape. Development must not compromise the unique characteristics of York and its neighborhoods with standardized, uniform or franchise designs.

It is perceived by citizens that a sense of the character of those components or segments of the community is being lost to newcomers, neutralized by homogenous architecture, and paved over with development. There is deep concern that the rich heritage of a complex community is about to be lost. In conclusion, York is wonderful and unique and its citizens want to protect it. Change should be slow, planned, sustainable, in harmony with nature, aesthetically pleasing, financially sound, and of minimal impact to existing properties. A strong zoning ordinance that protects and enhances the community is required. - **AMENDED 11/07/2000**

1.3.2 Concerning the Rt. One-1, Rt. One-2, Rt. One-3, Rt. One-4, Rt. One-5 and Rt. One-6 Zones
- AMENDED 11/05/1996

1.3.2.1 General

a. To protect and promote public and traffic safety;
b. To manage development patterns to meet the needs of York's year-round and seasonal residents and its tourism oriented economy;
c. To encourage the most appropriate use of land along various sections of Route One, based upon its location, existing development patterns and desired future growth patterns;
d. To conserve and promote York's scenic beauty and attractiveness as a residential town and tourist center;
e. To establish fair and reasonable standards for evaluating each development proposal on its own merits, and to effectively manage project impacts; and;
f. To protect property values.

1.3.2.2 To this end, property along Route One has been divided into six separate zoning districts with the following specific purposes:

a: Route One-1 Zone (River Protection)

To establish an area that:

1. Protects the aesthetic and environmental quality of the York River;
2. Serves as an attractive gateway to the Town of York; and
3. Allows only a limited number of compatible uses: residential, public, educational and small scale professional offices.

b. Route One-2 Zone (Small Makes Sense)

To establish an area where:

1. Small scale commercial, office and service business uses can prosper; and
2. Residential use can co-exist with commercial use.

c. Route One-3 Zone (Big Makes Sense)

To establish an area where:

1. Large scale business, including industry, commercial, service business, professional offices, restaurants and hotels/motels can prosper;
2. Adequate public services can be delivered to this centrally located area to support the size and number of businesses; and
3. To provide for a sufficiently wide range of goods, services and attractions, in keeping with the essential needs of York's residents and tourists.

d. Route One-4 (Tourism/Recreation)

To establish an area where:

1. Uses that complement York's prime economy as a family-oriented tourism area are encouraged; and
2. Uses that promote the extension of public sewer to this section of Route One are allowed.

e. Route One-5 Zone (Cape Neddick Village)

To establish an area where:

1. The existing appearance and village character of the Cape Neddick area is promoted and which future development must satisfy; and
2. Residential, small-scale commercial, office and restaurant uses can occur to create a village atmosphere.

f. Route One-6 Zone (Rural Mixed Use)

To establish an area where:

1. The existing rural character of this area is protected by requiring most uses to retain existing trees as protective aesthetic buffers; and

2. A large variety of uses are permitted, provided each use satisfies applicable standards. - **AMENDED 11/05/1996**

1.3.3 Concerning the Shoreland Overlay District

The purposes of the Shoreland Overlay District are: to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. - **AMENDED 05/09/1992**

1.3.4 See §11.1. - AMENDED 11/07/2000

1.3.5 Concerning the Watershed Protection Overlay District

1.3.5.1 To protect and maintain the present quality and quantity of potable water supplied to residents of York and Kittery from Chases Pond, Folly Pond, Middle Pond, Boulter Pond and Bell Marsh Pond;

1.3.5.2 To prevent and control pollution of surface water and groundwater in the watersheds of Chases Pond, Folly Pond, Middle Pond, Boulter Pond and Bell Marsh Pond;

1.3.5.3 To maintain safe and healthful environmental conditions in the watersheds of Chases Pond, Folly Pond, Boulter Pond, Middle Pond, and Bell Marsh Pond;

1.3.5.4 To restrict or control uses involving hazardous materials or other contaminants which, if introduced to the ground or groundwater, cannot be rendered harmless by dilution or by the attenuative capacity of the soil before reaching the public water supply; and

1.3.5.5 To minimize disturbance within the watersheds in order to maintain good water quality.

1.3.6 Reserved

1.3.7 Concerning Manufactured Housing

1.3.7.1 To establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A M.S.R.A., Section 4358;

1.3.7.2 To require that manufactured housing be compatible with site built homes; and

1.3.7.3 To provide opportunities for the location of affordable and safe housing within the community.

1.3.8 Concerning Non-Conforming Situations

1.3.8.1 To establish realistic standards by which vacant non-conforming lots of record can be reasonably developed;

1.3.8.2 To establish realistic standards so that existing non-conforming structures can be properly maintained and repaired; and

1.3.8.3 To establish realistic standards by which non-conforming uses can continue, or be changed to other less non-conforming uses or to conforming uses.

1.3.9 Concerning Non-Residential Development

1.3.9.1 To establish minimum performance standards for non-residential uses in order to mitigate adverse impacts upon adjacent residential uses;

1.3.9.2 To establish performance standards which serve public health, safety and welfare objectives by regulating the sight distances from accesses to non-residential properties, the storage and disposal of waste, explosive or toxic substances, surface run-off and by visually buffering non-residential uses and off-street parking from adjacent resident uses; and

1.3.9.3 To achieve the above objectives while at the same time allowing for the general purpose uses of rural land as called for in the ordinance.

1.3.10 Concerning Conversion of Seasonal Dwellings

1.3.10.1 To regulate the conversion of structures presently used as motels, hotels, private cottages, and tourist or guest cottages into dwellings for which year-round use is designed or anticipated;

1.3.10.2 To recognize that seasonal dwellings, as originally designed or constructed, generally do not meet the standards ordinarily applicable to residential dwellings;

1.3.10.3 To recognize that while such non-conformance may be tolerable in dwellings that are used only periodically or by transient visitors, the public health, safety and welfare requires that such dwellings be upgraded if they are to be used on a year-round basis; and

1.3.10.4 Consequently, it is the intent of this ordinance that no seasonal dwelling be converted to a year-round dwelling unless the dwelling will conform to all land use regulations that would be applicable to that dwelling if it were being newly-constructed as a year-round dwelling.

1.3.11 Concerning Historic Buildings and Sites

1.3.11.1 To provide a legal framework within which the residents of the Town of York can protect the historic, architectural, and cultural heritage of its historically significant areas, landmarks, and sites in the community, while accepting as appropriate, compatible new construction;

1.3.11.2 To prevent the loss of architectural history which serves to give beauty and pleasure to residents, attract visitors and new residents, give the Town a particular character, and educate the community about its past;

1.3.11.3 To protect the outward appearance and architectural features of designated sites or landmarks and structures within designated districts;

1.3.11.4 To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts;

1.3.11.5 To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures; and

1.3.11.6 To accept new buildings and structures in designated districts, which are designed and built in a manner which is in compliance with the character of the district.

1.3.12 Concerning Open Space Conservation Subdivisions

As an alternative to conventional residential subdivision design, the purpose of open space conservation subdivision design is to protect important components of the natural and cultural environment while encouraging quality residential neighborhood design. The primary mechanism to accomplish this purpose is the reduction of individual lot sizes and dimensional standards, with the balance of land set aside into a common open space. There is an economic incentive to pursue open space conservation development by developers—reduced cost of infrastructure construction, and improved quality of development product—but this is of secondary importance compared to the public purposes of protection of natural and cultural resources.

The purpose of the open space may vary, but shall include one or more of the following public purposes:

A. Protection of open space, particularly those un-fragmented blocks of land that are 550 acres or more in size as identified in the Existing Land Use Chapter of the Comprehensive Plan Inventory and Analysis. These areas are important for wildlife habitat (biodiversity), recreation, scenic values, and contributions to small town character.
B. Provision of undeveloped corridor connections between adjacent un-fragmented blocks of land, particularly between those of 550 acres or more in size as this will magnify the open space value for biodiversity and for recreation.
C. Protection of land for farming or forestry.
D. Protection of historic and archaeological resources.
E. Protection of cemeteries and burial grounds.
F. Maintenance of existing public access to shoreland areas, or provision of new public access to shoreland areas.
G. Preservation of scenic vistas from public ways or public lands.
H. Protection of other unique natural or cultural features on a property, as may be determined to be of public benefit by the Planning Board. The Board may base such decisions on the Town's Comprehensive Plan, other local, regional and state policies, best available science, private studies, and other such references found to be credible by the Board. - **AMENDED 11/02/1993, 11/08/2005, 11/06/2018**

1.3.13 Concerning Village Zones

The Comprehensive Plan recognizes the unique conditions in four village centers in Town, including York Village, York Harbor, York Beach, and Cape Neddick. Within each of these areas, standards relating to use, dimensions, density and design should be treated differently than in other areas of the community.

A. Goal for the York Beach Village Area. Promote an attractive, inviting, safe, pedestrian-focused, family-oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process. - **AMENDED 11/04/2008**

B. Goal for the York Village Center Districts. Promote an attractive, inviting, safe, pedestrian-focused, family-oriented, four season environment; safeguard the historic architecture, character and diversity; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process. - **AMENDED 05/21/2016**

1.4 Effective Date

This Ordinance shall take effect and be in force immediately upon its adoption.

1.5 Schedule of Fees

Fees shall be charged for all permits and approvals required pursuant to this Ordinance.

A. The Board of Selectmen shall adopt a schedule of fees for applications. The Board of Selectmen may amend the schedule as necessary. A public hearing shall be required prior to adoption or amendment.

B. Fees shall reflect the costs associated with the Town's cost of processing and administering applications, including but not limited to secretarial time, postage, copying, supplies, recording of meeting minutes, in-house staff reviews, and archiving of records, but not including outsourced professional reviews because those costs are addressed separately (see §1.6).

C. The fees collected may be utilized as user-fees by the department or board that administers the application process if expressly authorized by the Board of Selectmen in their adopted Schedule of Fees.

D. The fees collected pursuant to this Ordinance shall be in addition to those fees required pursuant to other Town ordinances and regulations, and shall be in addition to required reimbursement for outsourced assistance. - **AMENDED 11/08/2005**

ARTICLE TWO

DEFINITIONS

Words and terms used in this ordinance shall be defined as follows. Any word or term not defined herein shall take on its common dictionary definition.

ABUTTER: For purposes of notification, an abutter is the owner of any property, excluding street rights-of-way, within 200 feet of the applicant's property. Determination of the names and addresses shall be based on the Town's property tax records as available to the public not more than 7 days prior to the mailing. For purposes of testimony, an abutter shall also include any person or entity able to show they might possibly be affected by an application. (NOTE: a water district may be considered an abutter for certain types of applications – see §10.5.1.) - **AMENDED 11/03/2009**

ACCESSORY DWELLING UNIT: A small apartment which is part of an existing single-family home, in the same building as the principal dwelling unit or in a building accessory to the principal dwelling unit, and which is clearly secondary to the single-family home. The ADU shall have living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The owner may rent the ADU and/or the principal dwelling unit. - **AMENDED 11/02/2004, 05/18/2013, 05/17/2025**

ACCESSORY RESIDENTIAL UNIT: A separate residence that has been temporarily created, by Special Exception, within or added to a single-family residence, or in a structure accessory to a single-family residence, in order to provide a place of residence for members of the principal resident's family. The principal use shall continue to be classified as a single-family dwelling, not as a duplex. - **AMENDED 11/02/2004**

ACCESSORY STRUCTURE OR BUILDING: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal structure or the primary use. - **AMENDED 11/04/1997**

ACCESSORY USE: A use customarily related to, but clearly incidental and subordinate to, the permitted principal use of the premises, which can take place within the principal structure or building on a single lot or parcel of land, or in an accessory structure or building, including but not limited to a home occupation on a lot containing a single-family dwelling, or a subordinate use on a non-residential lot. The principal use shall not be subordinated by an accessory use, or accessory uses in their aggregate. - **AMENDED 11/04/1997**

ADDITION: As applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

ADJACENT GRADE: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AFFORDABLE APARTMENT: A dwelling unit of affordable housing, rented for year-round occupancy by a household with low income. - **AMENDED 11/03/2009**

AFFORDABLE HOUSING:

a. Affordable housing for purchasers shall mean that the annual cost of principal, interest, taxes, and insurance shall not exceed 30% of the combined annual gross income of all members of a household.
b. Affordable housing for renters shall mean that the annual cost for rent and utilities shall not exceed 30% of the combined annual gross income of all members of a household. **AMENDED 11/04/2008, 11/04/2025**

AGGRIEVED PERSON OR PARTY: A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who represent an interest adverse to the granting or denial of such permit or variance.

AGRICULTURAL COMPOSTING OPERATION: Composting that takes place on a farm. Agricultural composting operation does not include an operation that involves nonorganic municipal solid waste or that composts municipal sludge, septage, industrial solid waste or industrial sludge. Agricultural composting operation does not include an operation that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatile organic compounds, polychlorinated biphenyls or dioxin. - **AMENDED 11/02/2010**

AGRICULTURAL PRODUCTS: Those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products,

or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. - **AMENDED 11/02/2010**

AGRICULTURAL TOURISM: The practice of visiting an agricultural operation for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. - **AMENDED 11/02/2010**

AGRICULTURE: The production, 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; and ornamental and green-house products. Within the Shoreland Overlay District, forest management and timber harvesting activities accessory to agriculture shall be regulated under separate standards. - **AMENDED 11/04/2008**

AGRICULTURE-RELATED USE: A commercial enterprise at a working farm that may also generate additional farm income through: sale of farm products, educational/or outdoor recreation programs, farm tours, and similar activities associated with a principal agricultural use. - **AMENDED 11/02/2010, 05/21/2011**

ALTERATION: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANIMAL BREEDING: The husbandry of small domestic animals only, such as dogs, cats, rabbits, hamsters, birds, tropical fish, etc.

ANIMAL HUSBANDRY: The keeping of more than 5 animal units (1 animal unit represents 1,000 pounds of live animal weight).

APPROVED: Approved by the Code Enforcement Officer in accordance with the provisions of this ordinance, or by other authority designated by law to give approval in the matter in question.

APPURTENANCE, BUILDING: Any visible, functional, or ornamental objects accessory to and part of a building such as, but not limited to, heating, ventilation and air conditioning (HVAC) mechanicals, lightning rods, chimneys, solar panels, or ornamental objects such as weathervanes or cupolas. - **AMENDED 11/06/2018, 11/05/2019**

ARCADE: Any establishment having three or more coin operated amusement devices located upon its premises for use of the general public.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the "Flood Insurance Study -Town of York, Maine, York County", dated September 15, 1983 with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map".

ARTISINAL FOOD AND/OR BEVERAGE FACILITY: A facility wherein food/beverage products are produced and sold directly to the consumer. Products may be retailed for consumption on or off the premises; and the facility may additionally engage in small-scale wholesale distribution of products produced on-site. Examples include, but are not limited to: a facility engaged in small-batch baking; small-scale cheese production; a small brewery/winery/distillery (producing under 50,000 gallons/year) small-batch vegetable pickling; or small-scale meat or fish curing. An Artisanal Food and/or Beverage Facility shall be allowed to offer guided tours of the facility and tasting rooms. - **AMENDED 05/16/2015**

ARTIST STUDIO: An accessory use to a Cultural Facility that includes a workshop or collection of rooms for the creation of fine art and/or crafts such as painting, sculpting, photography or other hand-made art. The space may include an area or room for residential use for periods of more than 30 consecutive days but less than 365 consecutive days. If included, a food preparation area shall conform to the definition of "Cooking Facilities for a Hotel or Motel" as defined in this ordinance. - **AMENDED 05/22/2010**

AS-BUILT PLAN: A construction or engineering plan prepared after the completion of construction, by a Maine-Licensed Professional Engineer or Land Surveyor, in such a manner as to accurately identify and depict the location of on-site improvements. - **AMENDED 11/05/2019**

ASSOCIATED MARKET-RATE APARTMENT: A housing unit which is not restricted in terms of the income of its inhabitants or the maximum rent which can be charged, and which is created when a building is converted to one or more Affordable Apartments. - **AMENDED 11/03/2009**

AWNING: A roof-like structure composed of fabric stretched over a fixed or mechanical frame.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. - **AMENDED 11/03/1998**

BED & BREAKFAST: A residential use conducted by the resident owner within her/his own single-family dwelling offering overnight accommodations to the general public on a transient basis, and providing a full or continental breakfast to overnight guests only. The operation is secondary to the primary residential function, and is not intended to have impacts significantly in excess of those of any other single-family dwelling. This definition shall preclude this use from being classified as a Home Occupation. - **AMENDED 11/07/1995, 11/08/2005, 11/07/2006, 05/19/2012**

BILLBOARD: A sign, structure or surface larger than thirty-two (32) square feet, which is available for advertising purposes for goods, services, or attractions, but excluding signs advertising groups of businesses located within the same building, mall, or plaza provided they meet the dimensional standards of Article 16.

BOARD: A general term used to reference any board, commission or committee which has administrative responsibilities pursuant to this Ordinance. - **AMENDED 11/03/2009**

BOARDING HOUSE: A residential use conducted by the resident owner within her/his own single-family dwelling where 3 or more rooms are rented to people not part of the household on a month-to-month or longer duration, provided the rented rooms individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents, at least month-to-month, as opposed to overnight or weekly guests. - **AMENDED 12/29/1993, 05/19/2012**

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING FOOTPRINT: The exterior outline of a building where it meets the ground surface, measured on a horizontal plane. - **AMENDED 05/21/2016**

BUILDING HEIGHT: Building height shall be measured as follows:

a. The vertical distance between the highest point of the roof and the average pre-development grade of the ground adjoining the building in areas located within 500 feet of the normal high water mark of the Atlantic Ocean, the York River, and the section of the Cape Neddick River located east of Route One.
b. The vertical distance from the average pre-development grade of the ground adjoining the building to the top of the highest point of the roof on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and ridge level for gable, hip, and gambrel roofs, in all areas of Town not identified in a., above, of this definition.
c. Average pre-development grade is the average grade, existing on April 13, 2016, of the ground adjoining the building or a proposed building, in its natural condition prior to any site alteration or construction activity. Site alteration or construction activity includes, but is not limited to, the addition of material (fill) to a site or property.

Notwithstanding the provisions of 1 M.R.S. § 302, this ordinance amendment shall apply retroactively to any and all applications accepted by the Planning Board or Code Enforcement Officer on or after April 13, 2016, which is the date when the first public hearing was posted for the amendment. - **AMENDED 12/29/1993, 11/08/2016**

BULK FUEL AND CHEMICAL STORAGE: Storage tank(s) used for commercial storage of inflammable liquids or chemicals located partially or wholly above ground. This is not intended to include bottled gas used for home or business consumption.

BULK STORAGE COLLECTION BIN: A collection bin or dumpster which is used for either of the following two purposes:
a. To collect solid wastes and recyclable materials at individual or clusters of residences or at institutional, commercial, recreational, or industrial establishments; provided that any such collection bin or dumpster must service exclusively the above-listed establishments; or
b. To collect solid wastes and recyclable materials generated in York at a location identified by the Town and which is under Town operation or control. - **AMENDED 04/10/1993**

CAMPGROUND: A parcel of land upon which two or more campsites are located, established or maintained for occupancy of the general public as temporary living quarters for recreation, education or vacation purposes. Such campsites are meant to include an area for parking recreational vehicles, erection of tent(s), tables and cooking facilities.

CASINO: One or more rooms in which legal gambling is conducted, excluding accessory charitable events. - **AMENDED 11/04/2003**

CEMETERY: Land used for the burial of human remains. A cemetery may be an accessory use when associated with a Religious Use. - **AMENDED 11/06/2012**

CEO: An abbreviation for Code Enforcement Officer. - **AMENDED 05/18/2013**

CERTIFIED EXCAVATION CONTRACTOR: An individual or firm, certified by the Maine Department of Environmental Protection, engaged in a business that causes the disturbance in the shoreland area of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform. - **AMENDED 05/20/2017**

CHANNEL (as pertains to the York River and Cape Neddick River): That portion of the river where water always flows, even at low tide.

CIVIC USE: Land area and/or structures, publicly or privately owned, that are intended for the use, enjoyment, and/or benefit of the community. Examples include but are not limited to libraries, museums, post offices, community centers, parks, playgrounds, and streets. This shall exclude any use determined to be a Cultural Facility, Municipal Use, Utility District, or School. - **AMENDED 11/06/2012**

CLUSTER/OPEN SPACE CONSERVATION DEVELOPMENT: Subdivisions in which buildings are allowed to be located in a flexible manner provided that the overall housing density is not increased above the amount allowed in a conventional subdivision with lots of the minimum size as required in the zoning district. - **AMENDED 11/06/2018**

CLUSTER/OPEN SPACE CONSERVATION SUBDIVISION OPEN SPACE: The area within a cluster open space conservation subdivision exclusive of building lots, road right-of-ways, and other areas dedicated to development of infrastructure, and that is consistent with the general definition of "open space" in this Article. - **AMENDED 11/08/2005, 11/06/2018**

CODE ENFORCEMENT OFFICER: Any of the individuals appointed by the Selectboard to fulfill duties of code enforcement within the Town. The Code Enforcement Officer is the only decision-making authority with respect to this Ordinance other than a board. The person or people in this position shall possess certification by the State as a CEO/Shoreland Zoning Officer and/or CEO/Land Use Officer, as applicable to the issue at hand, within one year of appointment. - **AMENDED 11/03/2009, AMENDED 5/20/2023**

COIN OPERATED AMUSEMENT DEVICE: A coin operated amusement device shall include all of those machines whether mechanical or electronic which upon insertion of a coin, slug, token plate or disc may be operated by the public generally at a public premises for use as a game, entertainment or amusement but not limited solely to musical entertainment, whether or not registering the score and which are operated for amusement only and do not dispense any form of payoff, prize or reward except free replays.

COMMERCIAL FISHING: Commercial fishing, in terms of the land use controls of this Ordinance, shall include the activities associated with preparation of boats for any type of fishing conducted for business purposes. This shall include, but not be limited to, loading, storage of supplies, docking, maintenance, off-loading, transfer and storage of catch, but shall not include post-harvest processing of catch (including but not limited to canneries or processing factories). Fishing shall be interpreted broadly to include all types of fishing, lobstering, and charter fishing services. - **AMENDED 11/02/2004**

COMMERCIAL FUNCTION: An event for which a property owner receives compensation for the use of the property and at which 50 or more people are present. For clarification: "compensation for the use of the property" is intended to be broadly interpreted, meaning for instance that someone staying at a bed and breakfast or renting a house for a week-long stay has paid for their stay and therefore the owner has received compensation, even if there is nothing in the rental agreement specific to hosting an event at the property; and "event" includes any sort of large gathering such as, but not limited to weddings, receptions, reunions and parties. - **AMENDED 05/21/2011**

COMMERCIAL PARKING: A principal use where parking spaces in a lot or garage are offered to the public for a fee. - **AMENDED 11/04/2008**

CONDITIONAL USE: A use permitted in a particular zoning district only after review and approval by the Planning Board upon a finding that such use in the specified location will comply with all the conditions and standards for the location or operation of such use as specified in this ordinance and as authorized by the Planning Board. Such uses may be permitted only if specific provision for such use is made in the ordinance.

CONDITION PRECEDENT: A condition imposed on a conditional approval that must be satisfied by the applicant prior to receipt of final approval. See also: "Condition Subsequent." - **AMENDED 11/03/2009**

CONDITION SUBSEQUENT: A condition imposed at the time of issuance of an approval or permit, with which the applicant shall comply after the approval is granted. See also: "Condition Precedent." - **AMENDED 11/03/2009**

CONFLICT OF INTEREST: Direct or indirect pecuniary benefit to any person or member of the person's immediate family (grandfather, father, wife, son, grandson, i.e.) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

CONFORMING USE: A use of buildings, structures or land which complies with all currently applicable provisions of this Ordinance.

CONSTRUCTED: Includes built, erected, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

CONSTRUCTION ACTIVITY: Means any activity on a Parcel that results in Disturbed Area. - **AMENDED 5/20/2023**

CONTIGUOUS LOTS: Lots under the same ownership which share one or more common boundary lines.

CONTIGUOUS WETLANDS: Contiguous wetlands are those wetlands, whether coastal or inland, that are grouped together for purposes of calculating area, which is necessary for determining the scope and effect of the Shoreland Overlay District. As used in this ordinance, this shall include "contiguous acres" and other similar phrases used in the context of Shoreland zoning. The following standards shall apply in determining which wetlands are contiguous:

1. Wetlands that are connected by a narrow strip of natural wetland that does not exceed 6 feet in width (measured at the upland edge) for a distance of greater than 24 feet shall not be considered contiguous.
2. Wetlands that are connected by any naturally occurring, flowing waterbody with a non-vegetated bottom that does not exceed 6 feet in width (measured at normal high water) for a distance of greater than 24 feet shall not be considered contiguous.
3. Grassed waterways as defined by the U.S. Soil Conservation Service and built to their specifications shall not be considered to make otherwise non-contiguous wetlands contiguous.
4. Wetlands divided by man-made barriers constructed after November 2, 2004, including but not limited to roads and driveways, shall be considered contiguous. - **AMENDED 11/02/2004**

CONVERSION (with regard to the Conversion of Seasonal Dwellings): The making of any physical change to a structure or to the land on which it is situated (including, but not limited to, the addition of any cooking device, whether stove, oven, microwave or other apparatus), which, either individually or in conjunction with other such changes, would permit a structure to be used as a year-round dwelling.

CORPORATION: Corporations in which two (2) or more directors are the same individual (or their spouses) are to be treated as the same corporation for the purposes of this ordinance.

COUNTRY CLUB: A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open only to members and their guests for a membership fee. To be considered a country club, the facility must include a large amount of acreage which is devoted to recreational use, normally a golf course. A country club may lease its facility to non-members for singular uses which are not ongoing in nature, such as banquets, weddings, etc. - **AMENDED 04/10/1993**

CULTURAL FACILITY: Non-profit establishment created for artistic, educational, historic, or cultural purposes. Such establishments can include areas for display of exhibits, teaching areas for small groups, residential space used for housing of facility staff, artist studios, and other accessory uses associated with educational, historic, arts or cultural facilities. - **AMENDED 05/22/2010**

DAY CARE CENTER: An establishment not located in a dwelling unit which provides care for persons, which charges for their care and which holds all legally required licenses and approvals. - **AMENDED 11/08/1994**

DAY CARE HOME: A private home providing day care for up to twelve persons, which charges for their care and which holds all legally required licenses and approvals. A day care home must be operated as a home occupation. - **AMENDED 11/08/1994**

DEVELOPMENT: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring. - **AMENDED 11/04/2008**

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking, incineration, or placing in or on any land or waters of any materials in any quantity that will cause a violation of current public health drinking water standards.

DISTURBED AREA: Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area. - **AMENDED 5/20/2023**

DRIVEWAY: A route that provides vehicular access to a lot or parking area from either a public or private right-of-way. For the purpose of this definition a driveway shall not consist of an access way around a building designed for emergency use, vehicular drive-through(s) as part of a particular development design, or parking area perimeter access ways used for on-site traffic circulation. - **AMENDED 11/07/2017, 11/05/2019**

DUMP: A plot of land used for the dumping of garbage, trash and other refuse.

DWELLING, SINGLE-FAMILY: A single building containing one dwelling unit, with or without an accessory dwelling unit or accessory residential unit. - **AMENDED 05/19/2012**

DWELLING, TWO-FAMILY: A single building containing two dwelling units, neither of which is an accessory dwelling unit or accessory residential unit. May also be referred to as a "Duplex." - **AMENDED 05/19/2012**

DWELLING UNIT: A dwelling unit is one or more rooms within a building for the use of one person or multiple people living as a family (as defined in Article 2), and contains living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. A dwelling unit excludes: a building or space used for an artist studio within a Cultural Facility; or a building or space used for transient occupancy rental accommodations including a motel, hotel, inn, or similar facility unless otherwise specified in the zoning ordinance. (See also §8.1.4.A regarding a variation of this definition within the Shoreland Overlay District.) - **AMENDED 11/03/1998, 05/19/2012, 11/07/2017**

ELDERLY CONGREGATE HOUSING: A residential facility occupied exclusively by elderly persons that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services and physical therapy. For the purposes of determining who is served by Elderly Congregate housing, "elderly" means a person 55 years or older, or a couple that constitutes a household and at least one of whom is 55 years or older at the time of entry into the facility, or an adult head of household that requires the features of an accessible unit. By "shared community space" is meant space designed to be used in common for the enjoyment and leisure of residents of the facility such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests, and exercise rooms. By "shared dining facilities" is meant a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An elderly congregate housing development may include either or both of the following types of residential units:

- dwelling units as defined by this Ordinance, that is, single housekeeping units with living, sanitary, sleeping and permanent cooking facilities; and
- residential care units, which contain less than 500 gross square feet of space within the unit and may have a portable or compact kitchen, but not permanent kitchen facilities.

Additionally, the term elderly congregate housing includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer's Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Elderly congregate housing is distinct from a nursing home, which is defined separately. - **AMENDED 04/10/1993, 11/02/2010**

ELDERLY HOUSING:

a. Housing units for rent or ownership intended for and solely occupied by persons 62 years of age or older or, an elderly family whose head of household or spouse is 62 years of age or older; or,

b. In the case of housing units financed wholly or partially with federal funds, housing units occupied by elderly persons or handicapped persons as defined in the funding program, provided the number of units available for occupancy by handicapped persons who are not elderly shall be the minimum needed to establish eligibility for the federal or state program and that the program has received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons.

c. Affordable Elderly Housing for rent in York shall mean housing units that are the primary/year-round, sole residence intended for and only occupied by persons 62 years of age or older, or whose head of household or spouse is 62 years of age or older, with a combined household income that does not exceed the definition of low income. Income shall include household financial assets converted to income equivalents, using the federal model, which determines eligibility for affordable housing.

d. Affordable Elderly Housing for ownership shall mean housing units that are the primary/year-round, sole residence intended for and only owned and occupied by persons 62 years of age or older, or whose head of household or spouse is 62 years of age or older, with a combined household income that does not exceed the definition of moderate income. Income shall include household financial assets converted to income equivalents, using the federal model, which determines eligibility for affordable housing. - **AMENDED 11/07/1995, 11/05/2025**

ESSENTIAL SERVICES: Gas, electrical, communications facilities, steam, fuel or water and sewer supply, transmission, or distribution systems. This shall not include antennas, satellite dishes and telecommunication structures, which are administered through the Wireless Communications Facilities Ordinance. Water and Sewer District uses are addressed in **Utility Districts**. - **AMENDED 11/06/2012**

EXPANSION: In relation to a building, expansion shall mean: enlargement of ground floor area or, enlargement of building enclosure, but shall not include remodeling or renovation. In relation to use, the use of more floor area or ground area; or, the addition of activities or uses not previously conducted on the site.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five persons not related by blood or marriage.

FARMERS MARKET: An open air market where farmers sell produce and food they raise or create to the general public. - **AMENDED 11/02/2010**

FAST FOOD RESTAURANT: A restaurant with drive-up window service, or that otherwise receives payment and/or dispenses products to patrons while in their vehicles (such as a drive-in restaurant). - **AMENDED 11/02/1993, 05/22/2004**

FILLING: Depositing or dumping any matter on or into the ground or water.

FINDINGS OF FACT: A written description of a decision, including any conditions, and including the basis for that decision. Findings of fact include information about the circumstances pertaining to the application (such as owner, address, map/lot, zone, etc.), the jurisdiction under which the application review is conducted and permit or approval is decided, intermediate decisions made during the review process (such as votes to accept an application or grant waivers), and the compliance (or lack thereof) of the application with respect to all relevant standards. - **AMENDED 11/03/2009**

FIRE ESCAPE: An outside stairway attached to a building, used solely as an emergency exit.

FLEA MARKET: The sale of goods by individuals who rent tables and/or display space, but not including garage sales.

FLOAT: A platform that floats and is associated with a single pier in such a way that pedestrian movement is afforded between a pier and float.

FLOOD OR FLOODING:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or run-off of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash

flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source (see definition of FLOOD or FLOODING).

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOR AREA, GROSS: The total floor area, in square feet, of a building as measured from the exterior faces of the outside walls. In the Shoreland Zone, floor area shall include the horizontal area of any unenclosed portions of a structure such as porches and decks. - **AMENDED 11/08/1994**

FOOTPRINT: The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks. - **AMENDED 05/20/2017**

FOREST MANAGEMENT: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

FORMULA RESTAURANT: Formula Restaurant shall mean a restaurant that stands alone or with other use(s), and which prepares food and beverage on site for sale to the public, and which is required by contractual or other arrangement to offer any of the following: standardized menu, employee uniforms, interior and/or exterior color scheme(s), architectural design, signage or similar standardized features, or which adopts a name or food presentation format which causes it to be substantially identical to another restaurant regardless of ownership or location. - **AMENDED 05/22/2004**

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar materials. - **AMENDED 11/04/2008**

FRONTAGE, STREET: The street frontage of a lot shall be the lot line between a lot and a public or private street right-of-way over which the property has a right of access. The street frontage may be contiguous, or may be broken into separate pieces, but all are considered part of the street frontage. The right of access provision in the first sentence means that land abutting limited access roads such as Spur Road or Interstate-95 are not considered to have street frontage along such right-of-ways. - **AMENDED 11/07/2006**

FUNCTIONALLY WATER DEPENDENT USE: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, fin fish and shell fish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal coastal or inland waters. These uses do not include accessory uses that do not require direct access to or location in coastal or inland waters such as boathouse, storage or parking facilities. - **AMENDED 11/03/1998**

GARAGE: An accessory building, joined or attached or entirely separate from the dwelling or main building it serves, designed and equipped for the housing of motor vehicles, but not for the commercial repair, storage or rental of motor vehicles.

GARAGE SALE: Sale of goods at a residence, provided that no more than two such sales are held in a calendar year. Such sales occurring on more than two weekends per year shall be considered to be commercial business.

GRAVEL PIT: A plot of land from which the subsoil is removed for resale.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except, for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. - **AMENDED 05/09/1992**

GROCERY STORE: A commercial use which devotes a minimum of eighty percent of the floor space to the display and sale of food products. - **AMENDED 11/05/1996**

HAZARD TREE: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger. - **AMENDED 05/20/2017**

HAZARDOUS MATERIAL: Any gaseous, liquid, or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

HEAD SHOP: A commercial enterprise that offers for sale and use any drug paraphernalia as defined by State Law in Title l7-A M.R.S.A., Section 1111-A.

HIGHEST ANNUAL TIDE (HAT): an approximation of the landward extent of inundation occurring during the highest predicted tide of the year as identified in tide tables published by the National Ocean Service. - **AMENDED 11/06/2018**

HISTORIC: (adj) - Important in or contributes to history.

HISTORIC DISTRICT(S): The district(s) established in Section 12.6 or as amended in accordance with the procedures detailed in Section 12.5 and one or more of the qualifications outlined in Section 12.4.

HISTORIC LANDMARK: Any improvement, building or structure of unique historic or architectural significance to the Town of York, relating to its heritage, cultural, social, economic, or political history, or which exemplify historic personages or important events in local, state, or national history as may be designated in accordance with the Local Historic District Regulations.

HISTORIC SITE: Any parcel of land of special significance in the history of the Town of York and its inhabitants, including archaeological site(s) containing important prehistoric or historic artifacts and/or structural remains, or upon which an historic event has occurred, and which has been designated as such in accordance with the Local Historic District Regulations.

HISTORY: (n) - A record of events, as of the life or development of a people, country, institution, etc.

HOME OCCUPATION: Any business or occupation undertaken within a residential unit, by one or more occupants of that unit, that is incidental and secondary to the use as a dwelling. This shall not be interpreted to include telecommuting. [Telecommuting shall mean an arrangement in which a worker works at home rather than the primary place of work, and communicates with the workplace and conducts work via wireless or telephone lines or cable, using modems, fax machines or other electronic devices in conjunction with computers. This shall also include sporadic office-type work that was not completed at the primary workplace (bringing work home from the office).] - **AMENDED 11/08/2005**

HOSPICE CARE: A coordinated program of in-home care, with palliative and medical and other health services designed to meet the physical, psychological, social, and spiritual needs of terminally ill patients and that person's family. Hospice care administered as in-patient care in hospitals or nursing homes shall be considered part of the range of care offered by either institution and not considered a separate use. In-home care shall not be regulated as a principal use by the Zoning Ordinance. - **AMENDED 11/06/2012**

HOSPITAL: An institution that provides health care services and that consists primarily of in-patient medical or surgical care for sick or injured people. This use may include related facilities such as but not limited to laboratories, out-patient departments, training facilities, medical offices, and administrative offices. See also Medical Facility. - **AMENDED 11/06/2012**

HOTEL/MOTEL: A building or buildings designed for occupancy primarily as transient rental accommodations for a person or persons in which building:

a. There are 15 or more transient rental accommodations;
b. There may be club rooms and meeting facilities;
c. There may be common dining facilities;

d. There may be facilities for guests such as swimming pools, tennis courts, volleyball courts, and courtyards/plazas;
e. Incidental business may be conducted; and
f. There may be a maximum of one dwelling to be used exclusively by the owner, operator or caretaker of the hotel/motel.

Each rental accommodation in a hotel/motel shall include sanitary and sleeping facilities and each accommodation shall be rented or leased for compensation. An accommodation may include cooking facilities, provided such area used for cooking or preparation of food is 12 square feet or less in size, including appliances. Any of the following shall constitute cooking facilities: plumbing facilities, including a dishwasher, designed specifically for use in a food preparation area; stove tops or ranges for use in preparation of food; a refrigerator larger than 3.75 cubic feet in size; or counter top space designed specifically for use in a food preparation area. The 12 square feet limit on size of the cooking facility area shall be calculated as the amount of floor footprint of the cooking area. The maximum permitted length of the cooking facility area shall be 6 feet, and the minimum depth of the footprint measurement shall be 2 feet. - **AMENDED 11/07/1995, 11/03/2015**

HOUSING AND URBAN DEVELOMENT METROPOLITAN FAIR MARKET RENT AREA (HUD METRO FMR AREA): Refers to a geographical area to which York is assigned by the United States Department of Housing and Urban Development (HUD), which is used in HUD's income limit and Fair Market Rent (FMR) calculations. York is part of the York-Kittery-South Berwick, ME HUD Metro FMR Area as may be amended.

ICE CREAM STAND: A special category of restaurant which devotes a minimum of seventy-five percent of its gross sales and seventy-five percent of its gross floor space to the sale of ice cream and similar frozen confectioneries. An ice cream stand may use any number of food stations, except that drive-through windows are prohibited. - **AMENDED 11/04/1997**

IMPERVIOUS SURFACE: Any surface that has been compacted or covered with a material that substantially reduces or prevents the infiltration of stormwater. Covered surfaces include all buildings, all structures (including decks), parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. A raised deck (no roof) constructed above an earthen surface shall be considered to reduce or prevent the infiltration of stormwater at a ratio of twenty percent (every five square foot of deck shall be considered one square foot of impervious surface in determining impervious surface ratio). Gravel driveways and parking areas shall be considered to reduce or prevent the infiltration of stormwater at a ratio of seventy-five percent (every four square foot of gravel driveway or parking area shall be considered three square foot of impervious surface in determining impervious surface ratio). - **AMENDED 11/05/1996**

IMPERVIOUS SURFACE RATIO: A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the total amount of acreage for a residential use in all zoning districts, by the total amount of acreage for a non-residential use in all zoning districts except the six Route One Zoning Districts, or by the net buildable site area for a non-residential use in the six Route One Zoning Districts. A raised deck (no roof) shall be considered twenty percent impervious surface, and gravel driveways and parking area shall be considered seventy-five percent impervious surface. - **AMENDED 11/05/1996**

INN: See "LODGING HOME/TOURIST HOME/INN".

JUNKYARD: A yard, field, or other area used as a place of commercial storage for: discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture; discarded, scrap and junk lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron steel and other scrap ferrous or non-ferrous material; three or more unserviceable, discarded, worn out or junked motor vehicles; and, garbage dumps, waste dumps, and sanitary landfills.

KITCHEN: Space, 100.1 cubic feet or more in size, used for cooking or preparation of food. A kitchen shall not be located in any transient rental accommodation. - **AMENDED 11/07/1995**

LAGOONING: An artificial enlargement of a waterbody, primarily by means of dredging and excavation.

LANDING: Any area to which logs or any other forest product are taken for transfer to trucks and removal from the site.

LODGING HOME/TOURIST HOME/INN: A dwelling where the property owner or property owner's agent resides, in which sleeping accommodations are provided to transient guests for compensation and which dwelling contains fewer than 15 rooms regularly maintained and offered to the public for such use that do not have cooking facilities. Transient guests can stay for a maximum of 32 consecutive days. - **AMENDED 11/08/1994, 05/16/2026**

LOT: A parcel of land described on a deed, plot, or similar legal document.

LOT AREA: The total horizontal area within the lot lines.

LOT, CORNER: A lot abutting upon two or more streets at their intersection. - **AMENDED 11/08/1994**

LOT COVERAGE: (Used to calculate the lot coverage percentage) The maximum projected horizontal area of all buildings or structures on a lot at or above ground level. No land located below the normal high water mark of a body of water located below sea level shall be used in the calculation of lot coverage. - **AMENDED 11/08/1994**

LOT LINE: A line which forms a boundary of a property dividing one lot from another, or from a street or waterbody or other public space.

LOT LINE, FRONT: The front lot line shall be determined in accordance with the following provisions, which are based on the number of streets on which the lot has street frontage:

- For lots with no street frontage, the front lot line shall be the side on which the right of access intersects the lot.
- For lots with street frontage on one street, the front lot line shall be the street frontage.
- For lots with street frontage on two or more streets, the owner shall select which street frontage shall constitute the front lot line. But in no case shall the selection result in a non-conforming or more non-conforming situation

- **AMENDED 11/07/2006, 05/16/2026**

LOT LINE, REAR: A rear lot line shall be a lot line not otherwise defined as a front or side lot line. In some circumstances, a lot may not have a rear lot line. - **AMENDED 11/07/2006**

LOT LINE, SIDE: A side lot line shall be a lot line that intersects the front lot line, and continues to either:

- an angle point at which the property boundary changes direction by 90 degrees or more; or
- the point at which it intersects a front lot line or another side lot line.

- **AMENDED 11/07/2006**

LOT OF RECORD: A parcel of land, a legal description of which, or the dimensions of which, are recorded in a document or subdivision plan on file at the York County Registry of Deeds.

LOW INCOME: Household income which is not more than 80% of the median family income for York's HUD Metro FMR Area. Income shall include household financial assets converted to income equivalents, using the federal model, which determines eligibility for affordable housing. - **AMENDED 11/03/2009, 11/04/2025**

MANUFACTURED HOUSING: A structural unit or units designed to become a dwelling unit, constructed on a permanent chassis in a manufacturing facility and transported by the use of its own chassis to a building site. (In common language, this is what people commonly refer to as "trailers" and "mobile homes," though these terms are not used in this context in this Ordinance.) This includes but is not limited to those units which the manufacturer certifies were constructed after June 15, 1976 in compliance with HUD standards. The manufactured housing unit is constructed with its utilities integral to the unit, and is designed to be used with or without a permanent foundation when connected to required utilities at the site. This definition is intended not to include Recreational Vehicles (RVs) as defined in this ordinance. - **AMENDED 05/19/2012**

MANUFACTURED HOUSING PARK: A parcel of land under unified ownership and management, approved by the Town for the placement of 3 or more units of manufactured housing. - **AMENDED 05/19/2012**

MARIJUANA: As defined in State Administrative Rules (10-144 CMR Chapter 122), §1, "Marijuana." - **AMENDED 11/04/2014, 11/05/2019**

MARIJUANA CONCENTRATE: The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish.

MARIJUANA EXTRACTION: The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes. - **AMENDED 11/05/2019**

MARINA: An area for the mooring and storage of boats with frontage on a navigable body of water, with or without sale of supplies and services for watercraft and their equipment and accessories.

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered dominantly with sedges, cattails, rushes, and other hydrophytic plants.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. - **AMENDED 11/03/1998**

MEDICAL FACILITY: A facility that provides outpatient health services. This use may include but is not limited to medical and dental offices and laboratories, diagnostic facilities, and outpatient surgical services. Medical facilities may be freestanding or may be part of a larger hospital complex. For doctor and dentist offices operated on lots where the primary use is residential, see **Zoning 7.4, Home Occupations**. - **AMENDED 11/06/2012**

MEDICAL MARIJUANA CAREGIVER: A person or an assistant of that person that provides care for a qualifying patient in accordance with Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-A, subsection 2. - **AMENDED 11/04/2014, 11/05/2019**

MEDICAL MARIJUANA LAND USES: Any of 5 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

MEDICAL MARIJUANA HOME PRODUCTION: Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.

MEDICAL MARIJUANA MANUFACTURING FACILITY: A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence; the facility can also be used for the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. A Medical Marijuana Manufacturing Facility shall be either a registered tier 1 or tier 2 manufacturing facility that may contain a person(s) authorized to engage in marijuana extraction as specified under section 2423-F of Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act.

MEDICAL MARIJUANA REGISTERED CAREGIVER RETAIL STORE: A retail store operating pursuant to MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2423-A, subsection 2, paragraph P.

MEDICAL MARIJUANA REGISTERED DISPENSARY: An entity registered under MRS Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

MEDICAL MARIJUANA TESTING FACILITY: A public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

MEDICAL MARIJUANA PRODUCT: A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. Medical Marijuana Product" does not include Marijuana Concentrate. - **AMENDED 11/04/2014, 11/05/2019**

MEMBERSHIP ORGANIZATION: A building or portion thereof used by a group of people to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. - **AMENDED 11/06/2012**

MINERAL EXTRACTION: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. - **AMENDED 05/09/1992**

MINOR ACCESSORY STRUCTURE OR BUILDING: An Accessory Structure or Building which has a gross floor area of 150 square feet or less, which has no walls taller than 10 feet, and which has no essential service connections. - **AMENDED 05/19/2012**

MITIGATION, WETLAND: Methods used to alleviate or lessen the impact of development on wetlands, including but not limited to the following:

a. Minimizing the impact by limiting the degree or magnitude of the action and its implementations;

b. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
c. Avoiding the impact altogether by not taking a certain action or parts of an action;
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
e. Compensating for the impact by replacing or providing substitute resources or environments. Compensation may include but shall not be limited to: the purchase and/or permanent protection of property that has wetland resources of equal or greater value than the wetland impacted; restoration of an existing or former wetland from a disturbed or altered condition with lesser acreage or functions to a previous condition with greater wetland acreage, functions or functional value; and creation of new wetlands by bringing a wetland into existence at sites at which such wetlands did not formerly exist. All forms of compensation may include providing an amount of funds to the Town equivalent to the cost of the compensation required and the Town using these funds to perform appropriate compensation. - **AMENDED 11/05/1996**

MIXED-USE BUILDING: A building that contains a non-residential use on the 1st floor or higher, and a residential use on the 2nd floor or higher. - **AMENDED 11/04/2008**

MODERATE INCOME: Household income which is between 80% and 120% of median family income for York's HUD Metro FMR Area. Income limits shall include household financial assets converted to income equivalents, using the federal model, which determines eligibility for affordable housing. - **AMENDED 11/04/2008, 11/04/2025**

MODULAR HOME: A structural unit or units designed to become a dwelling unit, constructed in a manufacturing facility and transported by an independent chassis to a building site. This includes only those units which the manufacturer certifies are constructed in compliance with State laws and rules, including but not limited to M.R.S. Title 10, Chapter 951, and rules adopted under that chapter. The modular home is constructed with its utilities integral to the units, and is designed to be placed on a foundation and connected to required utilities at the site. - **AMENDED 05/19/2012**

MOORED FLOAT: A platform, not attached or associated with a pier, wharf, or the shore in any way, that floats and is anchored, moored or secured and is used as a berth or other purpose. - **AMENDED 11/02/2010**

MULTI-FAMILY DWELLING: Any building containing three or more dwelling units.

MUNICIPAL USE: Any land, building, structure or facility owned or controlled by the Town of York, including the Town of York School Department. See also **School.** - **AMENDED 11/06/2012**

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community (09-25-1974).

NON-CONFORMING DESIGN: A characteristic of a building, lot, use or site that was lawfully established but that does not currently comply with the requirements of this Ordinance, but exclusive of requirements that cause a lot to be a non-conforming lot of record, that cause a structure to be a non-conforming structure, or that cause a use to be a non-conforming use. Examples may include but are not limited to:

- too few parking spaces;
- improperly sized parking spaces;
- inadequate sight distance;
- insufficient buffering;
- excessive lot coverage;
- building design that is not consistent with required design standards; or
- unscreened dumpsters.

- **AMENDED 11/07/2006**

NON-CONFORMING LOT OF RECORD: A single lot of record which does not meet the area, street frontage, shore frontage, width, and/or depth requirements of the zoning district in which it is located, but which did meet such requirements when the lot was created.

NON-CONFORMING STRUCTURE: The portion of a lawfully constructed structure that does not meet all applicable dimensional requirements of the Zoning Ordinance. - **AMENDED 11/07/2006**

NON-CONFORMING USE: Use of property, land, or a structure that is not permitted or does not conform to the use limitations of Article 4, Use Regulations, in the base zoning district in which it is located, or that is not permitted or does not conform to the use limitations of any overlay district in which it is located, but which was permitted at the time the use was established. Under no circumstances shall any non-conforming use be construed as a "permitted use". - **AMENDED 05/17/2003**

NON-NATIVE INVASIVE SPECIES OF VEGETATION: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems. - **AMENDED 11/06/2018**

NON-RESIDENTIAL USE: Any land use activity, excepting a structure which is designed solely to contain dwelling units. - **AMENDED 11/08/1994**

NORMAL HIGH WATER MARK OF COASTAL WATERS: Defined as the "upland edge of a coastal wetland." - **AMENDED 11/03/1998, 11/04/2008**

NORMAL HIGH WATER MARK OF INLAND WATERS: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Wetland areas contiguous with great ponds that are at the same or lower elevation as the water level of the great pond during the period of normal high-water are considered part of the great pond. - **AMENDED 11/04/2008**

NURSING HOME: A facility with beds licensed by the Maine Department of Human Services and in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require licensed nursing supervision and related medical services. Although an "elderly congregate housing facility" may include a "nursing home," a use which individually fails to meet all the criteria of an "elderly congregate care housing facility" shall be classified as a "nursing home" rather than as an "elderly congregate care housing" facility. - **AMENDED 04/10/1993**

OBSCENE EXHIBITIONS: Any aural, visual, or tactile performance, dramatization, show or display which includes any amount of human, animal, production, sound recording, audio visual cassette or tape, silhouette depiction or by any other means, which:

a. To the average individual applying contemporary community standards, considered as a whole, appeals to the purient interest;
b. Presents in a patently offensive manner actual or simulated ultimate sexual acts, sodomy, beastiality, excretory functions, masturbation, direct physical stimulation of the unclothed genitals, flagellation or torture in context of ultimate sexual acts, lewd exhibition of the human male or female genitals, pubic area, buttocks, or the female breast below the top of the nipple; and
c. Considered as a whole lacks serious literary, artistic, political or scientific value.

OCCUPIED: As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied."

ON-SITE MANUFACTURING: An accessory use to a permitted commercial use which involves the production of goods that must be offered for sale on the same premises (may also be offered for sale off-premise). - **AMENDED 11/05/1996**

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. - **AMENDED 11/08/1994**

OUTLET STREAM: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland. - **AMENDED 11/06/2018**

OVERBOARD DISCHARGE SYSTEM: A sewage collection, treatment, and disposal system that discharges effluent directly into a waterbody or watercourse. This definition shall exclude municipal sewage facilities. - **AMENDED 11/06/2001**

PARCEL: Means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or Parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971. - **AMENDED 5/20/2023**

PERGOLA: An arbor or passageway without walls and with a roof of trelliswork on which climbing plants are grown. - **AMENDED 05/19/2012**

PERSON: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, society, organization, or other entity acting as a unit.

PETROLEUM: Oil, gasoline, petroleum products and their by-products, and any hydrocarbons which are liquid under normal atmospheric conditions.

PIER: A structure extending into the water for use as a landing place by water craft. - **AMENDED 11/02/2010**

PIERS, DOCKS, WHARVES, BREAKWATERS, CAUSEWAYS, MARINAS, BRIDGES OVER 20 FEET IN LENGTH, AND USES PROJECTING INTO WATER BODIES): NOTE: This definition is intended to describe the difference between "permanent" and "temporary".

a. **PERMANENT**: Structures which remain in the water for seven months or more in any period of twelve consecutive months.
b. **TEMPORARY**: Structures which remain in the water for less than seven months in any period of twelve consecutive months.

POND: Any inland body of water. See also "great pond".

POOL HOUSE: An accessory structure for pool-related leisure activities. A pool house may contain cooking facilities and full bathrooms but must not contain sleeping arrangements. - **AMENDED 05/16/2026**

PUBLIC HEARING: A designated portion of a public meeting at which the conducting board receives input from the public. See also: "Public Meeting." - **AMENDED 11/03/2009**

PUBLIC MEETING: Any meeting of a board. See also: "Public Hearing." - **AMENDED 11/03/2009**

PRINCIPAL BUILDING OR STRUCTURE: Any building or structure in which the principal use of the lot is conducted.

PRINCIPAL USE: The primary use to which the premises, i.e., the land, buildings, and other structures on a single lot or parcel of land, are devoted and the main purpose for which the premises exist.

PUBLIC WATER SUPPLY: Chases Pond, Folly Pond, Middle Pond, Boulter Pond, and the Bell Marsh reservoir.

RECREATIONAL VEHICLE: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer, or motor home.

REGULATORY FLOODWAY: (i) The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and (ii) in Zone A is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

RELIGIOUS USE: A structure or place in which worship, ceremonies, rituals, or education pertaining to a particular system of beliefs are held. - **AMENDED 11/06/2012**

REPAIR: The replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, permanent fixtures or equipment.

RESIDENTIAL CARE UNIT: A type of dwelling unit which can occur only in a congregate housing facility, and which has less than 500 square feet of floor space. This is a single housekeeping unit with living, sanitary and sleeping facilities, but with no permanent cooking facilities. The unit, however, may have a portable or compact kitchen. The residents of these units routinely eat all meals at the dining facilities provided in the congregate housing facility. The residents also often require some nursing and medical services which are provided at the congregate housing facility. - **AMENDED 04/10/1993**

RIVER: Any free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth. - **AMENDED 05/09/1992**

ROAD: See "STREET".

SAPLING: A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level. - **AMENDED 11/06/2018**

SCHOOL: A public, parochial, or private institution that provides primary and/or secondary instruction. Also, an institution for post-secondary instruction for higher learning that grants associate, bachelor, or graduate degrees. A school under this definition must satisfy either of the following requirements: the school is not operated for a profit or qualifies for tax exempt status under existing tax codes; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements. For educational instruction offered through commercial businesses see **School, Commercial.** Also see **School, Trade.** - **AMENDED 11/06/2012**

SCHOOL, COMMERCIAL: Schools or institutions which are commercial but which may be profit or non-profit oriented and which are deemed to be a service business. Examples include, but are not limited to, dancing, music, riding, correspondence, aquatic schools, or driving education. - **AMENDED 11/06/2012**

SCHOOL, TRADE: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as but not limited to accounting, Information Technology, industrial skills, hairdressing, or auto repair. - **AMENDED 11/06/2012**

SEASONAL DWELLING: A dwelling which cannot be occupied year-round because one or more factors relating the building or property preclude such occupancy, such as but not limited to a lack of heat, insulation, or water supply. - **AMENDED 11/07/1995, 11/03/2009**

SEEDLING: A young tree species that is less than four and one half (4.5) feet in height above ground level. - **AMENDED 11/06/2018**

SETBACK: The minimum horizontal distance between 2 reference points.

SHADOW FLICKER: Alternating changes in light intensity and shadows caused by the movement of wind turbine blades. - **AMENDED 05/29/09**

SHOP FOR BUILDING SMALL BOATS: A shop for building small boats shall mean a workshop where boats are designed and/or constructed. Only shops that comply with the following limits shall be classified in this use category: manufacturing shall be limited to boats whose framing and sheathing are principally of wood; manufacturing shall be limited to boats with a hull length of 25 feet or less; and not more than 3 people may work at the shop at any time. - **AMENDED 11/02/2004**

SHOPPING CENTER: A grouping of office or commercial uses, such as restaurant, retail, or service uses, that is planned, developed and managed as a unit with common on-site parking facilities. - **AMENDED 11/05/1996**

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. - **AMENDED 11/04/2008**

SHORELINE: The normal high-water mark of a waterbody, or the upland edge of a freshwater or coastal wetland. - **AMENDED 11/04/2008**

SHORT-TERM RESIDENTIAL RENTAL: A dwelling unit, other than a hotel/motel, B&B, Inn, Boarding House, Tourist Home, Accessory Dwelling Unit etc., that is rented by the owner or the owner's agent for transient occupancy. **– AMENDED 11/07/2017**

SIGN: Any object, device, display, or structure, or part thereof, visible to persons not located on the lot where such object, etc., is located, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, etc. - **AMENDED 11/08/2011**

SINGLE HOUSEKEEPING UNIT: A unit that includes three or more of the following: cooking, living, sanitary or sleeping facilities.

SMALL WINDMILL: A Small Windmill intended to produce electrical power primarily for on-site consumption, with a rated capacity of no greater than 50 kW. The Small Windmill shall consist of a wind turbine, tower, base, a generator, and electrical collection and supply equipment. - **AMENDED 05/29/2009**

SOLAR COLLECTOR: A device, such as a PV cell or a solar thermal collector that absorbs solar radiation from the sun and transforms it into electricity or heat. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM: Any active Solar Energy System which uses mechanical, physical, or chemical means to convert energy collected from sunlight into an alternative form of energy. Solar Energy Systems include, but are not limited to: photovoltaic cells, solar hot water heaters, etc. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): Any Solar Energy System that consists of photovoltaic cells and/or panels which are fully integrated into the exterior structure of a building. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, BUILDING MOUNTED PHOTOVOLTAIC: Any Solar Energy System that consists of photovoltaic cells and/or panels which are affixed to the exterior of a building such as the façade (see definition of Solar Energy System, Roof-Mounted). - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: Any Solar Energy System that is structurally mounted to the ground and is not attached to a building; may be of any size (small-, medium- or large-scale). - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, LARGE SCALE: A Solar Energy System which occupies more than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array. See Figure 9-B.1 in Article 9-B, §9-B.4 for an example of measuring surface area. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, MEDIUM-SCALE: A Solar Energy System which occupies more than 1,750 square feet but less than 40,000 square feet of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array. See Figure 9-B.1 in Article 9-B, §9-B.4 for an example of measuring surface area. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, PHOTOVOLTAIC (PV): A Solar Energy System that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted. - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: Any Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale). - **AMENDED 11/06/2018**

SOLAR ENERGY SYSTEM, SMALL-SCALE: A Solar Energy System which occupies no more than 1,750 square feet or less of surface area; surface area shall be measured by the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface, also referred to as the projected area of the array. See Figure 9-B.1 in Article 9-B, §9-B.4 for an example of measuring surface area. - **AMENDED 11/06/2018**

SOLAR THERMAL SYSTEM (Solar Hot Water or Solar Heating Systems)**:** A Solar Energy System that directly heats water or other liquid, or air, using sunlight. - **AMENDED 11/06/2018**

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. - **AMENDED 11/05/1996**

STORM DAMAGED TREE: a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event. - **AMENDED 05/20/2017**

STORMWATER MANAGEMENT FACILITY: Any catch basin, drainage swale, detention basin or pond, pipe, or other such structure or feature that is intended to control stormwater runoff quantity and quality. - **AMENDED 11/04/2014**

STORMWATER MANAGEMENT PLAN: A statement prepared by a Maine-licensed Professional Engineer (PE), describing the measures to be taken for control of erosion, drainage, and sedimentation during and after construction from proposed development and which attests that the proposed development will not create pollution, erosion, ponding, or flooding, either

within the development or on other properties, as well as the calculations that support this conclusion. - **AMENDED 11/04/2008, 5/20/2023**

STREAM: A channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics:

A. It is depicted as a solid or broken blue line on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey.
B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"Stream" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water, or a grassy swale. - **AMENDED 05/09/1992, 11/04/2008, 05/20/2017**

STREET: A public or private way open to the travel of the general public which has sufficient width for use by motor vehicles, whether or not duly recorded with the registry of deeds, or a way shown on a subdivision plan duly approved by the Planning Board under the State Subdivision Law. This term is used interchangeably with the term "ROAD".

STRUCTURE: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of survey boundary markers and vehicles. - **AMENDED 05/22/2004, 11/08/2005**

STRUCTURE, EXPANSION: (Not withstanding other sections of the ordinance, this definition pertains to the Shoreland Overlay District only) An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. - **AMENDED 11/05/2019**

STRUCTURE HEIGHT: For structures other than buildings, the vertical distance from the average grade of the ground adjoining the structure to the highest point of the structure, excluding lightning rods and other such appurtenances. For structures that are buildings, see "building height." - **AMENDED 05/22/2004**

SUBDIVISION: The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building or otherwise, in any five year period as further defined by the Maine Subdivision Law (Title 30-A M.R.S.A. Section 4401)

TEMPORARY DOCKS: A structure that remains in or over the water for six (6) months or less in any period of twelve (12) consecutive months, and shall not have a permanent fixed location on or in the ground. - **AMENDED 05/20/2017**

TENT: Any structure with fabric or non-rigid walls or roof or both which provides or is intended to provide or is used for human habitation.

TIDAL WATERS: All waters affected by tidal action during the highest annual tide. - **AMENDED 11/04/2008, 05/20/2017**

TILT: The angle of the solar panels and/or solar collector relative to the vertical. Adjustable-tilt Solar Energy Systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round. - **AMENDED 11/06/2018**

TIMBER HARVESTING: The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to 8.3.3, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting. - **AMENDED 05/20/2017**

TINY HOME: A single-family dwelling, either pre-manufactured or built in place and anchored upon a slab foundation, with a gross floor area no greater than 400 square feet. - **AMENDED 05/16/2026**

TOTAL HEIGHT (SMALL WINDMILL): The vertical distance from adjacent grade at the base of the tower to the tip of the wind turbine blade when it is at its highest point. - **AMENDED 05/29/2009**

TOURIST HOME: See "LODGING HOME/TOURIST HOME/INN".

TOWER HEIGHT (SMALL WINDMILL): The vertical distance from adjacent grade at the base of the tower to the center of the turbine rotor hub. - **AMENDED 05/29/2009**

TOWN OF YORK: All the land within the boundaries of the Town of York including land in the former York Harbor Village Corporation area and land in the former York Beach Village Corporation area.

TRACT: A lot or contiguous group of lots in single or joint ownership or under single or joint control, and registered on the current Tax Maps of the Town of York.

TRAILER: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation.

TRAILER PARK: Any area of land where any recreational vehicle, is parked or stationed.

TRANSIENT OCCUPANCY: A stay by the same person or group of people in overnight accommodations of a particular hotel, motel, inn, bed & breakfast, short term residential rental or other such place for 30 days or less per calendar year. Room or suite assignments are not relevant in determining whether or not occupancy is transient. - **AMENDED 05/19/2012, 11/07/2017**

TREE: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity. - **AMENDED 05/20/2017**

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. - **AMENDED 05/09/1992, 05/20/2017**

TRUCK STOP: Any building, premises or land which is used to provide services to tractor-trailer trucks and similar commercial vehicles, such services including but not limited to parking, restaurant facilities, convenience store, showers, motor fuel, and vehicle repair and maintenance. - **AMENDED 11/08/1994**

TRUCK TERMINAL: An area or a building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller and larger loads for transfer to other vehicles or modes of transportation. - **AMENDED 11/08/94**

UPLAND EDGE OF A COASTAL WETLAND: The boundary between a coastal wetland and upland, or the boundary between a coastal wetland and an inland wetland. This boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level including all areas affected by tidal action. - **AMENDED 11/04/2008, 11/06/2018**

UPLAND EDGE OF AN INLAND WETLAND: The boundary between upland and wetland of an inland wetland. - **AMENDED 11/04/2008**

UTILITY DISTRICT: Water supply and sewage disposal as provided by quasi-municipal or municipal government entities including: York Water District; Kittery Water District; Kennebunk, Kennebunkport & Wells Water District; York Sewer District; Kittery Sewer District; and Ogunquit Sewer District. Associated water and wastewater utility facilities shall include facilities providing service, maintenance, or repair of utilities, including but not limited to pumping stations, reservoirs, water storage tanks, utility lines and their easements, receiving or transmitting facility, storage areas for public utility equipment or vehicles, or the districts associated offices. - **AMENDED 11/06/2012**

VACANT LOT: Any lot lacking a principal structure.

VARIANCE: A granting of relief by the Board of Appeals from lot area, frontage, lot coverage, and setback requirements of the Town of York Zoning Ordinance, in accordance with §18.8.2, and Title 30-A M.R.S.A., Section 4353 and as amended. - **AMENDED 05/29/2009**

VEHICLE: A car, truck, motorcycle, all-terrain vehicle or similar wheeled, self-propelled conveyance intended for travel across the land, but exclusive of power wheelchairs. As used in the definition of "structure" and in the standards that control parking, the term shall also include trailers customarily towed by vehicles, and component parts of vehicles and/or trailers. Trailers, in

this context, shall be more broadly construed than the narrow definition provided elsewhere in Article 2. - **AMENDED 11/08/2005**

VERY LOW INCOME: Household income which is not more than 50% of the median family income for York's HUD Metro FMR Area. Income shall include household financial assets converted to income equivalents, using the federal model, which determines eligibility for affordable housing. - **AMENDED 11/04/2025**

VIOLATION: Anything contrary to the requirements of this Ordinance, or contrary to a permit or approval granted pursuant to this Ordinance, that is not lawfully nonconforming. - **AMENDED 11/05/1996, 05/18/2013**

WAREHOUSES/STORAGE UNITS: Structures in which space is leased for storage of goods, merchandise, or other non-residential items.

WASTE TRANSFER FACILITY: A facility which is used to provide for the collection, reuse, recycling, recovery and/or composting of solid waste materials and construction and demolition debris. No solid waste materials or construction and demolition debris shall be permanently disposed of at this facility. This type of facility does not include a container/bottle redemption center licensed by the State of Maine. The Town shall consider a redemption center a service business. - **AMENDED 04/10/1993, 11/05/1996**

WATER CROSSING: Any project extending from one bank to the opposite bank of a river, stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities. - **AMENDED 11/04/2008**

WATER DISTRICT: The York Water District or the Kittery Water District.

WATERBODY: Any great pond, river, stream or coastal wetland. - **AMENDED 05/09/1992, 11/04/2008**

WETLAND, COASTAL: All tidal and subtidal lands; all lands with vegetation present that is tolerant to salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the highest annual tide level for the year in which an activity is proposed as identified in the tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows. - **AMENDED 05/09/1992, 11/04/2008, 05/20/2017**

WETLAND, FORESTED: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (Approximately twenty (20) feet) or taller. - **AMENDED 11/06/2018**

WETLAND, INLAND: Wetlands are areas inundated or saturated by surface or groundwater for a sufficient time to support, under normal circumstances, a prevalence of vegetation adapted to wetness and which have a predominance of "hydric" soils which form in wet conditions. Wetlands shall be identified as detailed in the Corps of Engineers Wetlands Delineation Manual (1987). Wetland vegetation shall be classified as described in the National List of Plant Species that Occur in Wetlands: Northeast (Region One) (1988), or its subsequent revisions. Hydric soils shall be classified as in Field Indicators for Identifying Hydric Soils in New England (1998) or its subsequent revisions. Man-made inland waterbodies of 10 acres or less and man-made drainage facilities shall be exempted from this definition.

Freshwater/Inland Wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

(See also: definition of CONTIGUOUS WETLANDS) - **AMENDED 05/09/1992, 11/02/2004**

WORKFORCE AFFORDABLE HOUSING: Dwelling units that may be purchased or rented for year-round occupancy by a working household with moderate income. Workforce Affordable Housing may include single-family dwellings, two-family dwellings, multi-family dwellings, or a combination of these. - **AMENDED 11/04/2008, 11/02/2010**

YEAR-ROUND DWELLING: Any structure or any portion thereof which is capable of being used as a residence for one or more persons and which possesses the minimum amount of utilities and services (including, but not limited to heating, water supply, sewage treatment, electricity, and cooking facilities) to permit the structure to be used continuously as a residence on every day of the calendar year.

YORK HOUSING: An organization established under the Statutes of Maine by the Town of York in November, 1978, whose mission is to provide safe, clean, affordable housing. This organization was formerly known as the York Housing Authority. - **AMENDED 11/04/2008**

YORK RIVER: That waterway in the Town of York which is commonly called the York River. It includes the low water channel and the coastal wetlands of the York River and its tributaries.

ARTICLE THREE

ESTABLISHMENT OF ZONING DISTRICTS

3.1 Lots Divided by District Boundaries

Where a zoning district boundary line divides a parcel of land, the parcel shall be deemed split into the different zones and each portion shall be governed by the regulations pertinent to that district.

3.2 Conflict of Districts

Whenever there is a conflict between the Shoreland Overlay District, Watershed Protection Overlay District, or Floodplain Management Overlay District and an underlying District, the provisions of the more restrictive district shall prevail.

3.3 Maps Incorporated By Reference

Certain zoning districts are delineated using maps in lieu of verbal boundary descriptions. The full citation of each zoning map's title and date of preparation is provided in the section of the text describing that zone's boundaries. These maps, though printed separately from this document, are an integral part of this Ordinance and are hereby incorporated by reference. These maps shall be on file with the Town Clerk and are available for public inspection when the Clerk's office is open for business. - **AMENDED 11/02/2004**

3.4 Map of Base Zoning Districts

A Base Zoning Districts

The boundaries of base zoning districts established pursuant to this Ordinance are delineated in detail on a map entitled, "York Zoning Ordinance: Base Zoning Districts" dated December 17, 2025. The following base zones are delineated: **- Map Amended 11/08/2005, 11/04/2008, 11/03/2015, 05/21/2016, 11/05/2024, 05/16/2026**

RES-1	Residential 1
RES-2	Residential 2
RES-3	Residential 3
RES-4	Residential 4
RES-5	Residential 5
RES-6	Residential 6
RES-7	Residential 7
BUS-1	Business 1
BUS-2	Business 2
YBVC	York Beach Village Center
YVC-1	York Village Center-1
YVC-2	York Village Center-2
RT 1-1	Route One-1, River
RT 1-2	Route One-2, Small Makes Sense
RT 1-3	Route One-3, Big Makes Sense
RT 1-4	Route One-4, Tourism/Recreation
RT 1-5	Route One-5, Cape Neddick Village
RT 1-6	Route One-6, Rural Mixed Use
GEN-1	General Development 1
GEN-2	General Development 2
GEN-3	General Development 3
CD-1	Character District 1 (Natural)
CD-3	Character District 3 (Neighborhood)
CD-4	Character District 4 (Neighborhood Center)
CS	Civic Space (Civic)
SD-AE	Special District (Amusement & Entertainment)

B. Interpretation of Maps

Zoning district boundaries delineated on the map of base zoning districts relate to physical features or legal boundaries. As such, this map shall be interpreted using the following rules:

1. Streets. A zoning district boundary relating to a street shall be considered in relation to the centerline of the street right-of-way.

2. Property Boundary. Because of the high potential for inaccuracies in the Town's tax maps, a zoning district boundary depicted on a lot line shall be based on the actual location of that lot line on the face of the earth as of the date on which the map become effective. Subsequent property boundary changes shall not have the effect of shifting zoning district boundaries.

3. Streams and Rivers. A zoning district boundary shown along a stream or river shall be interpreted as following the thread of the main course.

4. Gaps. There shall be no gaps between adjacent base zoning districts.

C. Authority to Interpret

The Town official or body charged with administration of provisions of this Ordinance shall have the authority to interpret this map in the course of their duties. To the extent additional information is required to interpret zoning district boundaries, the Town official or body may take into account personal experience and knowledge, past interpretations, input from people or firms with suitable expertise in specific disciplines (e.g.: Professional Land Surveyor), and other input deemed appropriate. - **AMENDED 11/02/2004**

3.5 District Boundary Lines

A district boundary line that is field verified, delineated on an official town map or shown on a professionally certified plan shall form an invisible vertical plane perpendicular to the ground surface. - **AMENDED 11/08/2016**

3.6 Reserved. - **AMENDED 11/02/2004**

3.7 Reserved. - **AMENDED 11/02/2004**

3.8 Shoreland Overlay District

The boundaries of this district and its sub-districts are delineated on a pair of maps entitled, "York Zoning Ordinance: Shoreland Overlay District, Northern Section)," dated November 4, 2008, and "York Zoning Ordinance: Shoreland Overlay District, Southern Section" dated November 10, 2022. These maps are available at the Town Clerk's Office. This district's boundaries are based on criteria, as specified in §3.8.1, below. This Overlay District is divided into subdistricts, as specified in §3.8.2, below. Interpretation of the boundaries of this Overlay District shall be governed by §3.8.3, below, as well as other applicable sections of this Ordinance. See Article 8 for standards pertaining to this Overlay District. Also note that certain setback requirements of the Shoreland Overlay District can apply to areas outside this Overlay District (beyond 250 feet from protected resources) and this is intentional. - **AMENDED 11/08/2005, 11/04/2008, 5/20/2023**

1. Criteria. The Shoreland Overlay District Map was based on designation of resources in accordance with the following criteria:

a. Tidal waters, coastal wetlands, and inland wetlands contiguous to these resources regardless of their size, and those areas within 250 feet, horizontal distance, of the normal high water mark of such resources.

1. Exception. Where the Shoreland Overlay District overlaps the York Village Hospital Overlay District, the boundary of the Shoreland Overlay District and structure setbacks shall be measured from the upland edge of the coastal wetlands, not from the upland edge of the contiguous inland wetlands. The inland wetlands in this area are forested, as defined in the State's Chapter 1000 Shoreland Zoning Guidelines, and have an area significantly less than 10 acres. For both of these reasons, this exception to the local rule fully complies with State requirements. The exception is provided to more fully accommodate the public policy objectives of the York Village Hospital Overlay District. - **AMENDED 11/06/2007**

b. Those areas within 250 feet, horizontal distance, of the normal high water mark of Bell Marsh Reservoir, Boulter Pond, Chases Pond, Folly Pond, Lake Carolyn, Middle Pond, Scituate Pond, Welchs Pond, Phillips Pond, and York Pond, including wetlands contiguous to these water bodies,

and those areas within 250 feet, horizontal distance, of the normal high water mark or upland edge of such resources.

c. All inland wetlands with a contiguous area of 4 acres or more, and all areas within 250 feet of the upland edge of such wetlands.

d. Those lands lying within 75 feet, horizontal distance, of the normal high water mark of a stream designated on the Shoreland Overlay District Map.

e. The provisions of the Shoreland Zoning Overlay District also apply to any structure built on, over, or abutting a dock, wharf or pier, or other structure extending beyond or located below the normal high water mark of a waterbody or within a wetland. - **AMENDED 11/04/2008**

2. Subdistricts. The district is comprised of sub-districts as follows:

a. Resource Protection Sub-district. This subdistrict shall include all areas that meet the criteria that follow. This designation shall supersede the classification of Limited Residential or Mixed-Use sub-district designations.

1. Coastal Wetlands. The wetland area itself.
2. Inland Wetlands. The wetland area itself for inland wetlands with a contiguous area of 4 or more acres, or that are contiguous to coastal wetlands.
3. Map-Designated Areas. All areas so designated on the Shoreland Overlay District Map.
4. Steep Slopes. Within the Limited Residential or Mixed-Use subdistrict, areas of 2 or more contiguous acres with sustained slopes of 20% or greater, as shown on the Shoreland Overlay District Map. The area of steep slopes may extend beyond the boundaries of the Shoreland Overlay District, but only that portion of the steep area that lies within the Shoreland Overlay District shall be designated as resource protection.
5. 100-Year Floodplain. Any Shoreland area included within the Velocity Zone on FEMA's Flood Insurance Rate Maps shall be classified as Resource Protection. Along the tidal reaches of the Cape Neddick River, York River and Brave Boat Harbor, any Shoreland area included in the 100-year floodplain on FEMA's Flood Insurance Rate Maps shall be classified as Resource Protection. Because the majority of these areas are narrow slivers of land which would not display legibly on the Shoreland Overlay District Map, these designations shall be determined on a case-by-case basis. - **AMENDED 11/04/2008**
6. Bird Habitat Areas. The Resource Protection Subdistrict shall include upland areas adjacent to wetlands which are rated "moderate" or "high" value waterfowl and wading bird habitat by the Maine Department of Inland Fisheries and Wildlife, as shown on the Shoreland Overlay District Map. - **AMENDED 11/04/2008**
7. Unstable Bluffs. The Resource Protection Subdistrict shall include the face of any unstable or highly unstable coastal bluff along tidal waters, as shown on the Shoreland Overlay District map. These areas are designated because they are subject to severe erosion or mass movement. The source of the data is mapping by the Maine Geological Survey. - **AMENDED 11/04/2008**

b. Limited Residential Sub-district. All areas so designated on the Shoreland Overlay District Map.

c. Mixed-Use Sub-district. All areas so designated on the Shoreland Overlay District Map.

d. Stream Protection Sub-district. All areas so designated on the Shoreland Overlay District Map, and as indicated in §3.8.3.C. - **AMENDED 11/04/2008**

3. Interpretation of Map.

A. The resource locations and boundaries shown on the map are subject to field verification. This is particularly important because the map is a generalized depiction of the resource conditions on the ground. In instances where the map and text conflict, the map shall prevail unless expressly provided in the remainder of this section (§3.8.3).

B. Tidal Waters, coastal wetlands, inland wetlands contiguous to these resources regardless of their size, and inland wetlands with a contiguous area of 4 acres or more, and the entire area within 250' of these resources, shall be included in this Overlay District whether properly shown on the Shoreland Overlay District Map or not.

C. The inclusion of streams in this Overlay District shall be based on the standard that the stream and adjacent uplands shall be included in the Overlay District downstream from its initial point of inclusion, and that there are to be no gaps except as specified below. Any stream flowing out of a Shoreland-designated wetland or great pond shall be considered in the Stream Protection Sub-district even if it is not properly designated on the Shoreland Overlay District Map.

The exceptions to continuous inclusion of a stream in the Overlay are:

1. where a stream enters into a man-made roadside drainage system, it shall be excluded from the Overlay, but shall resume its inclusion below the outfall from the drainage system; or
2. where a stream is contained in a culvert or similar structure for a length of 100 feet or more, it shall be excluded from the Overlay, but shall resume its inclusion below the outfall of the culvert.

In both exceptions cited above, the Stream Protection Subdistrict shall break perpendicular to the stream channel at the point where it enters and exits the drainage system or culvert.

- **AMENDED 05/09/1992, 11/02/2004, 11/04/2008, 5/18/22024**

3.9 Watershed Protection Overlay District

3.9.1 The Watershed Protection Overlay District consists of that area in which surface and subsurface waters ultimately flow or drain into the public water supply, including the area of the ponds. The boundaries of this district are delineated on a map entitled, "York Zoning Ordinance: Watershed Protection Overlay District," dated November 20, 2023. - **AMENDED 11/02/2004, 5/18/2024**

3.9.2 Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is some dispute as to where the watershed boundary lies on a particular property, the Water District and the landowner shall conduct an on-site investigation to determine where the drainage divide lies. If the Water District and the landowner cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the landowner to provide the York Planning Office with information from a registered land surveyor showing where the drainage divide lies.

3.10 Reserved

3.11 Reserved. - **AMENDED 04/10/1993, 11/04/1997, 11/02/2004, 05/19/2012**

3.12 Wetlands Protection Overlay District

Any area that meets the definition of Inland Wetland, regardless of size, shall be considered a wetland subject to the provisions of the Wetlands Protection Overlay District. - **AMENDED 11/07/2000, 11/02/2004**

3.13 York Village Hospital Overlay District

The York Village Hospital Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: York Village Hospital Overlay District" dated January 31, 2018. - **AMENDED 05/17/2003, 5/19/2018**

3.14 York Village Affordable Elderly Housing Overlay District

The York Village Affordable Elderly Housing Overlay District shall include the property as shown on a map entitled, "York Zoning Ordinance: York Village Affordable Elderly Housing Overlay District" dated December 8, 2015. - **AMENDED 05/17/2003, 05/21/2016**

3.15 Reserved. - **AMENDED 05/20/2006, 11/03/2015, 05/21/2016**

3.16 Workforce Affordable Housing Overlay District

The Workforce Affordable Housing Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: "Workforce Affordable Housing Overlay District" dated May 6, 2019.- **AMENDED 11/04/2008, 11/05/2019**

3.17 Farm Enterprise Overlay District

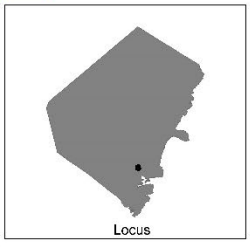
The Farm Enterprise Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: Farm Enterprise Overlay District, November 5, 2013". This map constitutes a registry of approved properties comprising the Farm Enterprise Overlay District. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size, and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least $2,000 per year. The acreage minimum may be met by any combination of ownership, rental, or lease of agricultural land. The Farm Enterprise Overlay District map may be amended by referenda upon application for inclusion by a property owner that has demonstrated they meet the acreage and use requirements of the overlay district. - **AMENDED 11/02/2010, 05/21/2011, 11/05/2013**

York Zoning Ordinance: York Village Hospital Overlay District



Legend

York Village Hospital Overlay District

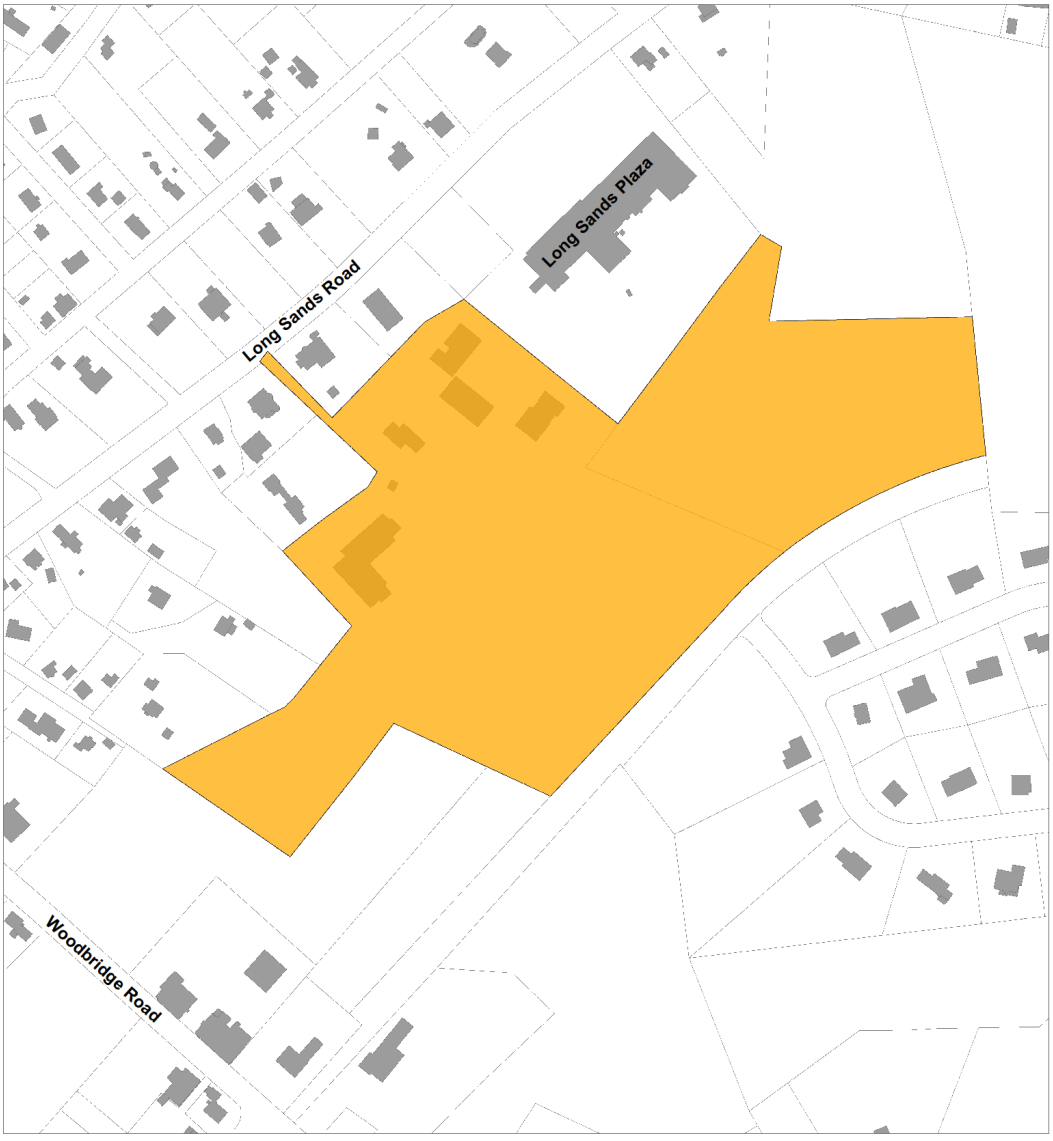


0 100 200 400 600 800 Feet

N W E S

Planning Department
York, Maine
January 31, 2018

York Zoning Ordinance: York Village Affordable Elderly Housing Overlay District





Locus

360 180 0 360 Feet

Buildings

Parcels

York Village Affordable Elderly Housing Overly District

York, Maine
Map prepared: December 8, 2015

ARTICLE FOUR

USE REGULATIONS

4.1 Base Zone Requirements. The uses listed for each zone in this Article are permitted, and all others are prohibited.

A. Residential Use Category, With Permit/Approval Jurisdiction. The following is a list of all the principal uses within the Residential Use Category. In the zone-by-zone listing of permitted principal uses in the Residential Use Category, any use listed for that zone shall be an allowed use, and uses from this list which are not listed shall be expressly prohibited. Where a permit or approval is required for establishment or modification of the use, the proper authority is identified below after the use. Where uses are referenced in overlay districts, permit or approval authority for the use shall be the same as in the base zones unless otherwise specified.

- Dwelling, Single-Family – CEO
- Dwelling, Two-Family – CEO
- Short-Term Residential Rental – CEO
- Dwelling, Multi-Family – Planning Board
- Bed & Breakfast – Board of Appeals, by Special Exception per §18.8.2.2
- Boarding House – Board of Appeals, by Special Exception per §18.8.2.2
- Elderly Housing – Planning Board
- Elderly Congregate Housing – Planning Board

B. Civic & Public Use Category, With Permit/Approval Jurisdiction. The following is a list of all the principal uses within the Civic & Public Use Category. In the zone-by-zone listing of permitted principal uses in the Civic & Public Use Category, any use listed for that zone shall be an allowed use, and uses from this list which are not listed shall be expressly prohibited. Where a permit or approval is required for establishment or modification of the use, the proper authority is identified below after the use. Where uses are referenced in overlay districts, permit or approval authority for the use shall be the same as in the base zones unless otherwise specified.

- Cemetery - CEO
- Civic Use – See §18.15
- Cultural Facility - See §18.15
- Essential Services - CEO
- Hospital – See §18.15
- Medical Facility - See §18.15
- Membership Organization - See §18.15
- Municipal Use - See §18.15
- Nursing Home - See §18.15
- Religious Use - See §18.15
- School - See §18.15
- Utility District - See §18.15

C. Other Use Categories. Uses which are permitted are listed by category for each zoning district.
- **AMENDED 05/19/2012, 11/06/2012**

§4.1.1 Residential Districts

Permitted Uses in RES 1-A and RES 1-B

Residential Use Category (RES 1-A & RES 1-B) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- Short-Term Residential Rental

Commercial Use Category (RES 1-A & RES 1-B)

- Motels/Hotels – Permitted only on Harris Island.
- Lodging and Tourist Homes/Inns – Maximum of 3 rooms for rent. Only permitted as an accessory use incidental to single-family or two-family dwellings.
- Restaurants – Permitted only on Harris Island and only in conjunction with a hotel or motel.
- Marinas – Permitted only on Harris Island.
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RES 1-A & RES 1-B)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES 1-A & RES 1-B)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (RES 1-A & RES 1-B)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES 1-A & RES 1-B)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES 1-A & RES 1-B)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries – Excluding any use injurious, noxious, or offensive to the neighborhood.
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises – Stand size limited to 200 square feet.
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES 1-A & RES 1-B)

- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES 1-A & RES 1-B)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses. - **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in RES-2

Residential Use Category (RES-2) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Short-Term Residential Rental

Commercial Use Category (RES-2)

- Motels/Hotels – Only facilities which existed as of March 30, 1985 and which have a master plan approved by the DEP may expand. Expansions may only be within the owner's lot of record and contiguous lots owned by that owner as of March 30, 1985. These motel and restaurant facilities and their permitted expansions are to be considered a conforming use in this district.
- Lodging and Tourist Homes/Inns – Maximum of 3 rooms for rent. Only permitted as an accessory use incidental to single-family or two-family dwellings.
- Restaurants – Permitted only in conjunction with a hotel. See Hotel/Motel listed above.
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RES-2)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-2)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- School
- Religious Use
- Utility District – Treatment plants not permitted.

- **AMENDED 11/06/2012**

Industrial Use Category (RES-2)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-2)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or

Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-2)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries – Excluding any use injurious, noxious, or offensive to the neighborhood.
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises – Stand size limited to 200 square feet.
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-2)

- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-2)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in RES-3

Residential Use Category (RES-3) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Short-Term Residential Rental

Commercial Use Category (RES-3)

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015**

Office Use Category (RES-3)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-3)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (RES-3)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-3)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-3)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.

- Aquaculture
- General Purpose Farm, Agriculture and Nurseries – Excluding any use injurious, noxious, or offensive to the neighborhood.
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises – Stand size limited to 200 square feet.
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-3)

- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-3)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2018**

Permitted Uses in RES-4

Residential Use Category (RES-4) - **AMENDED 05/19/2012**

- Single-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner. In addition, private garages are limited to the storage or parking of 3 motor vehicles.
- Boarding House – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- Short-Term Residential Rental

Commercial Use Category (RES-4)

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RES-4)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-4)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (RES-4)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-4)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-4)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Sale of Produce Raised on Same Premises; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-4)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-4)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in RES-5

Residential Use Category (RES-5) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Short-Term Residential Rental

Commercial Use Category (RES-5)

- Motels/Hotels – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons.
- Lodging and Tourist Homes/Inns
- Restaurants – Seating for 75 or more persons only. Food and beverages must be sold for consumption within the premises - take-out stands shall not be permitted.
- Ice Cream Stands
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RES-5)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-5)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (RES-5)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-5)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or

Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-5)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Sale of Produce Raised on Same Premises; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-5)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-5)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses. - **AMENDED 11/06/2018**

Special Restrictions for RES-5 Zone: see §4.2.

Permitted Uses in RES-6

Residential Use Category (RES-6) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RES-6)

- Marinas
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RES-6)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-6)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- Religious Use
- School
- Utility District

- **AMENDED 11/06/2012**

Industrial Use Category (RES-6)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-6)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-6)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Sale of Produce Raised on Same Premises; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-6)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-6)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses.

- AMENDED 11/06/2012, 11/06/2018

Permitted Uses in RES-7

Residential Use Category (RES-7) - AMENDED 05/19/2012

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RES-7)

- Motels/Hotels – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation within cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons.
- Lodging and Tourist Homes/Inns
- Restaurants –Food and beverages must be sold for consumption on the premises - take-out stands shall not be permitted.
- Ice Cream Stands
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility. - **AMENDED 11/04/2014, 05/16/2015, 11/05/2019, 5/16/2026**

Office Use Category (RES-7)

- Town of York or York School District Offices
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RES-7)

- Civic Use – Uses occupying structures shall not exceed 2,500 square feet of floor area. Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- Religious Use
- School
- Utility District – Treatment plants not permitted

- AMENDED 11/06/2012

Industrial Use Category (RES-7)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RES-7)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RES-7)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries – Excluding any use injurious, noxious, or offensive to the neighborhood.
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises – Stand size limited to 200 square feet.
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Animal Breeding (Small Domestic Animals); Commercial Stables.

Recreation & Amusement Use Category (RES-7)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RES-7)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Special Restriction for RES-7 Zone: see §4.2.

§4.1.2 Business, Village and General Districts

Permitted Uses in BUS-1

Residential Use Category (BUS-1)

- Single-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles. Also, reference density standard of §5.4.4.
- Multi-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles. Also, reference density standard of §5.4.4.
- Boarding House – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- Short-Term Residential Rental

Commercial Use Category (BUS-1)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises
- Banks (with or without drive-through window)
- Antique Shops
- Laundries and Dry Cleaning Facilities (on public sewer)
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherin merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment
- Restaurants – Provided that food and beverages are sold only for consumption within the premises. Take-out stands shall not be permitted.
- Florists
- Pet Shops
- Commercial Schools
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Motels/Hotels; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- AMENDED 11/04/2014, 05/16/2015, 11/05,2019

Office Use Category (BUS-1)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic
- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (BUS-1)

- Cultural Facility
- Civic Use –Excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Essential Services

- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials
- Religious Use
- School
- Utility District – Treatment plants not permitted - **AMENDED 11/06/2012**

Industrial Use Category (BUS-1)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (BUS-1)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (BUS-1)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Animal Breeding (Small Domestic Animals); Commercial Stables; Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (BUS-1)

- Bath House for Non-Commercial Purposes
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment.

Miscellaneous Use Category (BUS-1)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Mortuary, Undertaking or Funeral Establishment
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses. **- AMENDED 11/06/2018**

Permitted Uses in BUS-2

Residential Use Category (BUS-2) - **AMENDED 05/19/2012**

- Single-Family Dwelling – Private garages are limited to the storage or parking of 3 motor vehicles.
- Two-Family Dwelling – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner. In addition, private garages are limited to the storage or parking of 3 motor vehicles.
- Boarding House – Allowed only by Special Exception. The Board of Appeals may grant a special exception if the proposed use is determined to comply with the conditions listed in §18.8.2.2 and the dwelling will be the primary residence of the owner.
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (BUS-2)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises
- Banks (with or without drive-through window)
- Antique Shops
- Laundries and Dry Cleaning Facilities (on public sewer)
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherin merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment
- Motels/Hotels – A transient rental accommodation with cooking facilities in a motel/hotel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same motel/hotel and not only the rental of the same accommodation to the same person or persons.
- Lodging and Tourist Homes/Inns
- Restaurants – Provided that food and beverages are sold only for consumption within the premises. Take-out stands shall not be permitted.
- Ice Cream Stands
- Florists
- Pet Shops
- Commercial Schools
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- EXPRESSLY PROHIBITED: Store for retail sale of merchandise with more than 2,500 square feet of gross floor area; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

  - **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (BUS-2)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic
- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (BUS-2)

- Civic Use - excluding parks that have athletic fields that use high intensity lights and/or outdoor seating, and which are greater than 15,000 square feet in size.
- Cultural Facility
- Essential Services

- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (BUS-2)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (BUS-2)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (BUS-2)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Animal Breeding (Small Domestic Animals); Commercial Stables; Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (BUS-2)

- Campgrounds and Travel Trailer Parks – Must meet the standards of §7.2.
- EXPRESSLY PROHIBITED: Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House for Non-Commercial Purposes.

Miscellaneous Use Category (BUS-2)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Mortuary, Undertaking or Funeral Establishment
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in YBVC

Residential Use Category (YBVC) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (YBVC)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses – No external display of goods or wares by any business whether goods were previously displayed or not.
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises – No external display of goods or wares by any business whether goods were previously displayed or not.
- Store for retail sale of merchandise with more than 2,500 square feet of gross floor area
- Banks – Drive-through windows prohibited.
- Antique Shops – No external display of goods or wares by any business whether goods were previously displayed or not.
- Laundries and Dry Cleaning Facilities (on public sewer)
- Motels/Hotels – A transient rental accommodation with cooking facilities in a motel/hotel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same motel/hotel and not only the rental of the same accommodation to the same person or persons.
- Lodging and Tourist Homes/Inns
- Restaurants
- Ice Cream Stands
- Florists – No external display of goods or wares by any business whether goods were previously displayed or not.
- Pet Shops
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Garden Centers; Commercial Schools; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

- **AMENDED 11/4/2014, 05/16/2015, 11/05/2019**

Office Use Category (YBVC)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic
- Radio or Television Studio
- EXPRESSLY PROHIBITED: Laboratory or Research Facility.

Civic & Public Use Category (YBVC)

- Civic Use
- Cultural Facility
- Essential Services
- Medical Facility
- Membership Organization

- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials.
- Religious Use
- School
- Utility District – Treatment plants not permitted

- **AMENDED 11/06/2012**

Industrial Use Category (YBVC)

- Bulk Storage Collection Bin
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages (Except as permitted within or accessory to an Artisanal Food and/or Beverage Facility); Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

- **AMENDED 11/03/2015**

Vehicular Use Category (YBVC)

- Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots – But only for rental of non-motorized boats, bicycles and mopeds, and for vehicle storage.
- Commercial Parking
- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (YBVC)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; General Purpose Farm, Agriculture and Nurseries; Animal Breeding (Small Domestic Animals); Commercial Stables; Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (YBVC)

- Campgrounds and Travel Trailer Parks
- Amusement Arcades (as Primary or Accessory Use) – Enclosed within a structure.
- Indoor Amusement/Entertainment/Assembly Place (Enclosed)
- Indoor Sports Facility (No Gambling)
- Outdoor Sport and Amusement Facilities Conducted for Profit
- Open Air or Drive-In Theater or Other Open Air Places of Entertainment – Drive-in theater is prohibited.
- Bath House for Non-Commercial Purposes
- EXPRESSLY PROHIBITED: Country Club.

Miscellaneous Use Category (YBVC)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Mortuary, Undertaking or Funeral Establishment
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.

- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Uses Similar to Prohibited Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Special Restrictions for YBVC Zone: see §4.2.

Permitted Uses in YVC-1 and YVC-2

Residential Use Category (YVC-1 & YVC-2) - **AMENDED 05/21/16**

- Single-Family Dwelling- On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Two-Family Dwelling- On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Multi-Family Dwelling- Only on lots served by public sewer and public water. On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Boarding House- Only on lots served by public sewer and public water. On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Bed & Breakfast- Only on lots served by public sewer and public water.
- Elderly Housing- Only on lots served by public sewer and public water. On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Elderly Congregate Housing- Only on lots served by public sewer and public water. On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.
- Short-Term Residential Rental- Only on lots served by public sewer and public water. On lots with frontage on York Street, Woodbridge Road or Long Sands Road the use shall only be permitted within a mixed-use building.

Commercial Use Category (YVC-1 & YVC-2)

- Service Business Serving Local Needs such as, but not limited to, barber shop/hair salon/spa, shoe repair, Laundromat, dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar use (Individual establishment not to exceed 2,500 square feet of gross floor area).
- Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building. Store may also produce goods onsite, provided such are sold on site and the production area is smaller than the retail area (Individual establishment not to exceed 3,500 square feet of gross floor area).
- Bank without drive-through window, not to exceed 2,500 square feet of gross floor area.
- Lodging and Tourist Home/Inn
- Restaurant- Individual establishment not to exceed 3,500 square feet of gross floor area.
- Artisanal Food and/or Beverage Facility- Individual establishment not to exceed 5,000 square feet of gross floor area; retail sales of merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
- Ice Cream Stand- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Florist- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Pet Supply Shop- The sale of live animals is prohibited. Individual establishment not to exceed 2,500 square feet of gross floor area.
- Commercial School- Permitted throughout except if the lot contains frontage on York Street, Woodbridge Road or Long Sands Road, the use shall be located on the second floor or higher in the YVC-1 District. In both districts, an individual establishment shall not exceed 2,500 square feet of gross floor area.
- Day Care Facility- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Produce Store such as, but not limited to small grocery stores selling meats, cheeses, fruits and vegetables or other similar goods. Individual establishment not to exceed 2,500 square feet of gross floor area.
- EXPRESSLY PROHIBITED Motel/Hotel; Fast Food Restaurant, whether the use is a principal use or an accessory use; Formula Restaurant, whether the use is a principal use or an accessory use; Truck Stop; Marina; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Dry Cleaning Facility.

-**Amended 11/05/2019**

Office Use Category (YVC-1 & YVC-2)

- Business, Financial, Professional or Government Office, Excluding Town of York or York School District Office (provided the use does not occupy more than 50% in the rear of the street level gross floor area of a building adjacent to York Street, Woodbridge Road or Long Sands Road).
- Town of York or York School District Office
- Office and or Clinic for Medical, Psychiatric, or Other Health Service for the Examination or Treatment of Persons as Outpatients, including laboratories that are part of such office or clinic provided the use does not occupy more than 50% in the rear of the gross floor area of a building adjacent to York Street, Woodbridge Road or Long Sands Road.
- Radio or Television Studio (provided such use is located on the second floor or above and does not include a tower or antenna).

Civic & Public Use Category (YVC 1 & YVC-2)

- Cemetery
- Civic Use
- Cultural Facility
- Essential Services
- Hospital- Shall only be permitted within the hospital overlay district.
- Medical Facility- Shall only be permitted within the hospital overlay district.
- Membership Organization (provided such use is located on the second floor or above).
- Municipal Use
- Religious Use
- School
- Utility District

Industrial Use Category (YVC-1 & YVC-2)

- Printing, Binding, Publishing and Related Arts and Trades- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Bottling of Beverages- Permitted only as accessory to an Artisanal Food and/or Beverage Facility.
- EXPRESSLY PROHIBITED: Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminal; Waste Transfer Facility; Bulk Storage Collection Bin; Wood Manufacturing and Fabrication; Wholesale Business and Storage in a Roofed Structure; Machine Shop, Assembly, Packaging, or Manufacturing.

Vehicular Use Category (YVC-1 & YVC-2)

- EXPRESSLY PROHIBITED: Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, including Snowmobiles; Salvage Yard, Junk Yard, Wrecking Yard; Car Washing Establishment; Vehicle Service Station, Auto Repair Garage; Auto Body Repair Shop; Place for Repair, Sale, Rent or Storage of Pleasure Boats.

Rural & Agricultural Use Category (YVC-1 & YVC-2)

- Soil and Water Conservation Practices- Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Commercial Stable; Veterinary Establishment, Kennel, or Similar Establishment; Mineral Exploration; Sand/Gravel Pit, Quarry, etc.

Recreation & Amusement Use Category (YVC-1 & YVC-2)

- Indoor Amusement/Entertainment/Assembly Place, which may include a performing arts facility (Enclosed and individual establishment not to exceed 5,000 square feet of gross floor area).
- Open Air Venue/Area for Theatrical and Musical Performances (Capacity not to exceed 300 persons).
- Indoor Sports Facility (No Gambling).
- Outdoor Sport and Amusement Facility
- EXPRESSLY PROHIBITED: Campground; Travel Trailer Park; Amusement Arcade (as Primary or Accessory Use); Drive-In Theater; Bath House for Non-Commercial Purposes; Country Club.

Miscellaneous Use Category (YVC-1 & YVC-2)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark- Temporary or Permanent.
- Mortuary, Undertaking or Funeral Establishment- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Lettering or Sale of Gravestones- Individual establishment not to exceed 2,500 square feet of gross floor area.
- Filling or Other Earthmoving Activity
- Road and Driveway Construction

- Structure Accessory to Permitted Use- If the principal structure or principal use is a dwelling unit, an accessory structure shall not have a cooking facility and shall not have more than one of the following: living facility, sanitary facility or sleeping facility.
- Accessory Use Customarily Incidental to Allowed Use
- Use Similar to Permitted Use
- EXPRESSLY PROHIBITED: Casino; Head Shop; Obscene Exhibition; Dump; Billboard; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; Flea Market; Use Similar to Prohibited Use; Drive through facility.

- **AMENDED 05/21/2016, 11/06/2018, 11/05/2024**

Permitted Uses in GEN-1

Residential Use Category (GEN-1) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Short-Term Residential Rental

Commercial Use Category (GEN-1)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises
- Antique Shops
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment
- Lodging and Tourist Homes/Inns
- Restaurants – Seating under 75 persons.
- Ice Cream Stands
- Florists
- Garden Centers
- Pet Shops
- Commercial Schools
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (GEN-1)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic
- Laboratory or Research Facility
- EXPRESSLY PROHIBITED: Radio or Television Studio.

Civic & Public Use Category (GEN-1)

- Cemeteries
- Civic Use
- Cultural Facility
- Essential Services
- Hospital
- Medical Facility
- Membership Organization
- Municipal Use
- Nursing Homes
- Religious Use
- School
- Utility District

- **AMENDED 11/06/2012**

Industrial Use Category (GEN-1)

- Printing, Binding, Publishing and Related Arts and Trades
- Bottling of Beverages
- Machine Shop, Assembly, Packaging, or Manufacturing
- Wholesale Business and Storage in a Roofed Structure
- Wood Manufacturing and Fabrication
- Bulk Storage Collection Bin
- Waste Transfer Facility – Under municipal ownership and control.
- EXPRESSLY PROHIBITED: Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (GEN-1)

- Vehicle Service Stations, Auto Repair Garages
- Auto Body Repair Shops
- Place for Repair, Sale, Rent or Storage of Pleasure Boats
- EXPRESSLY PROHIBITED: Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (GEN-1)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Animal Breeding (Small Domestic Animals)
- Harvesting of Wild Crops
- Commercial Stables
- Veterinary Establishment, Kennel, or Similar Establishment – Provided that in commercial zones animals are kept wholly indoors.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc..

Recreation & Amusement Use Category (GEN-1)

- Indoor Amusement/Entertainment/Assembly Place (Enclosed)
- Indoor Sports Facility (No Gambling)
- Outdoor Sport and Amusement Facilities Conducted for Profit
- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House for Non-Commercial Purposes.

Miscellaneous Use Category (GEN-1)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Flea Markets
- Medium-Scale Ground-Mounted Solar Energy System
- Large-Scale Ground-Mounted Solar Energy System
- Mortuary, Undertaking or Funeral Establishment
- Place for Exhibition, Lettering or Sale of Gravestones
- Filling or Other Earthmoving Activities
- Road and Driveway Construction

- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses. - **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in GEN-2

Residential Use Category (GEN-2) - AMENDED 05/19/2012

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Short-Term Residential Rental

Commercial Use Category (GEN-2)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises
- Antique Shops
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment
- Lodging and Tourist Homes/Inns
- Restaurants – Seating under 75 persons.
- Ice Cream Stands
- Florists
- Garden Centers
- Pet Shops
- Commercial Schools
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- AMENDED 11/04/2014, 05/16/2015, 11/05/2019

Office Use Category (GEN-2)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic
- Laboratory or Research Facility
- EXPRESSLY PROHIBITED: Radio or Television Studio.

Civic & Public Use Category (GEN-2)

- Cemeteries
- Civic Use
- Cultural Facility
- Essential Services
- Hospitals
- Medical Facility
- Membership Organization
- Municipal Use
- Nursing Homes
- Religious Use
- School
- Utility District

- AMENDED 11/06/2012

Industrial Use Category (GEN-2)

- Printing, Binding, Publishing and Related Arts and Trades
- Bottling of Beverages
- Machine Shop, Assembly, Packaging, or Manufacturing
- Wholesale Business and Storage in a Roofed Structure
- Wood Manufacturing and Fabrication
- Bulk Storage Collection Bin
- Waste Transfer Facility – Under municipal ownership and control; and only permitted in that section of the GEN-2 zone which is located south of Mountain Road. Mountain Road extends from Route One to the York-South Berwick municipal boundary.
- EXPRESSLY PROHIBITED: Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals. - **AMENDED 11/06/2012**

Vehicular Use Category (GEN-2)

- Vehicle Service Stations, Auto Repair Garages
- Auto Body Repair Shops
- Place for Repair, Sale, Rent or Storage of Pleasure Boats
- EXPRESSLY PROHIBITED: Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (GEN-2)

- Sand/Gravel Pits, Quarries, etc. – Excavations must be at least 50 feet from any public way and natural screening must be provided between the excavation and the public way.
- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Animal Breeding (Small Domestic Animals)
- Harvesting of Wild Crops
- Commercial Stables
- Veterinary Establishment, Kennel, or Similar Establishment – Provided that in commercial zones animals are kept wholly indoors.
- EXPRESSLY PROHIBITED: Mineral Exploration.

Recreation & Amusement Use Category (GEN-2)

- Indoor Amusement/Entertainment/Assembly Place (Enclosed)
- Indoor Sports Facility (No Gambling)
- Outdoor Sport and Amusement Facilities Conducted for Profit
- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House for Non-Commercial Purposes.

Miscellaneous Use Category (GEN-2)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Flea Markets
- Mortuary, Undertaking or Funeral Establishment
- Medium-Scale Ground-Mounted Solar Energy System
- Large-Scale Ground-Mounted Solar Energy System

- Place for Exhibition, Lettering or Sale of Gravestones
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses. - **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in GEN-3

Residential Use Category (GEN-3) - AMENDED 05/19/2012

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling – Only on lots served by public sewer and public water.
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing
- Short-Term Residential Rental

Commercial Use Category (GEN-3)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses (South of the Little River)
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises (South of the Little River)
- Banks (with or without drive-through window) (South of the Little River)
- Laundries and Dry Cleaning Facilities (on public sewer) (South of the Little River)
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment (South of the Little River)
- Lodging and Tourist Homes/Inns (South of the Little River)
- Restaurants (South of the Little River)
- Ice Cream Stands (South of the Little River)
- Florists (South of the Little River)
- Garden Centers (South of the Little River)
- Pet Shops (South of the Little River)
- Commercial Schools (on public sewer)
- Day Care Facilities
- Fruit and Vegetable Produce Stores
- Farm Stands
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Allowed only in that portion of the zone that is located south of the Little River. Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
- EXPRESSLY PROHIBITED: Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open;
  Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

  - AMENDED 11/04/2014, 05/16/2015, 11/05/2019

Office Use Category (GEN-3)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices (South of the Little River)
- Town of York or York School District Offices
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic (South of the Little River)
- Laboratory or Research Facility (South of the Little River)
- Radio or Television Studio
- EXPRESSLY PROHIBITED:

  - AMENDED 05/16/2015

Civic & Public Use Category (GEN-3)

- Cemeteries
- Civic Use

- Cultural Facility (on public sewer)
- Essential Services
- Hospitals (South of the Little River)
- Medical Facility (South of the Little River)
- Membership Organization (South of the Little River)
- Municipal Use
- Nursing Homes (on public water and sewer)
- Religious Use
- School
- Utility District

- **AMENDED 11/06/2012, 05/16/2015**

Industrial Use Category (GEN-3)

- Printing, Binding, Publishing and Related Arts and Trades (South of the Little River)
- Bottling of Beverages (South of the Little River)
- Machine Shop, Assembly, Packaging, or Manufacturing (South of the Little River)
- Wholesale Business and Storage in a Roofed Structure (South of the Little River)
- Wood Manufacturing and Fabrication (South of the Little River)
- Bulk Storage Collection Bin (South of the Little River)
- EXPRESSLY PROHIBITED: Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals; Waste Transfer Facility.

- **AMENDED 05/16/2015**

Vehicular Use Category (GEN-3)

- Vehicle Service Stations, Auto Repair Garages (South of the Little River)
- Auto Body Repair Shops (South of the Little River)
- Place for Repair, Sale, Rent or Storage of Pleasure Boats
- EXPRESSLY PROHIBITED: Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

- **AMENDED 05/16/2015**

Rural & Agricultural Use Category (GEN-3)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes.
- Aquaculture
- General Purpose Farm, Agriculture and Nurseries
- Timber Harvesting
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Animal Breeding (Small Domestic Animals)
- Harvesting of Wild Crops
- Veterinary Establishment, Kennel, or Similar Establishment – Provided that in commercial zones animals are kept wholly indoors.
- EXPRESSLY PROHIBITED: Commercial Stables; Mineral Exploration; Sand/Gravel Pits, Quarries, etc...

- **AMENDED 05/16/2015**

Recreation & Amusement Use Category (GEN-3)

- Indoor Amusement/Entertainment/Assembly Place (Enclosed) (South of the Little River)
- Open Air Venues/Areas for Theatrical and Musical Performances with a capacity not to exceed 300 persons (South of the Little River)
- Indoor Sports Facility (No Gambling) (South of the Little River)
- Outdoor Sport and Amusement Facilities
- Country Club
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Drive-In Theater.

- **AMENDED 05/16/2015, 11/03/2015**

Miscellaneous Use Category (GEN-3)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent.
- Flea Markets (South of the Little River)
- Mortuary, Undertaking or Funeral Establishment (South of the Little River)
- Medium-Scale Ground-Mounted Solar Energy System (South of the Little River)
- Large-Scale Ground-Mounted Solar Energy System (South of the Little River)
- Place for Exhibition, Lettering or Sale of Gravestones (South of the Little River)
- Filling or Other Earthmoving Activities
- Road and Driveway Construction
- Structures Accessory to Permitted Uses – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incidental to Allowed Uses
- Uses Similar to Permitted Uses
- EXPRESSLY PROHIBITED: Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses.

- **AMENDED 11/06/2012, 05/16/2015, 11/06/2018**

4.1.3 Reserved. (for Shoreland Overlay District uses see §8.2.1.)

4.1.4 Route One Districts

Permitted Uses in Route One-1

Residential Use Category (RT 1-1) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RT 1-1)

- Day Care Center – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Service Businesses; Store for Retail Sale of Merchandise; Shopping Center; Banks; Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Small Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Garden Centers; Animal Boarding (Commercial); Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Commercial Schools; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RT 1-1)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – With less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RT 1-1)

- Civic Use
- Cultural Facility – Route One Use Permit from Planning Board required.
- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Medical Facility – Route One Use Permit from Planning Board required.
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.

- **AMENDED 11/06/2012**

Industrial Use Category (RT 1-1)

- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing; Warehouse or Distribution Facilities; Wholesale Business and Storage in a Roofed Structure; Self-Storage Facilities; Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RT 1-1)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots; Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including

Snowmobile; Place for Repair, Sale, Rental or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RT 1-1)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.
- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture; Timber Harvesting.

Recreation & Amusement Use Category (RT 1-1)

- Bath House, for Non-Commercial Purposes – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Campground and Travel Trailer Park; Indoor Sports Facility (No Gambling); Athletic Club/Fitness Center; Indoor Amusement/Entertainment/Assembly Place; Outdoor Sport and Amusement Facilities Conducted for Profit; Golf Course; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Fraternal Organizations/Clubs/Lodges.

Miscellaneous Use Category (RT 1-1)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent. Route One Use Permit from Planning Board required.
- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in Route One-2

Residential Use Category (RT 1-2) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RT 1-2)

- Service Businesses – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Store for Retail Sale of Merchandise – With Less than 5,000 square feet of floor space. Store may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- Shopping Center – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- Banks, With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- Grocery Store – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Laundries and Dry Cleaning Facilities (on Public Sewer) – Serviced by Public Sewer. Route One Use Permit from Planning Board required.
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – Route One Use Permit from Planning Board required.
- Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
- Restaurants – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Ice Cream Stands – Route One Use Permit from Planning Board required.
- Garden Centers – Route One Use Permit from Planning Board required.
- Animal Boarding (Commercial) – Permitted only as an accessory use to an approved veterinarian use. Route One Use Permit from Planning Board required.
- Animal Grooming – Route One Use Permit from Planning Board required.
- Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
- Animal Retail Sales – Route One Use Permit from Planning Board required.
- Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
- Day Care Center – Route One Use Permit from Planning Board required.
- Fruit and Vegetable Produce Stores – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area. – Route One Use Permit from the Planning Board is required.
- EXPRESSLY PROHIBITED: Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

  - **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RT 1-2)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – Route One Use Permit from Planning Board required. If more than 5,000 square feet of floor space, then a Special Exception from the Board of Appeals per Article 18 is also required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.

- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RT 1-2)

- Civic Use
- Cultural Facility – Route One Use Permit from Planning Board required.
- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Hospitals
- Medical Facility – Route One Use Permit from Planning Board required.
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.
- Nursing Homes – Route One Use Permit from Planning Board required.
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.
  - **AMENDED 11/06/2012**

Industrial Use Category (RT 1-2)

- Printing, Binding, Publishing and Related Arts and Trades - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and with less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required. **- AMENDED 05/17/2014**
- Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and with less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required. **- AMENDED 05/17/2014**
- EXPRESSLY PROHIBITED: Warehouse or Distribution Facilities; Wholesale Business and Storage in a Roofed Structure; Self-Storage Facilities; Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals. - **AMENDED 05/17/2014**

Vehicular Use Category (RT 1-2)

- Vehicle Service Stations, Auto Repair Garages – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road. Route One Use Permit from Planning Board required. - **AMENDED 05/17/2014**
- Auto Body Repair Shops - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road. Route One Use Permit from Planning Board required. - **AMENDED 05/17/2014**
- Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all vehicles are displayed and stored indoors only. Route One Use Permit from Planning Board required. - **AMENDED 05/17/2014**
- Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobiles – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all such products are displayed and stored indoors only. Route One Use Permit from Planning Board required. - **AMENDED 05/17/2014**
- Place for Repair, Sale, Rental or Storage of Pleasure Boats - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all boats are displayed, repaired, and stored indoors only. Route One Use Permit from Planning Board required. - **AMENDED 05/17/2014**
- EXPRESSLY PROHIBITED: Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment. - **AMENDED 05/17/2014**

Rural & Agricultural Use Category (RT 1-2)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Timber Harvesting – Route One Use Permit from CEO required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.

- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture.

Recreation & Amusement Use Category (RT 1-2)

- Fraternal Organizations/Clubs/Lodges – Route One Use Permit from Planning Board required.
- Bath House, for Non-Commercial Purposes – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Campground and Travel Trailer Park; Indoor Sports Facility (No Gambling); Athletic Club/Fitness Center; Indoor Amusement/Entertainment/Assembly Place; Outdoor Sport and Amusement Facilities Conducted for Profit; Golf Course; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment.

Miscellaneous Use Category (RT 1-2)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark – Temporary or Permanent. Route One Use Permit from Planning Board required.
- Place for Exhibition, Lettering or Sale of Gravestones – Route One Use Permit from Planning Board required.
- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in Route One-3

Residential Use Category (RT 1-3) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RT 1-3)

- Service Businesses –Route One Use Permit from Planning Board required.
- Store for Retail Sale of Merchandise – With Less than 20,000 square feet of floor space. Store with less than 5,000 square feet of floor space may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- Shopping Center – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- Banks, With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- Grocery Store –Route One Use Permit from Planning Board required.
- Laundries and Dry Cleaning Facilities (on Public Sewer) – Serviced by Public Sewer. Route One Use Permit from Planning Board required.
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Route One Use Permit from Planning Board required.
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – Route One Use Permit from Planning Board required.
- Medical Marijuana Manufacturing Facility- without cultivation.
- Medical Marijuana Registered Dispensary- without cultivation and/or manufacturing.
- Motels/Hotels – Route One Use Permit from Planning Board required.
- Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
- Restaurants –Route One Use Permit from Planning Board required.
- Ice Cream Stands – Route One Use Permit from Planning Board required.
- Garden Centers – Route One Use Permit from Planning Board required.
- Animal Boarding (Commercial) – Permitted only as an accessory use to an approved veterinarian use. Route One Use Permit from Planning Board required.
- Animal Grooming – Route One Use Permit from Planning Board required.
- Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
- Animal Retail Sales – Route One Use Permit from Planning Board required.
- Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
- Day Care Center – As an accessory use to a permitted use only. Route One Use Permit from Planning Board required.
- Fruit and Vegetable Produce Stores – Route One Use Permit from Planning Board required.
- Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage – Route One Use Permit from Planning Board required.
- Artisanal Food and/or Beverage Facility – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area. Route One Use Permit from the Planning Board is required.
- EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RT 1-3)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices –Route One Use Permit from Planning Board required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.
- Laboratory or Research Facility – Route One Use Permit from Planning Board required.

- Radio or Television Studio – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: not applicable.

Civic & Public Use Category (RT 1-3)

- Civic Use
- Cultural Facility – Route One Use Permit from Planning Board required.
- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Hospitals –Route One Use Permit from Planning Board required.
- Medical Facility - Route One Use Permit from Planning Board required
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.
- Nursing Homes – Route One Use Permit from Planning Board required.
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.

- **AMENDED 11/06/2012**

Industrial Use Category (RT 1-3)

- Printing, Binding, Publishing and Related Arts and Trades – Route One Use Permit from Planning Board required.
- Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing – Route One Use Permit from Planning Board required.
- Warehouse or Distribution Facilities – Route One Use Permit from Planning Board required.
- Wholesale Business and Storage in a Roofed Structure – Route One Use Permit from Planning Board required.
- Self-Storage Facilities – Route One Use Permit from Planning Board required.
- Bulk Fuel Storage – Limited to storage of fuel and natural gas for retail sales use only. All storage for wholesale sales shall be prohibited, and located west of Route One only. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Truck Terminals.

Vehicular Use Category (RT 1-3)

- Vehicle Service Stations, Auto Repair Garages – Provided all work is carried out within the building and no major body work is done on premises. Route One Use Permit from Planning Board required.
- Auto Body Repair Shops – Enclosed within a structure. Route One Use Permit from Planning Board required.
- Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots – Route One Use Permit from Planning Board required.
- Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobile –Route One Use Permit from Planning Board required.
- Place for Repair, Sale, Rental or Storage of Pleasure Boats – Route One Use Permit from Planning Board required.
- Car Washing Establishment – Serviced by public sewer. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Salvage Yards, Junk Yards, Wrecking Yards.

Rural & Agricultural Use Category (RT 1-3)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Timber Harvesting – Route One Use Permit from CEO required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.
- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture.

Recreation & Amusement Use Category (RT 1-3)

- Indoor Amusement/Entertainment/Assembly Place – Route One Use Permit from Planning Board required.

- Indoor Sports Facility (No Gambling) – Route One Use Permit from Planning Board required.
- Athletic Club/Fitness Center – Route One Use Permit from Planning Board required.
- Fraternal Organizations/Clubs/Lodges – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Campground and Travel Trailer Park; Outdoor Sport and Amusement Facilities Conducted for Profit; Golf Course; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RT 1-3)

- Mortuary, Undertaking or Funeral Establishment – Route One Use Permit from Planning Board required.
- Place for Exhibition, Lettering or Sale of Gravestones – Route One Use Permit from Planning Board required.
- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.
- EXPRESSLY PROHIBITED: Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark; Flea Markets; Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in Route One-4

Residential Use Category (RT 1-4) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Elderly Congregate Housing – East of Route One only.
- Short-Term Residential Rental

Commercial Use Category (RT 1-4)

- Service Businesses – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Store for Retail Sale of Merchandise – With Less than 20,000 square feet of floor space. Store with less than 5,000 square feet of floor space may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Store with 5,000 square feet or more of floor space requires a Special Exception from the Board of Appeals per Article 18. Route One Use Permit from Planning Board required.
- Shopping Center – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- Banks, With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- Motels/Hotels – Route One Use Permit from Planning Board required.
- Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
- Restaurants –Route One Use Permit from Planning Board required.
- Ice Cream Stands – Route One Use Permit from Planning Board required.
- Animal Boarding (Commercial) –Route One Use Permit from Planning Board required.
- Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
- Day Care Center –Route One Use Permit from Planning Board required.
- Fruit and Vegetable Produce Stores – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage – Route One Use Permit from Planning Board required.
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area. Route One Use Permit from the Planning Board is required.
- EXPRESSLY PROHIBITED: Grocery Store; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Garden Centers; Animal Grooming; Animal Hospitals/Veterinarians; Animal Retail Sales; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities. - **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RT 1-4)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – Route One Use Permit from Planning Board required. If more than 5,000 square feet of floor space, then a Special Exception from the Board of Appeals per Article 18 is also required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RT 1-4)

- Civic Use
- Cultural Facility – Route One Use Permit from Planning Board required.

- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Hospitals
- Medical Facility – Route One Use Permit from Planning Board required.
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.
- Nursing Homes
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.

- **AMENDED 11/06/2012**

Industrial Use Category (RT 1-4)

- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing; Warehouse or Distribution Facilities; Wholesale Business and Storage in a Roofed Structure; Self-Storage Facilities; Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RT 1-4)

- Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobile – Sale of recreational vehicles, such as campers, tent trailers and similar accessory equipment, but not including snowmobiles, all-terrain vehicles or similar motorized vehicles, is permitted only as an accessory use to an approved campground. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots; Place for Repair, Sale, Rental or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RT 1-4)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Timber Harvesting – Route One Use Permit from CEO required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.
- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture.

Recreation & Amusement Use Category (RT 1-4)

- Campground and Travel Trailer Park – Route One Use Permit from Planning Board required.
- Indoor Amusement/Entertainment/Assembly Place (Enclosed) – Route One Use Permit from Planning Board required.
- Indoor Sports Facility (No Gambling) – Route One Use Permit from Planning Board required.
- Athletic Club/Fitness Center – Route One Use Permit from Planning Board required.
- Outdoor Sport and Amusement Facilities Conducted for Profit – Route One Use Permit from Planning Board required. Structures that are greater than 35 feet in height shall be located only east of Route One, shall maintain a minimum setback of 200 feet from Route One, and shall allow public use of an access road from Route One to the York Beach area.
- Golf Course – Route One Use Permit from Planning Board required.
- Country Club – Route One Use Permit from Planning Board required.
- Open Air or Drive-In Theater or Other Open Air Places of Entertainment – Route One Use Permit from Planning Board required.
- Fraternal Organizations/Clubs/Lodges – Route One Use Permit from Planning Board required.
- Bath House, for Non-Commercial Purposes – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: n.a.

Miscellaneous Use Category (RT 1-4)

- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.
- EXPRESSLY PROHIBITED: Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark; Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in Route One-5

Residential Use Category (RT 1-5) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RT 1-5)

- Service Businesses – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.
- Store for Retail Sale of Merchandise – With Less than 2,500 square feet of floor space. Store may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- Shopping Center – Provided no single store for retail sale of merchandise exceeds size limitations of zoning district. Route One Use Permit from Planning Board required.
- Banks, With or Without Drive-Through Windows – Route One Use Permit from Planning Board required.
- Grocery Store – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.
- Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
- Restaurants – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.
- Ice Cream Stands – Route One Use Permit from Planning Board required.
- Garden Centers – Route One Use Permit from Planning Board required.
- Animal Grooming – Route One Use Permit from Planning Board required.
- Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
- Animal Retail Sales – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.
- Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
- Day Care Center – Route One Use Permit from Planning Board required.
- Fruit and Vegetable Produce Stores – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.
- Artisanal Food and/or Beverage Facility (Not to exceed 2,500 square feet of floor space). Route One Use Permit from the Planning Board is required.
- EXPRESSLY PROHIBITED: Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Motels/Hotels; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Truck Stops; Marinas; Animal Boarding (Commercial); Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities.

- AMENDED 11/04/2014, 05/16/2015, 11/05/2019

Office Use Category (RT 1-5)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – With less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (RT 1-5)

- Civic Use

- Cultural Facility – Route One Use Permit from Planning Board required.
- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Hospitals
- Medical Facility – Route One Use Permit from Planning Board required.
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.
- Nursing Homes – Route One Use Permit from Planning Board required.
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.

- **AMENDED 11/06/2012**

Industrial Use Category (RT 1-5)

- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing; Warehouse or Distribution Facilities; Wholesale Business and Storage in a Roofed Structure; Self-Storage Facilities; Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RT 1-5)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots; Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobile; Place for Repair, Sale, Rental or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RT 1-5)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Timber Harvesting – Route One Use Permit from CEO required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.
- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture.

Recreation & Amusement Use Category (RT 1-5)

- Fraternal Organizations/Clubs/Lodges – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Campground and Travel Trailer Park; Indoor Sports Facility (No Gambling); Athletic Club/Fitness Center; Indoor Amusement/Entertainment/Assembly Place; Outdoor Sport and Amusement Facilities Conducted for Profit; Golf Course; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RT 1-5)

- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.

- EXPRESSLY PROHIBITED: Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark; Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

Permitted Uses in Route One-6

Residential Use Category (RT 1-6) - **AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (RT 1-6)

- Store for Retail Sale of Merchandise – With Less than 5,000 square feet of floor space. Store may also produce goods on site, provided such are sold on site and the production area is smaller in size than the retail area. Route One Use Permit from Planning Board required.
- Grocery Store – With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Motels/Hotels – A Motel/Hotel only may have a restaurant(s), retail store(s), service business(es) and/or indoor amusement/entertainment/assembly uses as accessory uses. Route One Use Permit from Planning Board required.
- Small Lodging and Tourist Homes/Inns – Route One Use Permit from Planning Board required.
- Garden Centers – Route One Use Permit from Planning Board required.
- Animal Boarding (Commercial) – Route One Use Permit from Planning Board required.
- Animal Grooming – Route One Use Permit from Planning Board required.
- Animal Hospitals/Veterinarians – Route One Use Permit from Planning Board required.
- Animal Retail Sales – Route One Use Permit from Planning Board required.
- Commercial Schools – With Less than 5,000 square feet of floor space. Boarding of students is prohibited. Route One Use Permit from Planning Board required.
- Day Care Center – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Service Businesses; Shopping Center; Banks; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use (except that a grocery store or a retail store which sells food shall be permitted to make and serve prepared food or other such products prepared primarily with foods which it sells in the store, that are prepared on-site, for consumption off-site); Ice Cream Stands; Truck Stops; Marinas; Fruit and Vegetable Produce Stores; Parking Lot Owned or Managed by a Non-Public Entity for Commercial Purposes, Provided there is No Parking Garage; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

  - **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (RT 1-6)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – Route One Use Permit from Planning Board required. If more than 5,000 square feet of floor space, then a Special Exception from the Board of Appeals per Article 18 is also required.
- Town of York or York School District Offices – Route One Use Permit from Planning Board required.
- Laboratory or Research Facility – Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Radio or Television Studio.

Civic & Public Use Category (RT 1-6)

- Civic Use
- Cultural Facility – Route One Use Permit from Planning Board required.
- Essential Services – Route One Use Permit from CEO required, unless essential services proposed are in conjunction with a Planning Board application.
- Hospitals
- Medical Facility – Route One Use Permit from Planning Board required.
- Membership Organization - Route One Use Permit from Planning Board required.
- Municipal Use - Route One Use Permit from Planning Board required.

- Nursing Homes – Route One Use Permit from Planning Board required.
- Religious Use - Route One Use Permit from Planning Board required.
- School - With Less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.
- Utility District – Route One Use Permit from CEO Required.

- **AMENDED 11/06/2012**

Industrial Use Category (RT 1-6)

- Printing, Binding, Publishing and Related Arts and Trades – An industrial use shall only be located in an area that can provide 100 feet of natural screening or an amount of planted vegetation along Route One. An individual industrial use shall not have more than 30,000 square feet of floor space unless the Board of Appeals grants a Special Exception pursuant to Article 18. Route One Use Permit from Planning Board required.
- Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing – An industrial use shall only be located in an area that can provide 100 feet of natural screening or an amount of planted vegetation along Route One. An individual industrial use shall not have more than 30,000 square feet of floor space unless the Board of Appeals grants a Special Exception pursuant to Article 18. Route One Use Permit from Planning Board required.
- Warehouse or Distribution Facilities – An industrial use shall only be located in an area that can provide 100 feet of natural screening or an amount of planted vegetation along Route One. An individual industrial use shall not have more than 30,000 square feet of floor space unless the Board of Appeals grants a Special Exception pursuant to Article 18. Route One Use Permit from Planning Board required.
- Wholesale Business and Storage in a Roofed Structure – An industrial use shall only be located in an area that can provide 100 feet of natural screening or an amount of planted vegetation along Route One. An individual industrial use shall not have more than 30,000 square feet of floor space unless the Board of Appeals grants a Special Exception pursuant to Article 18. Route One Use Permit from Planning Board required.
- Self-Storage Facilities – An industrial use shall only be located in an area that can provide 100 feet of natural screening or an amount of planted vegetation along Route One. An individual industrial use shall not have more than 30,000 square feet of floor space unless the Board of Appeals grants a Special Exception pursuant to Article 18. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RT 1-6)

- Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobile – Sale of recreational vehicles, such as campers, tent trailers and similar accessory equipment, but not including snowmobiles, all-terrain vehicles or similar motorized vehicles, is permitted only as an accessory use to an approved campground. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots; Place for Repair, Sale, Rental or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (RT 1-6)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Route One Use Permit from CEO required.
- General Purpose Farm, Agriculture and Nurseries – Route One Use Permit from Planning Board required.
- Timber Harvesting – Route One Use Permit from CEO required.
- Forest Management Activities Except for Timber Harvesting – Route One Use Permit from CEO required.
- Sale of Produce Raised on Same Premises – Route One Use Permit from CEO required.
- Wildlife Management Practices – Route One Use Permit from CEO required.
- Animal Breeding (Small Domestic Animals) – Route One Use Permit from CEO required.
- Harvesting of Wild Crops – Route One Use Permit from CEO required.
- EXPRESSLY PROHIBITED: Mineral Exploration; Sand/Gravel Pits, Quarries, etc.; Aquaculture.

Recreation & Amusement Use Category (RT 1-6)

- Campground and Travel Trailer Park – Route One Use Permit from Planning Board required.
- Indoor Sports Facility (No Gambling) – Route One Use Permit from Planning Board required.
- Athletic Club/Fitness Center – Route One Use Permit from Planning Board required.
- Golf Course – Route One Use Permit from Planning Board required.
- Country Club – Route One Use Permit from Planning Board required.
- Fraternal Organizations/Clubs/Lodges – Route One Use Permit from Planning Board required.

- EXPRESSLY PROHIBITED: Indoor Amusement/Entertainment/Assembly Place; Outdoor Sport and Amusement Facilities Conducted for Profit; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (RT 1-6)

- Filling or Other Earthmoving Activities – Route One Use Permit from CEO required.
- Road and Driveway Construction – Route One Use Permit from CEO required.
- Medium-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Large-Scale Ground-Mounted Solar Energy System – Route One Use Permit from Planning Board Required.
- Structures Accessory to Permitted Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use. Also, if the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities.
- Accessory Uses Customarily Incident to Allowed Uses – Route One Use Permit from either Planning Board or CEO required, based on permitting procedure required for primary use.
- Uses Similar to Permitted Uses – Route One Use Permit from either Planning Board or CEO required based on permitting procedure for the use to which it is similar.
- EXPRESSLY PROHIBITED: Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Mark; Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Uses Similar to Prohibited Uses; All Other Uses.
  - **AMENDED: Entire §4.1 Replaced 11/08/2011, 11/06/2012, 11/06/2018**

4.2 Prohibited Uses (Applicable to RES-5, RES-6, RES-7 and BUS-3)

4.2.1 No use, whether permitted or conditional, shall be allowed on the seaward side of:

4.2.1.1 Long Beach Avenue where it borders the beach with the exception of public bathhouse facilities as approved by the Planning Board, the Board of Selectmen and the Legislative Body and signs as approved by the Planning Board and the Board of Selectmen.

4.2.1.2 Ocean Avenue Extension from its intersection with Willow Avenue to Lot No. 136 (Page 25 of the Town of York map).

4.2.1.3 Ocean Avenue bounded by the northeast boundary line of Short Sands Park south to the juncture of Ocean Avenue Extension without the approval of:

a. Sands Park: The Park Trustees and the Planning Board.

b. Adjoining beach and land of the Town of York: The Planning Board, the Board of Selectmen and the Legislative Body.

4.2.2 No use, whether permitted or conditional, shall be allowed on Sohier Park property without approval of the Sohier Park Committee, the Planning Board, the Board of Selectmen and the Legislative Body.

4.3 Additional Requirements

A. Shoreland/Wetland Permits (All Districts): Certain activities within designated shoreland or wetland areas require a special permit. See Articles: 4 (Use Regulations); 8 (Shoreland Overlay District); and 11 (Wetlands Protection Overlay District.

B. Watershed Protection Overlay District (RES-2, GEN-1, GEN-2 Districts): Certain activities within the Watershed Protection Overlay District require a permit from either the Planning Board or Code Enforcement Officer. See Article 10.

C. Planning Board Subdivision/Site plan Review (All Districts): Subdivision/Site Plan approval is required from the Planning Board for:

1. All non-residential development, except that which must receive an Article 18 Route One Use Permit, which is greater than 5,000 square feet of floor space; or
2. The construction of 3 or more units for lease, rent or sale; or
3. The development of 3 or more residential house lots.

D. Route One Use Permit (Route One-1, Route One-2, Route One-3, Route One-4, Route One-5, Route One-6 Districts): Certain activities within the Route One Districts require a Route One Use Permit from the Planning Board or Code Enforcement Officer. See Articles: 4 (Use Regulations); 6.3 (Supplemental Use Requirements); and 18.1 (Administration).

E. York Harbor Site Design Review (RES-4, BUS-1, BUS-2 Districts): The Planning Board reviews all non-residential development within the confines of Zoning Districts RES-4, BUS-1 and BUS-2. See §18.9.

F. York Beach Design Review Standards (YBVC District): See §6.4.

- **AMENDED §4.3 Added 11/08/2011, 11/07/2023**

ARTICLE FIVE

DIMENSIONAL REGULATIONS

5.1 General Requirements

5.1.1 All structures must be located in accordance with the front yard, rear yard and side yard minimum setbacks listed in Section 5.2.1 and 5.2.2 unless there is an exception below. - **AMENDED 05/16/2026**

5.1.2 Awnings are exempt from setbacks and lot coverage if they:

5.1.2.1 extend no more than five feet from the building;

5.1.2.2 are contained entirely on the lot on which they building is located, except that awnings may project over Town-owned sidewalks;

5.1.2.3 are not enclosed;

5.1.2.4 have a minimum clearance of seven feet from the sidewalk, except the bottom of the valance of canvas awnings may extend six feet nine inches above the walk; and

5.1.2.5 obtain a permit from the Code Enforcement Officer.

5.1.3 Fire escapes may be exempted from setbacks and lot coverage if the appropriate Town Fire Inspector or Code Enforcement Officer agree a second fire exit is necessary. This exemption shall only allow for the minimum safe fire exit in cases where no other practical alternative exists.

5.1.4 Projecting overhangs such as porches, bay windows, or other objects projecting 36" or more shall be included in the lot coverage calculations. Roof overhangs and steps shall be excluded from this lot coverage calculation. Roof overhangs that are 36" or less are exempt from yard setback requirements. In the Shoreland Overlay District, roof overhangs are not exempt from shoreland setback and shoreland lot coverage requirements. - **AMENDED 05/21/2022, 05/16/2026**

5.1.5 Height and Setback Exceptions

5.1.5.1 Height Exception.

a. The limitations on "Maximum Building and Structure Height" stated in Section 5.2 (Schedule of Dimensional Regulations) shall not apply to the height of~~.~~ distribution and transmission lines and poles, substations or their appurtenances when used by public utilities in the distribution and transmission of electricity. When said proposed lines, poles, substations and appurtenances exceed thirty-five (35) feet in height, a permit is required to be issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue the permit when the Officer has determined that the proposed height of the poles, lines, substations or appurtenances meet or exceed the National Electric Safety Code standards, the standard requirements of the utility and will not impose an adverse impact on public safety. - **AMENDED 12/29/1993, 11/05/1996, 05/22/2004, 11/02/2004**

b. Where located outside the Shoreland Overlay District, the limitations on "Maximum Building and Structure Height" stated in Section 5.2 (Schedule of Dimensional Regulations) altered if granted a Special Exception by the Board of Appeals in accordance with §18.8.2.2.B and in accordance with the limits provided below.

1. Public Water Supply Facilities. Public water supply facilities for the storage and/or distribution of water, where the need for the height of the facility is demonstrated in a master plan for the water system, adopted by the body that runs the water system.

2. Barns and Silos for Agricultural and/or Animal Husbandry Purposes. The height of these buildings may be increased to a maximum of 50', provided the applicant demonstrates why the

35' height limit causes some sort of practical difficulty. Additionally, the barn or silo cannot be converted to another use, nor used for the co-location of wireless communications facilities for a minimum of 10 years.

3. Church Steeples. The measure of the height of a building used as a church shall exclude the steeple. Church steeples may be permitted to be not more than 80' in height, provided that the design results in a church that is in scale with the surrounding neighborhood and traditional church architecture of this area. - **AMENDED 11/02/2004, 11/03/2009**

4. Auditoriums, theaters, gymnasiums, or similar facilities at the site of existing public school buildings may be increased to a maximum building height of 45 feet, however maximum building height for York High School buildings located at 1 Robert Stevens Drive may be increased to a maximum building height of 50 feet. To be granted the height exceptions specified above, the applicant shall demonstrate that the increase in height limit within the base zone is integral to the functional and technical purposes of the building as demonstrated by a Registered Design Professional. - **AMENDED 01/30/2016, 05/16/2026**

5.1.5.2 Setback Exception. The following types of structures shall be exempt from structure setbacks established in §5.2.1, 5.2.2, and 5.2.4: sidewalks, driveways, mailboxes, septic systems, utility poles, utility lines, flag poles, fences 7 feet tall or less, pergolas 8 feet tall or less, retaining walls 4 feet tall or less and sign poles which are regulated by Article 16. Unenclosed stairs or ramps projecting less than 10 feet from the structure shall not be considered part of the structure for the purpose of determining dimensional setback requirements. - **AMENDED 05/20/2000, 05/22/2004, 05/19/2012, 05/16/2026**

5.1.5.3 Special Exception for Front Setback.

The following shall not apply to BUS-1, BUS-2, or RES-4 zones.

a. Purpose. In order to allow consistent and fair residential development patterns, a dwelling unit may be permitted to be built or expanded with a front setback reduced, if granted by special exception.

b. Special Exception. If granted a Special Exception, dwellings units may be permitted to be built or expanded with a front setback from the street line equal to the average front setbacks of the existing houses on the adjacent lots. If one of the adjacent lots is a vacant lot, contains a non-residential use, or has it's street frontage on a different street than the proposed lot for construction, it shall be considered to have a structure built at the minimum front setback for that zone for the purposes of this calculation.

The Board of Appeals shall grant the Special Exception only when all of the following conditions are met:

1. In the Growth Area as designated in the Comprehensive Plan, adjacency shall be considered the lots on the same and the facing sides of the street where the proposed dwelling unit's lot has street frontage, within a radius of 125' from the lot boundary.
2. In the Rural Area as designated in the Comprehensive Plan, adjacency shall be considered the lots on the same and the facing sides of the street where the proposed dwelling unit's lot has street frontage, within a radius of 200' from the lot boundary.
3. The reduced setback shall not be less than 15' in any case.

- **AMENDED 11/05/1996, 05/22/2004, 05/17/2008**

5.1.5.4 In the Route One-4 Tourism/Recreation Zoning District, structures which qualify as outdoor sport and amusement facilities conducted for profit which require a structure height of greater than thirty-five feet as an operational necessity for the amusement shall be exempt from the thirty-five foot building height limitation. All such structures shall be setback an additional five feet from all required minimum property line setbacks for the Route One-4 zoning district for each 2 feet in structure height greater than thirty-five feet. Such structures shall only be located on the east side of Route One and shall maintain a minimum setback of 200 feet from Route One. - **AMENDED 11/05/1996**

5.1.5.5 Setback Exceptions for Ground-mounted Mechanicals Adjacent to Residential Buildings

Ground-mounted mechanical units adjacent to residential buildings shall be exempt from structure setback requirements established in §5.2.1, §5.2.2, and §5.2.4 when the following conditions are met:

1. The unit is as close to the house as the manufacturers specifications or Town code allows.
2. There is no reasonable option to locate the unit in a conforming location.
3. If there is more than one location that the unit can be placed, the location shall be that location expected to have the least adverse impact on neighbors.

4. Must adhere to the Noise Ordinance.
5. Must have adequate screening for sound and aesthetics as determined by the Code Enforcement Office.
6. In no case may the side or rear setback be less than 5 feet.
7. In no case may the front setback be less than 15 feet.
8. Electric generators shall be used for emergency use only.

Ground-mounted mechanical units shall include, but not be limited to: air conditioning compressors; propane tanks; oil tanks; and emergency electric generators. - **AMENDED 05/22/2010**

5.1.6 Reduced Setback for Minor Accessory Structure or Building

To allow added flexibility for smaller buildings in certain zones, the minimum setback for up one minor accessory structure or building per lot shall be 5' from any property line rather than the standard setbacks for that base zone, if the property is located within the Growth Area and is in any of the following base zones: RES 1-A, RES1-B, RES-5, RES-6, RES-7, YBVC, GEN-3, RT 1-1, RT 1-2, RT 1-3, RT 1-4 or RT 1-5. - **AMENDED 11/08/2005, 05/19/2012**

5.1.7 Exemption for Water and Sewer Utilities.

Water supply and sewage disposal is provided by quasi-municipal government entities including: York Water District; Kittery Water District; KK&W Water District; York Sewer District; and Ogunquit Sewer District. Owing to the unique physical infrastructure requirements for water distribution systems and sewage collection systems, the above-listed utilities shall be entitled to the following exemptions from dimensional requirements:

A. A one-story, above-ground pump station with a building footprint not to exceed 300 square feet shall only be required to be set back 10' from any property line if the building is built to have an appearance similar to and compatible with nearby buildings and outbuildings.

B. Lot coverage for a property on which a utility easement for a pump stations shall not be required to include the utility building or associated pavement in the calculation of lot coverage.

C. Lot size requirements shall not apply to lots to be used exclusively for water or sewer pump stations. - **AMENDED 11/08/2005**

5.1.8 Corner Clearance Setbacks

To help maintain clear sight distance at street intersections, fences which would obscure sight distance shall be not be allowed within a triangle adjacent to each street corner. Such triangle shall be defined as having two sides at the inside edges of the intersecting streets (curb line, or edge of paving or gravel, not the edge of the right-of-way), with the third side being the triangle's hypotenuse connecting these two sides. The street sides of this triangle shall be 20' from the point of intersection, or in the case of rounded street corners, from the point of intersection of the street edge tangents. - **AMENDED 05/19/2012**

5.1.9 Building Height Certification

Proposed buildings within five (5) feet of the maximum building height allowed in this ordinance shall require the following:

A. Maine-licensed Professional Land Surveyor (PLS) certification regarding the average pre-development grade of the ground adjoining the building for the purpose of establishing building height (see definition of Building Height); and

B. Maine-licensed Professional Engineer (PE) or a Maine-licensed Professional Land Surveyor (PLS) certification regarding the height of the building prior to the issuance of an occupancy permit.

Notwithstanding the provisions of 1 M.R.S. § 302, this ordinance amendment shall apply retroactively to any and all applications accepted by the Planning Board or Code Enforcement Officer on or after April 13, 2016, which is the date when the first public hearing was posted for the amendment. - **AMENDED 11/8/2016**

5.2 Schedule of Dimensional Regulations

5.2.1 Residential Districts

NOTE: Dimensional Regulations for Other Districts (Business, General Development) appear in section 5.2.2; Shoreland Overlay Districts appear in Article 8; Watershed Overlay District appear in Article 10; and Route One Districts appear in section 5.2.4

ZONING DISTRICT	Res-1A s	RESIDENTIAL DISTRICTS RES-1B	RES-2 RES-3	RES-4	RES-5 RES-6 RES-7	AMENDED
Minimum Land Area (Square Feet)						
without year-round public water or sewer	87,120	43,560	87,120	43,560	20,000 m	
with year-round public water	87,120	43,560	87,120	43,560	20,000 m	
with year-round public water and sewer	43,560 s	30,000	43,560	30,000	12,000 m	
Minimum Street Frontage (Feet)						
without year-round public water or sewer	200 e	125 e	200 e	135	100	
with year-round public water	200 e	125 e	200 e	135	100	
with year-round public water and sewer	150 e s	100 e	150 e	135	100	
Minimum Lot Depth (Feet)	None	None	None	100	None	
Minimum Front Yard Setback (Feet)						
without year-round public water or sewer	50 k	30 k	50 k	30 k	20 k	11/03/2015, 11/03/2020
with year-round public water	50 k	30 k	50 k	30 k	20 k	11/03/2015, 11/03/2020
with year-round public water and sewer	40 k s	30 k	40 k	30 k	20 b k	11/03/2015, 11/03/2020
Minimum Rear Yard Setback (Feet)						
without year-round public water or sewer	30 k	20 k	30 k	20 k	12 k	11/03/2020
with year-round public water	30 k	20 k	30 k	20 k	12 k	11/03/2020
with year-round public water and sewer	20 k s	20 k	20 k	20 k	12 k	11/03/2020
Minimum Side Yard Setback (Feet)						
without year-round public water or sewer	30 k	20 k	30 k	20 k	12 k	11/03/2020
with year-round public water	30 k	20 k	30 k	20 k	12 k	11/03/2020
with year-round public water and sewer	20 k s	20 k	20 k	20 k	12 k	11/03/2020
Maximum Coverage (Impervious Surface Ratio)	25%	25% l	25% l	25%	30 %	11/05/1996
Maximum Building and Structure Height (Feet)	35 **AMENDED 11/06/2007**	35	35	35	35	12/29/1993 05/22/2004

5.2 Schedule of Dimensional Regulations

5.2.2 Other Districts

NEW ZONING DISTRICT	BUS-1 BUS-2	YBVC	GEN-1 GEN-2	GEN-3	YVC-1	YVC-2
Minimum Land Area (Sq. Feet)						
w/o year-round public water or sewer	43,560	20,000	130,680	43,560	20,000	20,000
with year-round public water	43,560	20,000	130,680	43,560	20,000	20,000
with year-round public water and sewer	30,000	5,000	130,860	30,000	5,000	10,000
Minimum Street Frontage (Feet)						
w/o year-round public water or sewer	135	100	200 e	125 e	100	100
with year-round public water	135	100	200 e	125 e	100	100
with year-round public water and sewer	135	50	200 e	100 e	50	50
Minimum Lot Depth (Feet)	100	None	None	None	None	None
Minimum Front Yard Setback (Feet)						
w/o year-round public water or sewer	30 k	20 b k	50 k	30 k	N/A	15 k v
with year-round public water	30 k	20 b k	50 k	30 k	N/A	15 k v
with year-round public water and sewer	30 k	None	50 k	30 k	N/A	15 k v
Maximum Front Yard Setback (Feet)	N/A	N/A	N/A	N/A	15 v	N/A
Minimum Rear Yard Setback (Feet)						
w/o year-round public water or sewer	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water and sewer	20 k	10 k	30 k	20 k	6 k	12 k
Minimum Side Yard Setback (Feet)						
w/o year-round public water or sewer	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water and sewer	20 k	5 k t	30 k	20 k	6 k t	6 k t
Maximum Coverage (Impervious Surface Ratio)	25%	100%	25% l	25% l	75% x	75%
Maximum Building and Structure Height (Feet)	35	35 u	35	35	35	35
Maximum Building Footprint (Square Feet)	N/A	N/A	N/A	N/A	7,000	7,000

AMENDED 12/29/1993, 11/05/1996, 05/22/2004, 11/06/2007, 11/04/2008, 05/21/2016, 11/03/2020

5.2 Schedule of Dimensional Regulations

5.2.3 Reserved. - AMENDED 11/04/2008

5.2.4 Route One Zoning Districts

ROUTE ONE ZONING DISTRICTS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
Minimum Land Area	2 Acres	1 Acre	2 Acres	2 Acres	1 Acre	2 Acres
Minimum Street Frontage	200'	150'	200' [p]	200'	150'	200'
Minimum Lot Depth	NONE	NONE	NONE	NONE	NONE	NONE
Minimum Front Setback Non-Residential Use						
All Parking Side & Rear	100' [f,k]	50' [f,g,k]	50' [f,g,k]	50' [f,g,k]	30' [f,g,k]	100' [f,k]
80% Parking Side & Rear	NA	80' [f,h,k]	80' [f,h,k]	80' [f,h,k]	NA	NA
Minimum Front Setback Residential Use	100' [f,r,k]	50' [f,r,k]	50' [f,r,k]	50' [f,r,k]	30' [f,r,k]	100' [f,r,k]
Minimum Side Setback	50' [f,k]	30' [f,k]	30' [f,k]	30' [f,k]	20' [f,k]	50' [f,k]
Minimum Rear Setback	50' [f,k]	30' [f,i,k]	30' [f,i,k]	30' [f,i,k]	20' [f,i,k]	50' [f,k]
Maximum Lot Coverage Impervious Surface Ratio	25% [j]	50% [j]	75% [j]	60% [j]	50% [j]	50% [j]
Maximum Building and Structure Height	35'	35'	35'	35'	35'	35'

NOTE: These dimensional regulations were adopted on 11/05/1996, AMENDED 05/22/2004

5.2 Schedule of Dimensional Regulations

Note: These footnotes apply to the Dimensional Regulation Tables identified in Sections 5.2.1, 5.2.2, 5.2.3 and 5.2.4

FOOTNOTES

a Reserved. - **AMENDED 11/04/2008**

b A Municipal Functionally Water Dependent Use in the RES-7 district that contains frontage on Long Beach Avenue and has year-round public water and sewer shall not be required to meet minimum front yard setback requirements. - **AMENDED 05/17/2008, 11/03/2015**

c Reserved. - **AMENDED 11/06/2007**

d Reserved. - **AMENDED 05/09/1992, 11/05/1996, 11/04/2008**

e Street Frontage Exemptions - New building lots located at the end of a cul-de-sac may be designed to have less street frontage than is required in the underlying zoning district but shall comply with the following:

- Have no less than 50 feet of street frontage along the circumference of the cul-de-sac, provided lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in that zoning district.
- The cul-de-sac is designed and constructed to Town road acceptance standards with the exception that lots created through exemptions in State Subdivision Law may utilize road construction standards located in §5.5 Right-of-Way Standards—Applicable to All Zoning Districts (See Public Road Acceptance Ordinance for cul-de-sac design specifications); and
- All minimum lot line setbacks shall be met. - **AMENDED 11/02/1994, 11/05/2019**

f Lots of record existing as of March 13, 1982 which are less in area or frontage than the minimum size required shall satisfy the required front, side and/or rear yard setbacks to the maximum extent possible, but in no case may any structures be less than one-half the amount of minimum setback required. - **AMENDED 11/06/1996**

g Provided all parking spaces for a non-residential use are located to the side or rear of the structure, and no parking spaces are located closer to the front lot line than the front setback of the structure occupied by a non-residential use. A non-residential use existing as of November 5, 1996 that does not meet this setback requirement shall not locate any new parking closer to the front lot line than the existing structure occupied by the non-residential use. - **AMENDED 11/05/1996**

h A maximum of twenty percent, but no more than ten parking spaces, are permitted directly in front (across front of the structure from side wall to side wall) of the structure occupied by a non-residential use if this structure is setback a minimum of eighty feet from the front lot line. All other bulk/common parking spaces, the remaining eighty percent of spaces or more than ten spaces, shall be located to the sides and rear of this structure and shall not be located closer than seventy feet to the front lot line. A non-residential use existing as of November 5, 1996 that does not meet this setback requirement shall not locate any new parking closer to the front lot line than the existing structure occupied by a non-residential use. - **AMENDED 11/05/1996**

i A property occupied by a non-residential use that directly abuts a property occupied by a residential use at the time the non-residential use was initially established, shall maintain a minimum rear setback of fifty feet. Reference standard 6.3.9.2. The Planning Board, however, may allow the standard minimum rear setback established for the zoning district for an existing non-residential use if the Board determines it is impractical for the non-residential use to satisfy the fifty foot setback requirement and the lesser setback will not have a significant adverse impact on abutting uses. - **AMENDED 11/05/1996**

j Impervious surface ratio for a non-residential use shall be calculated by dividing the total area of all impervious surfaces on a site by the net buildable site area. Impervious surface ratio for a residential use shall be calculated by dividing the total area of all impervious surfaces on a site by the total amount of acreage. - **AMENDED 11/05/1996**

k Stormwater Management Facilities, as defined in this ordinance, shall be exempt from yard setbacks except for the following types of stormwater facilities:

- Stormwater wet ponds, detention ponds, basins, and retention ponds.
- Any above ground or above finished grade stormwater management facility structures that may include piping (including outfall pipes), concrete, riprap, or other similar constructed infrastructure intended to control stormwater runoff quantity or quality. - **AMENDED 05/17/2008, 11/03/2020, 05/22/2021**

l Coverage requirement pertains to non-residential development only.

m See density provisions in Section 5.4.

n Deleted 11/06/01

o Reserved. - **AMENDED 05/09/1992, 11/05/1996, 11/04/2008**

p The minimum lot frontage for all parcels created after November 5, 1996 that are located from York Street to Raydon Road shall be 400 feet.

q A structure which qualifies as an outdoor sport and amusement facility conducted for profit which requires a structure height of greater than thirty-five feet as an operational necessity for the amusement shall be exempt from the thirty-five foot building height limitation in accordance with Section 5.1.5.4.

r The minimum front setback shall apply only to new primary and accessory structures or expansions of such structures. The setback does not apply to the location of parking spaces, unless the residence is used as a bed and breakfast or boarding and rooming house. All parking for these two residential uses shall be set back a minimum of thirty feet from the front lot line, unless it is a residence being used as a bed and breakfast or boarding house as of November 5, 1996 and the existing parking area is located closer than thirty feet to the front lot line. All parking for these such uses shall be located no closer to the front lot line than any existing parking spaces. - **AMENDED 11/05/1996**

s In the RES-1A base zone, the provisions for reduced lot size, street frontage and setback requirements where public water and sewer are provided shall apply only within the Growth Area as designated in the Comprehensive Plan. - **AMENDED 11/06/2007**

t Where the owners of 2 adjoining buildings agree, in writing, to connect their buildings, the side yard setback requirement may be waived by the Town, provided the Fire Chief with jurisdiction approves the request. The Fire Chief's decision shall be based on public safety standards, taking into account life-safety code requirements, ability to access the building inside and out during an emergency, and other matters relevant to the situation. Lots within the YVC-1 and YVC-2 districts shall have a minimum side yard setback of 6 feet except that this may be reduced to 0 feet on one side, provided the cumulative side yard setbacks are not less than 12 feet. - **AMENDED 11/04/2008; 05/21/2016**

u The height limit for buildings shall be permitted to increase to 40' in accordance with the following:

- The building must front on Railroad Avenue, Main Street, Beach Street, Bay Street or Ocean Avenue in the YBVC District;
- The building must have a peaked (not flat) roof with a minimum pitch of 5:12 for at least 90% of the roof area; and
- If the building is located in the 100-year floodplain and/or is located below elevation 12' above mean sea level with respect to NAVD 1988 (12' MSL), the building must be floodproofed in accordance with National Flood Insurance Standards. In such cases, building height shall be measured from the base flood elevation (or 12' MSL in such cases) rather than from the average ground elevation.
- Vertical expansion of commercial buildings above 35' must be NFPA 1 and NFPA 101 compliant to ensure fire prevention and fire containment are addressed. - **AMENDED 11/04/2008**

v The maximum front setback of 15 feet may be increased in the YVC-1 district if the space within the setback is devoted to open air use for the public. Examples may include, but not be limited to, space for outdoor seating, gardens, pocket parks, green space etc. as approved by the Planning Board. The minimum front setback in the YVC-2 district is 15 feet or no more than the average depths of adjacent front lots, whichever is less. - **AMENDED 05/21/2016**

x The maximum lot coverage may be increased up to 100% if the owner provides innovative stormwater design using low impact development (LID), public space, and/or innovative landscape design as approved by the Planning Board. - **AMENDED 05/21/2016**

5.3 Minimum Floor Area

5.3.1 Provisions Applicable to RES-5, RES-6, RES-7, YBVC Districts - AMENDED 11/04/2008

5.3.1.1 The minimum square feet of ground floor living space of residential dwellings, not including porches, patios and similar areas whether or not enclosed shall be 190 sq. ft. - **AMENDED 11/07/1995, 11/05/2024**

5.3.2 Provisions Applicable to RES-4, BUS-1, BUS-2 Districts

No new dwelling shall be built and no existing building shall be remodeled to create additional dwelling units with less than 190 square feet of ground floor living space per dwelling unit. Single dwelling unit dwellings being remodeled as single dwelling units are exempt. Dwelling units being remodeled in existing multiple unit buildings, so as not to increase the number of dwelling units, are exempt. No garage shall be built with a total ground floor area of less than two hundred and forty (240) square feet. - **AMENDED 11/05/2024**

5.3.3 Provisions Applicable to RES-1, RES-2, RES-3, GEN-1, GEN-2, GEN-3, YVC-1 and YVC-2 Districts

Each dwelling unit in a multi-family dwelling shall have at least 190 square feet of internal habitable floor space including bathrooms. Such dwelling units may be laid out vertically on more than one floor within a building, but at least 190 square feet of internal habitable floor space shall be provided on one of the stories. - **AMENDED 05/21/2016, 11/05/2024**

5.3.4 Provisions Applicable to RT 1-1, RT 1-2, RT 1-3, RT 1-4, RT 1-5 and RT 1-6 Districts

5.3.4.1 The minimum square feet of ground floor living space for residential dwellings, not including porches, patios and similar areas whether or not enclosed shall be 190 sq. ft. - **AMENDED 11/05/2024**

5.3.5 Minimum Floor Area Requirements for Transient Rental Accommodations in Hotels/Motels - Applicable to All Districts

5.3.5.1 A rental accommodation constructed after November 8, 1995 in a hotel/motel shall have a minimum internal gross floor area of 250 sq. ft.

5.3.5.2 A hotel/motel accommodation construction prior to November 8, 1995 which has a permitted compact kitchen or kitchen as previously defined by the Zoning Ordinance which exceeds the maximum size permitted by this Ordinance, may continue to use such compact kitchen or kitchen in the hotel/motel operation subject to all requirements established by the Town. Such hotel/motel units shall not be converted to a residential use unless such unit satisfies the density requirements for the zone in which the hotel/motel is located. - **AMENDED 11/07/1995**

5.4 Density

5.4.1 Provisions applicable to RES-1, RES-2, RES-3, GEN-1, GEN-2, GEN-3 Districts

If more than one dwelling unit is constructed on a single lot, the minimum lot size requirement shall be met separately for each dwelling unit.

5.4.2 Provisions Applicable to RES-5, RES-6, RES-7, BUS-3 Districts

The minimum land area for each year-round and seasonal dwelling unit shall be no less than the area required by Sections 5.4.2.1 and 5.4.2.2. below or such area as is specified by the Minimum Lot Size Requirement of Title 12 M.R.S.A., whichever is greater.

All lots which do not meet the minimum lot size as specified in the Dimensional Regulations (Section 5.2), and if any building will be allowed on such lots, it shall be restricted to a one-family dwelling unit as the sole principal structure.

5.4.2.1 Permanent Dwellings Serviced by both Year-round Public Water and Public Sewer in zones where permitted (see Article 4):

a. One-family dwellings	12,000 sq. ft. for each dwelling unit
b. Two-family dwellings	9,000 sq. ft. for each dwelling unit
c. Multi-family dwellings Zone RES-7)	9,000 sq. ft. for each dwelling unit
d. Multi-family dwellings (Zone BUS-3)	4,500 sq. ft. for each dwelling unit

5.4.2.2 Permanent Dwellings NOT Serviced by Year-round Public Water OR Public Sewer OR Both, in zones where permitted (see Article 4):

a. One-family dwellings	20,000 sq. ft. for each dwelling unit
b. Two-family dwellings	15,000 sq. ft. for each dwelling unit
c. Multi-family dwellings	Prohibited

- **AMENDED 11/07/1995**

5.4.3 Principal Building or Structure -- Applicable to RES-4, RES-5, RES-6, RES- 7, BUS-1, BUS-2, and YBVC - AMENDED 11/04/2008

If more than one principal building is constructed on a single lot, the minimum lot size requirement shall be met separately for each such principal building.

5.4.4 Provisions Applicable to the BUS-1 District for Two-Family and Multi-Family Dwelling Unit Buildings.

Two-family and multi-family dwelling unit buildings shall be permitted only on lots served by public water and public sewer. One building with two dwelling units shall be allowed on a lot of at least 43,560 sq. ft. (one acre) with frontage on a street of at least 150 feet. One building with three dwelling units shall be allowed on a lot of at least 65,340 sq. ft. (one and one-half acres) with frontage on a street of at least 175 feet. One building with four dwelling units shall be allowed on a lot of at least 87,120 sq. ft. (2 acres) with a frontage on a street of at least 200 feet. Four dwelling units per building is the maximum density allowed. - **AMENDED 12/29/2009**

5.4.5 Suitable Land Calculations - All Districts

No land located below the normal high water mark of coastal waters shall be included as "suitable land" in determining net residential density for a single family, two-family, or multi-family dwellings or lot coverage for a non-residential development. - **AMENDED 11/07/1995**

5.4.6 Reserved. - **AMENDED 11/08/2005**

5.4.7 Route One Zoning Districts

ZONE	LOT SIZE	DENSITY
Route One-1	Minimum 2 acre lot size	Maximum 1 unit per 2 acres
Route One-2	Minimum 1 acre lot size	Maximum 1 unit per acre
Route One-3	Minimum 2 acre lot size	Maximum 1 unit per 2 acres
Route One-4	Minimum 2 acre lot size	Maximum 1 unit per 2 acres
Route One-5	Minimum 1 acre lot size	Maximum 1 unit per acre
Route One-6	Minimum 2 acre lot size	Maximum 1 unit per 2 acres

5.4.8 In the Route One-5 Zone, all dwelling units shall satisfy the density provision identified in Section 5.4.7, except no more than 2 units or a total of 4 bedrooms, whichever is less, are permitted above an approved commercial or office use regardless of the size of the lot. All units located above an approved commercial use or office use shall be a minimum of 190 sq. ft. in size. -**AMENDED 11/05/2024**

5.4.9 Conversion to Residential Use – All Districts
Conversion of a property or building from a non-residential use to a residential use with more than one residential unit shall be permitted only when the proposed residential use is permitted and is in full conformance with all applicable density standards of the base and relevant overlay zoning districts. - **AMENDED 05/17/2003**

5.4.10 Possible Density Reduction for Subdivisions
When calculating the density for conventional design subdivisions, reference §7.6.1.A.3 for possible density reduction. - **AMENDED 11/08/2005**

5.4.11 Provisions applicable to YBVC District
The following standards shall apply.

a. For mixed-use buildings, serviced by public water and public sewer, the maximum number of dwelling units shall not be limited by lot size or density limits. The ground floor of mixed use buildings shall be reserved for commercial use as allowed in the YBVC District.
b. Except as provided in subsection "a" above, if more than one dwelling unit is constructed on a single lot, the minimum lot size requirement shall be provided for each unit.
c. With respect to applicability of the Town of York Well Ordinance, properties in the YBVC zone shall be treated in an equivalent manner to properties in the former BUS-3 zone.

- **AMENDED 11/04/2008, 05/16/2015**

5.4.12 Reserved. - **AMENDED 05/21/2016**

5.4.13 Apartments Above Businesses in the Route One-2 Zone
In the Route One-2 Zone, for a property served by year-round public water and public sewer, the number of one- and two-bedroom dwelling units permitted above a commercial use or office use shall not be limited by lot size or the density limits specified in §5.4.7. The living area associated with all such units, except for areas used for vertical circulation (stairwells, elevators, etc.), shall be located on the second floor or higher. - **AMENDED 11/03/2009**

5.4.14 Apartments Above Businesses in the Route One-3 Zone
In the Route One-3 Zone, for a property served by year-round public water and public sewer, the number of dwelling units permitted above a commercial or office use shall not be limited by lot size or the density limits specified in §5.4.7. The living area associated with all such units, except for areas used for vertical circulation (stairwells, elevators, etc.), shall be located on the second floor or higher. - **AMENDED 11/03/2009**

5.5 Right-of-Way Standards -- Applicable to All Zoning Districts

5.5.1 New building lots which are created through exemptions in the State Sub-Subdivision Law (gifts to relative, etc.) over which the Town has no subdivision review authority, shall meet all area and dimensional requirements of this ordinance except that they may be laid out along private rights of way instead of streets. These rights of way shall be 50 feet wide and shall meet the following requirements:

5.5.1.1 Roads constructed in rights of way serving one or two lots shall be a minimum of 12 feet in width, have a road base containing at least 12" of sand and gravel, have a minimum side slope of 2:1 and have adequate culverts and drainage for stormwater.

5.5.1.2 Roads constructed in rights of way serving three or four lots shall be a minimum of 18 feet in width, have a road base containing at least 18" of sand and gravel, have a minimum side slope of 2:1 and have adequate culverts and drainage for stormwater.

5.5.1.3 Roads constructed in rights of way serving five or more lots shall be a minimum of 20 feet in width, have a road base containing at least 18" of sand and gravel, have a gravel surface of 3" of 3/4" sized crushed stone, have gravel shoulders three feet wide on both sides, have a minimum side slope of 2:1 and have adequate culverts and drainage for stormwater.

5.5.2 An existing lot which is not served by a road at the time a Building Permit application to construct a new dwelling unit is submitted, and for which a recorded plan does not identify a specific road construction standard, or which fronts on a road that does not meet the following standard, shall construct an access road that is a minimum of 12 feet in width, has a road base containing at least 12 inches of clean sand and gravel, has a maximum side slope of 2:1 and has adequate culverts and drainage to manage stormwater. It shall be the responsibility of the individual requesting the permit to construct a new road or upgrade an existing road to these requirements. The section of road which must be constructed to these standards is from the road's point of origin to the driveway entrance along the frontage of the lot for which a Building

Permit for a new dwelling unit is requested or a length of 600 feet, whichever is less. - **AMENDED 11/04/1997**

5.6 Amateur Radio Antennas:

5.6.1 Pursuant to this section, and notwithstanding section 21.2, the total height of the antenna and antenna support structure, for use by FCC licensed amateur radio operators, shall be no greater than sixty-five (65) feet above grade. - **AMENDED 05/09/1992**

5.6.2 The antenna support structure shall be located or constrained so that the antenna and antenna support structure cannot fall outside of the owner's property.

5.6.3 The location of all antenna support structure footings, guys and braces shall meet all setback requirements.

5.6.4 Applications for the building permit shall include:

5.6.4.1 Manufacturer's specifications for the antenna support structure and details of all footings, guys and braces required.

5.6.4.2 Assurance that the antenna support structure will withstand a wind velocity of at least fifty (50) miles per hour at any time and a minimum of ninety (90) miles per hour (impact pressure of 32 pounds per square foot) with eight (8) hours of advanced notice.

5.6.5 The Board of Appeals shall limit its consideration to the following:

5.6.5.1 The risk of personal injury.

5.6.5.2 The risk of physical damage to surrounding properties.

5.6.5.3 Whether the applicant is taking reasonable steps to minimize any adverse visual or aesthetic impact of the antenna support structure.

ARTICLE SIX

SUPPLEMENTAL USE REQUIREMENTS

6.1 Non-Residential Performance Standards -- Applicable to RES-1, RES-2, RES-3, Res-4, BUS-1, BUS-2, YBVC, YVC-1, YVC-2, GEN-1, GEN-2, and GEN-3 Districts

Any non-residential development and use shall meet or exceed the Performance Standards listed below. -**AMENDED 11/04/2008, 11/03/2009, 05/21/2016, 11/7/2023**

6.1.1 Traffic – See Article 15-A - **AMENDED 05/22/2004**

6.1.2 Noise. Noise shall be limited in a manner consistent with the Town Noise Ordinance.

6.1.3 Dust, Fumes, Vapors and Gases

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

6.1.4 Odor

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

6.1.5 Glare

No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

6.1.6 Water Run-off

Water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the drainageway may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway, or rights-of-way shall be maintained as nearly as possible. Design period is a 100 year storm. A Stormwater Management Plan shall be submitted for any application for development that would increase impervious surface, or involve filling or earth moving activity of more than 10 cubic yards. - **AMENDED 11/04/2008**

6.1.7 Erosion Control- See Article 6 Section 6.5

6.1.7.1 Reserved.

6.1.7.2 Reserved.

6.1.7.3 Reserved.

6.1.7.4 Reserved.

6.1.7.5 Reserved.

6.1.7.6 Reserved.

6.1.7.7 Reserved.

-Amended 5/20/2023

6.1.8 Setbacks and Screening

6.1.8.1 Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts metal or other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties; a minimum of a dense evergreen hedge 6 feet or more in height.

6.1.8.2 Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

6.1.8.3 Boundaries with existing residential properties shall be screened with a dense evergreen hedge 6 feet or more in height. Non-residential developments shall have screening at least twenty (20) feet in depth along all side and rear lot lines. Screening may include, but not be limited to, evergreen shrubs, trees, fences, earth or wall berms or any combination thereof, forming a visual barrier not less than six (6) feet in height. (Except, chain-link fencing that includes interwoven plastic or metallic slats or interwoven fabric shall be prohibited.) The Planning Board, by written waiver, may reduce the depth of screening to eight (8) feet, if the Planning Board determines that the results of such waiver will not be inconsistent with the purposes of this ordinance, that the public's health, safety and general welfare will be adequately protected and that reduction will not significantly deprive neighboring properties of the protections provided by this ordinance. YVC-1 and YVC-2 districts are exempt from this provision except for lots within those districts that are adjacent to a residential district; or historic district, site or landmark as designated in Article 12-Historic and Archeological Resources of this ordinance. - **AMENDED 05/21/2016**

6.1.8.4 Parking lots shall be landscaped with shrubbery along all lot lines. Large parking lots shall be provided with at least one tree (of 2" caliper) for every 35 car spaces (4 trees per acre), to be located at representative points throughout such lots.

6.1.8.5 All parking or storage areas shall be separated from any public street by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2" caliper, planted at least every 50 feet along the street frontage) and dense medium height shrubs (three feet in height, to screen parked vehicles). In the YVC-1 and YVC-2 districts, this provision shall only apply to storage areas. - **AMENDED 05/21/2016**

6.1.8.6 All plantings shall be maintained as an effective visual screen. Trees, shrubs, or plants which die shall be replaced within one growing season.

6.1.8.7 Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be screened from streets and pedestrian walkways. -**AMENDED 11/07/2023**

6.1.9 Explosive Materials

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way, or interior roadway, or 40 feet from lot line for underground tanks; plus all relevant Federal and State regulations shall also be met.

Propane gas tanks in 100 lb. cylinders (or smaller) shall be exempt from these safety regulations.

6.1.10 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

6.1.11 Chemical/Fuel Storage

All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain fall into this storage area during a 50-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15" of the surface) nor rapidly permeable sandy soils are involved.

6.1.12 Relation of Proposed Building to Environment

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of terrain features or other buildings. In areas with a high concentration of historic properties, the Board may require new construction to utilize exterior building materials which harmonize with surrounding properties, and to be designed so as not to be architecturally incompatible in terms of scale, height, window size, and roof pitch.

6.1.12.1 YVC-1 and YVC-2 Non-residential Performance Standards

The Planning Board shall give consideration to how any proposed project within the YVC-1 and YVC-2 districts enhances the traditional northern New England village character of the York Village Center Districts, in a manner consistent with the Comprehensive Plan. Proposed buildings or other structures must be designed and constructed so as to respect the historic architectural styles of existing buildings. All new buildings and major renovations will complement the best village and architectural character in terms of scale, proportion, building height, window size, roof pitch, and exterior building materials. For major renovations to existing buildings that trigger Planning Board Review per Article 18.15-E, the removal of distinctive materials or alteration of features that represent the best architectural character of a property shall be avoided. New buildings shall not diminish the prominence of existing church steeples or historic markers. The following materials are expressly prohibited from building exteriors in YVC-1 and YVC-2: vinyl siding, aluminum siding, Exterior Insulation and Finishing System ("EIFS"), foam or PVC materials. - **AMENDED 05/21/2016**

6.1.13 Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's disposal method and/or disposal area (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

6.1.14 Refuse and Recycling Facilities.

For any property on which refuse or recycling containers, including but not limited to dumpsters, are located outside the building, these shall be screened on all sides by a 6' tall wooded stockade fence enclosure.
- **AMENDED 11/04/2008**

6.1.15 Drives, Parking, and Circulation.

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and

vehicular traffic, and arrangement of parking areas that provide for the safe transportation of pedestrian traffic. Safe pedestrian traffic ways, with adequate separation from vehicular traffic, shall be provided within and between sites for customer and employee access. - **AMENDED 11/07/2023**

6.2 Commercial Development Requirements -- Applicable to RES-1, RES-2, RES-3, YBVC, YVC-1, YVC-2, GEN-1, GEN-2, and GEN-3 Districts

No residential building may be altered or converted to a commercial use without the required density, setbacks, or parking. - **AMENDED 05/21/2016**

6.3 Performance Standards Applicable to all Non-Residential and Multi-family uses in the Route One-1, Route One-2, Route One-3, Route One-4, Route One-5 and Route One-6 Zoning Districts. - **AMENDED 05/19/2012**

All new uses shall meet or exceed all of the Performance Standards listed below. All existing and non-conforming uses and expansions of existing and non-conforming uses shall meet or exceed all of the Performance Standards listed below to the greatest extent practical. The York Planning Board shall be responsible for determining the greatest extent practical.

6.3.1 Traffic and Traffic Routing Requirements – See Article 15-A - **AMENDED 05/22/2004**

6.3.2 Parking

A non-residential use shall provide an adequate amount of parking for the proposed use, reference Article 15, Town Zoning Ordinance, to ensure public health, safety and welfare. The design and layout of the parking area shall be harmonious to the use, structures and site and to abutting uses, structures and sites. The Planning Board encourages creativity in the design of all parking areas to enhance site appearance, enhance how the site functions, reduce the total amount of area devoted to parking, reduce the scale and bulk of parking areas, and encourage joint use parking between adjacent sites. The design and layout shall conform to the following standards. The Planning Board may allow exceptions to these standards to foster creativity and harmony in layout of the parking areas.

6.3.2.1 A non-residential use which obtains a Route One Use Permit after November 5, 1996 and which occupies a structure constructed after November 5, 1996 shall strictly comply with parking requirements identified in Town Zoning Ordinances, Section 5.2.4. - **AMENDED 11/05/1996**

6.3.2.2 A non-residential use which obtains a Route One Use Permit after November 5, 1996, and that occupies a structure constructed prior to November 5, 1996 that proposes to expand the existing use or structure or change the use, that cannot fully satisfy the parking layout requirements identified in Town Zoning Ordinances, Section 5.2.4, shall satisfy these layout requirements to the greatest extent practical. The Planning Board shall determine when a use cannot satisfy Section 5.2.4 requirements and any relaxation permitted to the standards identified in 5.2.4. The Planning Board may require additional or larger plantings, fencing, walls, landscape berms, bufferyards, and similar measures to compensate for the use not satisfying 5.2.4 requirements.

6.3.3 Noise. Noise shall be limited in a manner consistent with the Town Noise Ordinance.

6.3.4 Dust, Fumes, Vapors and Gases

Emission of dust, dirt, fly ash, fumes, vapors and gases which could endanger human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

6.3.5 Odor

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

6.3.6 Glare/Lighting

No non-residential use shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any Town way so as to impair the vision of the driver of any vehicle upon that Town way. All such activities shall comply with the following Standards:

6.3.6.1 No luminaries, except low intensity landscape lighting, shall be permitted to be located in the bufferyards identified in 6.3.9.

6.3.6.2 When the light source or luminaries has no cut-off, its maximum permitted illumination shall not exceed .3, and the maximum permitted height of the luminaries shall not exceed 20'. The maximum permitted illumination is measured in foot-candles at the interior bufferyard line at ground level. Lighting levels must be measured in foot-candles with a direct reading portable light meter. The equipment used must allow adequate measures, and all measurements must be made after dark with the lights on and then again with the lights off. The difference between the two readings must be compared to the standard for maximum permitted illumination. The method of measurement shall also apply to Standards 6.3.6.3 and 6.3.6.4.

6.3.6.3 When the light source or luminaries has total cut-off of light at an angle of 90° or greater, its maximum permitted illumination shall not exceed .75, and the maximum permitted height of the luminaries is 25'.

6.3.6.4 When the light source or luminaries has total cutoff of light at an angle of less than 90° and is located so that the bare light bulb lamp or light source is completely shielded from the direct view of an observer whose line of sight is 5' above the ground at the point at which the cutoff angle intersects the ground, its maximum permitted illumination is 1.0, and the maximum permitted height of the luminaries is 25'.

6.3.7 Water Run-off

Water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the drainageway may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway, or rights-of-way shall be maintained as nearly as possible. Design period is a 100 year storm. A Stormwater Management Plan shall be submitted for any application for development that would increase impervious surface, or involve filling or earth moving activity of more than 10 cubic yards. - **AMENDED 11/05/1996, 11/04/2008**

6.3.8 Erosion Control- See Article 6 Section 6.5

6.3.8.1 Reserved.

6.3.8.2 Reserved.

6.3.8.3 Reserved.

6.3.8.4 Reserved.

6.3.8.5 Reserved.

6.3.8.6 Reserved.

6.3.8.7 Reserved.

6.3.8.8 Reserved.

-Amended 5/20/2023

6.3.9. Bufferyards

6.3.9.1 A non-residential use shall maintain bufferyards to provide an undeveloped buffer area. The bufferyard shall be provided and maintained for the entire length of the respective lot line. The only development permitted in the bufferyards are: landscaping and fencing required to satisfy 6.3.10 and 6.3.11; landscape lighting; essential utilities that cannot be located outside of the bufferyard because of site constraints; signage permitted by Article 16; and points of egress and ingress authorized by the Planning Board.

6.3.9.2 A non-residential use which obtains a Route One Use Permit after November 5, 1996, and which occupies a structure constructed after November 5, 1996, shall provide the minimum bufferyards identified in the following table: - **AMENDED 11/05/1996**

MINIMUM BUFFERYARD REQUIREMENTS FOR NON-RESIDENTIAL USES

	FRONT	**SIDE**	**REAR**
Route One-1	35' [1]	20' [1]	50' [1,6]
Route One-2	35' [1]	20' [1]	30' [1,6]

Route One-3	35' [3,4,5]	20' [3,4,5]	30' [3,4,5,6]
Route One-4	35'	20'	30' [6]
Route One-5	20' [2]	20' [2]	30' [2]
Route One-6	50'	20'	50'

[1] A minimum naturally vegetated bufferyard of one hundred feet shall be maintained for all frontage along the York River. This does not apply to projects under municipal or school ownership or control.

[2] A minimum naturally vegetated bufferyard of seventy-five feet shall be maintained for all frontage along the Cape Neddick River. This does not apply to projects under municipal or school ownership or control.

[3] A minimum bufferyard of 50' shall be maintained for all frontage along Route 91 and the Spur Road. On the northeast side of Route 91 and the Spur Road, this buffer shall remain naturally vegetated.

[4] A non-residential use that directly abuts a residential use located on Plaisted Road, North Street, or South Street, shall maintain a naturally vegetated bufferyard of 50' for the entire length of the common lot line.

[5] A non-residential use that directly abuts Raydon Road Extension shall maintain a natural vegetated buffer of 50' for their property line along Raydon Road Extension and all areas of the "duck pond".

[6] Any property which directly abuts Interstate 95 shall maintain a minimum naturally vegetated buffer of 50' for the entire length of the lot line which abuts Interstate 95.

6.3.9.3 A non-residential use that obtained a Route One Use Permit prior to November 5, 1996 or that occupies a structure constructed prior to November 5, 1996, or a non-residential use that obtained a Route One Use Permit after November 5, 1996 and that occupies a structure constructed prior to November 5, 1996, that proposes to expand the use or structure or change the use, that cannot fully satisfy the minimum bufferyard standards identified in the Minimum Bufferyard Requirements for Non-Residential Uses Table (Section 6.3.9.2) shall provide these respective bufferyards to the greatest extent practical. The Planning Board shall be responsible for determining if the proposed use or structure can satisfy the minimum bufferyard requirement, and the lesser amount of bufferyard that is acceptable. The Planning Board may require additional plantings, fencing, increase in size of other bufferyards or similar measures to compensate for the lack of required size for one or more required bufferyards. - **AMENDED 11/05/1996**

6.3.9.4 To encourage abutting non-residential developments to be harmoniously located to one another and to share connecting street or on-site access or parking areas the Planning Board may reduce the required side bufferyard to no less than 10 feet. Any reduction in the side bufferyard shall require approval of the abutting land owners.

6.3.10 Landscaping of Bufferyards

The required bufferyards shall be landscaped to present an attractive appearance to the site, particularly the site entrance, and provide a vegetative screen for the site from abutting uses, particularly residential uses.

All side and rear bufferyards shall be preserved in their natural states, insofar as practical and appropriate, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The applicant shall submit a landscape plan for all bufferyards prepared by a landscape architect licensed in the State of Maine. The Planning Board may require the submittal of alternative landscape plans if it determines that site conditions warrant consideration of landscaping alternatives.

6.3.10.1 For purposes of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at time of planting has a minimum 2" caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum of 1 and 1/2" caliper six inches above the ground and a minimum height of at least six feet. A "small flowering tree" is a decorative or ornamental tree (example, flowering crab) that reaches a height of greater than eight feet at maturity and at time of planting has a minimum 1" caliper six inches above the ground and a height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height at maturity and at planting shall be at least 18 inches in height.

6.3.10.2 Further, for purposes of this subsection, one "canopy tree" shall be equal to 10 plant units, one "evergreen tree" shall be equal to 10 plant units in the rear bufferyard and 5 plant units in the front or side bufferyard and one "small flowering tree" shall be equal to 5 plant units in the front or side bufferyard and no plant units in the rear bufferyard, and one "shrub" shall be equal to 1 plant unit. Each mature "canopy or evergreen tree" existing in a bufferyard prior to the development and retained in good condition shall be awarded double the plant units assigned to a newly planted tree. All trees and other vegetation proposed for the bufferyard shall be of a species appropriate to environmental conditions which exist on the site and in York, Maine and shall be appropriately positioned on the property.

6.3.10.3 A non-residential use which obtains a Route One Use Permit after November 5, 1996 and which occupies a structure constructed after November 5, 1996, shall provide the minimum amount of plant units for the bufferyards required in 6.3.9 identified in the following plant units/one hundred feet table: - **AMENDED 11/05/1996**

PLANT UNITS/ONE HUNDRED FEET

	FRONT	SIDE	REAR
Route One-1	100	50	Existing or 100 [1]
Route One-2	75	45	Existing or 100 [1]
Route One-3	75	45	Existing or 100 [1]
Route One-4	75	45	Existing or 100 [1]
Route One-5	50	35	75 [2]
Route One-6			
(Industrial Use)	Existing or 150	Existing or 150	Existing or 150
(Other than Industrial)	Existing or 150	Existing or 50	Existing or 100

[1] An existing site covered with natural vegetation shall retain such vegetation. Sites that do not have existing vegetation that is equal to or greater than 100 plant units per one hundred feet of lot line or fraction thereof shall provide a minimum of 100 plant units per one hundred lineal feet of lot line or fraction thereof.

[2] An existing site covered with natural vegetation shall retain such vegetation. Sites that do not have existing vegetation that is equal to or greater than 75 plant units per one hundred lineal feet of lot line or fraction thereof shall provide a minimum of 75 plant units per one hundred lineal feet of lot line or fraction thereof.

6.3.10.4 The following shall serve as guidelines for the type of plant units that will generally be favored for the respective bufferyards. These guidelines are intended to provide direction to the applicant and Planning Board. The Planning Board recognizes sites are not the same and that a landscape plan and plantings may be unique to a respective site. The Planning Board encourages flexibility in landscaping to ensure all plantings enhance site appearance and are harmonious with all structures and uses on the site and with abutting sites and uses.

PLANT UNIT GUIDELINES/ONE HUNDRED LINEAL FEET OF LOT LINE
(NOTE: NUMBERS REFER TO NUMBER OF PLANT UNITS PER 6.3.10.2)

DISTRICT	FRONT BUFFERYARD	SIDE BUFFERYARD	REAR BUFFERYARD
Route One-1	75 or more canopy trees Discourage evergreen except existing mature trees. 10 or less small flowering trees. 25 or less shrubs.	40 or more canopy or evergreen trees. Discourage small flowering trees. 10 or less shrubs.	90 or more canopy or evergreen trees. Discourage small flowering trees. 10 or less shrubs.
Route One-2 Route One-3 Route One-4	40 or more canopy trees. Discourage evergreen except existing mature trees.	30 or more canopy or evergreen trees. Discourage small flowering trees.	90 or more canopy or evergreen trees. Discourage small flowering trees.
Route One-2 Route One-3 Route One-4	15 or less small flowering trees. 20 or less shrubs.	15 or less shrubs.	10 or less shrubs.
Route One-5	20 or more canopy trees Discourage evergreen except existing mature trees. 10 or less small flowering	20 or more canopy or evergreen trees. Discourage small flowering trees. 15 or less shrubs.	60 or more canopy or evergreen trees. Discourage small flowering trees. 15 or less shrubs.

	trees. 20 or less shrubs.		
Route One-6 Industrial Use	130 or more canopy or evergreen trees. Discourage small flowering trees.	90 or more canopy or evergreen trees. Discourage small flowering trees. 10 or less shrubs.	140 or more canopy or evergreen trees. Discourage small flowering trees. 10 or less shrubs.
Route One-6 Other than Industrial Use	80 or more canopy or evergreen trees. 20 or less shrubs.	40 or more canopy or evergreen trees. Discourage flowering trees 10 or less shrubs.	90 or more canopy or evergreen trees. Discourage flowering trees 10 or less shrubs.

6.3.10.5 A non-residential use that obtained a Route One Use Permit prior to November 5, 1996, or that occupies a structure constructed prior to November 5, 1996, that proposes to expand the use or structure or change the use, or a non-residential use that obtained a Route One Use Permit after November 5, 1996 and that occupies a structure constructed prior to November 5, 1996, that proposes to expand the use or structure or change the use, that cannot fully satisfy requirements of 6.3.10.1, 6.3.10.3 and 6.3.10.4 shall satisfy these landscaping of bufferyard requirements to the greatest extent practical. The Planning Board shall determine if an existing use or structure cannot satisfy these landscaping requirements and what constitutes greatest extent practical. The Planning Board may require additional plantings, fencing, larger bufferyards, or similar measures to compensate for the applicant providing less than the amount of landscaping required in 6.3.10.3 and 6.3.10.4.

6.3.10.6 If the Planning Board grants a reduction of forty percent or greater in the size of a side bufferyard per 6.3.9.4, the amount of plant units per one hundred lineal feet required per 6.3.10.3 shall be reduced by fifty percent.

6.3.10.7 All landscaping materials planted in the bufferyard shall be maintained and any plants which die shall be replaced within one growing season. Any mature tree which was used to satisfy the required number of plant units which dies within 5 years of the issuance of the Route One Use Permit shall be replaced with 2 "canopy or evergreen trees" within one growing season of the time the mature tree dies.

6.3.11 Landscaping Requirements for Parking Areas

Parking lots shall be effectively landscaping with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties, and to present an attractive appearance to the site. The landscaping of all parking lots for a non-residential use shall satisfy the following standards. - **AMENDED 11/05/1996**

6.3.11.1 Provide an 8' side landscaped strip around the perimeter of all parking areas located to the side or rear of a structure to be planted with deciduous "canopy trees" and low "shrubs". A minimum of one "canopy" tree which is equal to 10 plant units shall be provided per every 40' of lot perimeter. A minimum of 2 plant units of "shrubs" shall be provided for every 10' of lot perimeter. The vegetated bufferyards required in 6.3.10 may be used to satisfy the landscape requirements for parking lots when the respective parking lot directly abuts the bufferyards on one or more sides. The guidelines for determining plant units is defined in 6.3.10.1 and 6.3.10.2.

6.3.11.2 Provide a continuous landscape strip a minimum of 8 feet in width between every 4 rows of parking which contain 5 or more cars per row. A minimum of 1 "canopy tree" equal to 10 plant units shall be provided for each 40 feet of length or fraction thereof of the landscape strip. A minimum of 2 plant units of "shrubs" shall be provided for each 10 feet of length of the landscape strip.

6.3.11.3 Planting islands which are a minimum of 200 square feet in size shall be provided at both ends of all parking rows which contain 8 or more parking spaces. A planting island, a minimum of 100 sq. ft. in size, shall also be provided in the interior of any parking row which is greater than 100 feet in length. One or more interior planting islands shall be provided for each 100 feet or fraction thereof of the parking row. All planting islands shall include 1 "canopy tree" equal to 10 plant units, and other appropriate landscaping material which accentuates the landscape appearance.

6.3.11.4 The Planning Board shall encourage and may require the use of a vegetated landscape berm to lessen the visual impact of parking areas which are located to the front or side of a building. A landscape berm that is 30 inches or more in height shall be equal to ten plant units per one hundred lineal feet or fraction thereof of berm. A landscape

berm that is 15 inches or more in height shall be equal to fifteen plant units per one hundred lineal feet or fraction thereof of berm.

6.3.12 Utilities

A non-residential use which obtains a Route One Use Permit shall provide adequate utilities and services that comply with requirements of this Section.

6.3.12.1 The use shall have a water supply of adequate quality and quantity. A water supply may be by private well, a central water supply approved by the State Department of Human Services, or a public water supply approved by the respective Water District. A non-residential use located within seven hundred fifty feet of a public water supply shall connect to the public system unless the Planning Board determines the cost of the extension is prohibitive for the use proposed, and a good quality and quantity private source of water can be provided.

6.3.12.2 The use shall have an approved method of sewage disposal. Private sewage disposal may be used provided the system satisfies Town Subsurface Wastewater Disposal Ordinance and State of Maine requirements. No permanent use may use portable toilets for sewage. Public sewage disposal may be used subject to approval of the respective Sewer District. A non-residential use located within seven hundred fifty feet of a public sewer system shall connect to the system unless the Planning Board determines the cost of the extension is prohibitive for the use proposed and a good quality method of private sewage disposal can be provided.

6.3.12.3 All electric, telephone, television, and similar services shall be located underground, unless the Planning Board determines the underground service is cost prohibitive, may adversely impact natural resource features on the site, and there are well located existing overhead services to adjacent properties.

6.3.12.4 All satellite dishes, microwave dishes, and similar structures used for transmission or reception purposes shall be located to minimize adverse visual impacts.

6.3.13 Buildings and Site Design Requirements

All non-residential structures which front on Route One and are not separated from Route One by a 50' or greater natural vegetated buffer shall satisfy the following design requirements to better ensure the buildings are attractive and harmonize with the surrounding townscape and natural environment. The applicant shall demonstrate how a proposed non-residential structure meets the building and site design requirements of this ordinance. The Planning Board may grant waivers to these requirements if the applicant provides a building and site of equal or greater quality as determined by the Planning Board. An elevation plan of the building shall be provided at a scale of 1/4" = 1 foot. This plan shall identify all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used. - **AMENDED 11/03/2009**

6.3.13.1 All buildings shall be "New England" in character, which includes buildings which incorporate the following architectural styles in their design and construction: Colonial period, Federal period and Georgian period.

6.3.13.2 All non-residential structures which do not front on Route One or which are separated from Route One by a 50 feet or greater natural vegetated buffer shall construct buildings which are well oriented to site characteristics, and which satisfy the intent, but not necessarily the specific standards of 6.3.13.1.

6.3.13.3 If the site uses Route One as its access, all newly constructed buildings on site must show "best faces" toward Route One or an internal circulation road, and be well oriented to the site's characteristics. The main pedestrian entrance must be on the "best face" of the building and be served by a sidewalk. This pedestrian entrance shall be open during business hours. Pedestrian entrances are permitted on other sides of the building, and all pedestrian entrances must be served by a sidewalk. No blank facades, service doors or loading areas are permitted on the side of the building facing Route One. No long continuous walls for the building facade are permitted; all building facades must be broken.

6.3.13.4 All new construction shall have a building exterior that is either wood clapboard, wood shingle, stone or brick. The Planning Board will consider requests for waivers in accordance with the requirements of subparagraph 6.3.28 that meet the following criteria:

1. The Applicant shall demonstrate through material submissions to the Planning Board that alternative materials comply with the aesthetic intent of subparagraph 6.3.13 Buildings and Design Requirements, and the Applicant shall:

a. Demonstrate that the intended use of an alternative material(s) is equal to or better then that which is required, will appear in a manner that is the same as that which is required, will perform in a manner that is the same or better than that which is required;
b. Submit samples and show detailed examples of how the alternative material will be used; and
c. Submit manufacturer's Specification Data, and Safety Data Sheets.

2. For materials with which the Board is not familiar, the Planning Board may request that the Applicant submit additional information, such as but not limited to life cycle cost and human health assessment data that supports the request for waiver. **- AMENDED 11/08/2005**

6.3.13.5 All new construction shall have pitched roofs, which may include a gable roof, hip roof, mansard roof, or gambrel roof. If a gable roof or hip roof is used, the roof pitch shall be at least four feet in twelve feet. Long continuous roofs that are uniform in height shall not be permitted. Roofs designed for linear buildings shall use variations in pitch and height, and utilize architectural elements to add visual interest especially when that portion of the building is visible to the street or public (generally the front and sides of a building). Variations in roof lines are recommended at least every twenty-five (25) linear feet. The use of cupolas, dormers, chimneys, and other roof projections is encouraged, provided they are designed as integral parts of the structure and do not appear arbitrary or "paste-on." All roofs shall be peaked. - **AMENDED 11/05/1996, 11/07/2017**

6.3.13.6 Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationship to one another.

6.3.14 Explosive Materials

No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way, or interior roadway, or 40 feet from lot line for underground tanks; plus all relevant Federal and State regulations shall also be met.

Propane gas tanks in 100 lb. cylinders (or smaller) shall be exempt from these safety regulations.

6.3.15 Chemical/Fuel Storage

All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain fall into this storage area during a 50 year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15" of the surface) nor rapidly permeable sandy soils are involved.

6.3.16 Refuse Disposal and Recycling of Solid Waste

A non-residential use shall provide adequate facilities to collect and dispose of refuse and recycle solid wastes on a timely basis and in an environmentally friendly manner. All refuse and recycling facilities shall be screened from view by a four sided solid enclosure. The fence shall be a minimum of six feet in height. A wooden stockade fence is preferred; metal wire fence is prohibited as a screen.

6.3.17 Preservation of Landscape

Development of a site shall recognize existing topography and vegetation. The cutting or clearing of vegetation and grading of a site shall not occur once a Route One Use Permit application is submitted to the Town until such activity is permitted by the Planning Board. If a site was cut, cleared or extensively graded three or less years before an application was submitted, the Planning Board can consider such activity in its decision to require landscaping, screening or regrading to mitigate the impacts of the past action.

6.3.18 Open Space

The Planning Board may require the reservation of a maximum of ten percent of a property devoted to a non-residential use as open space to provide for the recreational needs of people who work or frequent the non-residential use, or to maintain the scenic or natural beauty of the area or a significant natural feature. Bufferyards required in 6.3.9 shall not be used to satisfy the open space requirement, unless the open space proposed directly abuts a required

bufferyard, the bufferyard does not constitute more than fifty percent of the open space proposed, and use of the bufferyard and open space form a contiguous undeveloped area that benefits the quality of open space provided. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. The applicant shall establish a legal arrangement acceptable to the Planning Board as a condition of plan approval, to ensure the open space is regularly maintained and preserved for the purpose for which it is intended. Acceptable legal arrangements include, but are not necessarily limited to: establishment of protective covenants in perpetuity, dedication to a Land Trust or similar non-profit entity, dedication to a homeowner's or condominium association, or dedication to the Town, State, or federal government.

6.3.19 Construction of Off-Site Improvements

The Planning Board may require the construction of off-site improvements if the Board determines such improvements are specifically required to address a public health, safety or welfare concern caused by the proposed project.

6.3.20 Impact on Municipal Facilities and Services

The Planning Department may require the applicant to participate in municipal infrastructures and/or service system improvements when it is demonstrated the applicant's proposed development will result in a negative impact or decline in level of service of any existing municipal infrastructure system or service. The Planning Board shall assess and establish infrastructure or service system improvements the applicant may be required to undertake or pay for to mitigate the amount of negative impact or decline in level of service.

6.3.20.1 Conducting the Assessment. In conducting the assessment, the Planning Board shall consider the following:

1. The status of the system and service in the Comprehensive Plan and Capital Improvement Program relative to any planned improvements and scheduling.
2. The net effect of the proposed development on the capacity of the infrastructure or service system, indicating the percentage share used by the development.
3. A cost estimate for improvement of this infrastructure or service system so as to meet the increased demand, and a breakdown of the applicant's share of that cost.
4. An assessment of public water and sewer system improvements provided or planned by the appropriate agencies.

6.3.20.2 Improvement Responsibilities. When the applicant's share of infrastructure and/or service system impact has been established by the Planning Board, the Board shall select the method in which the applicant must participate in the infrastructure and/or service system improvement. The following two alternatives are available:

1. The applicant must agree to make the necessary infrastructure and/or service system improvements, establish a construction or service schedule, and post a performance guarantee to cover all associated costs. The applicant may recover the improvement costs within 10 years after improvements are made. For the applicant to recover these costs, subsequent developments must realize a benefit by using the infrastructure and/or service system improvement financed by the applicant. Cost reimbursement for the applicant shall be established as subsequent developments go through the site plan or subdivision review process. In arriving at the appropriate cost share for subsequent development, the same process must be used.
2. The Town must agree to complete the improvements. The applicant shall pay the required share of the cost to the Town at the time of approval of the Route One Use Permit, which shall be held in a reserve fund until the improvement is completed in accordance with the scheduled capital improvement program of the Town. If the improvement is not completed within 10 years, the fee plus interest must be returned to the applicant.

6.3.21 Performance Guarantee for Required Improvements

The applicant shall post an acceptable performance guarantee with the Town to ensure all improvements required as conditions of issuing the Route One Use Permit are constructed. The Planning Board shall determine the type and amount of performance guarantee required. A performance guarantee shall be one or more of the following:

6.3.21.1 The applicant shall post an escrow account or Irrevocable Letter of Credit with the Town to pay estimated costs equal to Town expenses to regrade, stabilize, reseed, or revegetate a site disturbed by construction activities if the project is not completed. Escrow funds shall be deposited in an account established specifically for this project. The Guarantee is subject to release by the Town upon a written finding from the Code Enforcement Officer or Town Engineer that all plan requirements have been satisfied and an Occupancy Permit issued. The Town may expend funds from the Guarantee upon a written determination from the Code Enforcement Officer or Town

Engineer that project activities such as site clearing and grading have been started, but no further construction activity has occurred. A Town decision to expend funds will only be made sooner than one year after issuance of the Building Permit if the Code Enforcement Officer or Town Engineer determines failure to restabilize the site will result in significant adverse impact on the site or surrounding properties. - **AMENDED 11/04/1997**

6.3.21.2 The applicant shall enter a binding agreement with the Town such that a Building Permit shall not be obtained until all public improvements and plan conditions are satisfied. The Code Enforcement Officer or Town Engineer shall submit a statement in writing to the Town Planner certifying that all improvements have been completed. The Town Planner, upon receipt of such certification, may determine that terms of the binding agreement have been satisfied, and that the Guarantee should be released, and a Building Permit may be granted by the Code Enforcement Officer. - **AMENDED 11/04/1997**

6.3.21.3 The applicant shall post an escrow account, performance bond, or Irrevocable Letter of Credit with the Town Planning Department equal to one hundred twenty-five percent of the cost of all required improvements, particularly public improvements. This guarantee shall not be released and no Occupancy Permit shall be issued until the Code Enforcement Officer or Town Engineer submits a statement to the Town Planner certifying that all improvements have been completed. The Town Planner, upon receipt of such certification, may determine the terms of the Performance Guarantee have been satisfied, and that the Guarantee should be released, and an Occupancy Permit may be granted by the Code Enforcement Officer. The Town may expend funds from the escrow account, performance bond, or Irrevocable Letter of Credit upon a written declaration from the Code Enforcement Officer or Town Engineer that the required improvements have not been satisfactorily completed. The Town shall provide the applicant a minimum of fifteen days of advance notice in writing prior to any Town expenditure of the performance guarantee. - **AMENDED 11/04/1997**

6.3.22 Standards for Road, Driveway, and Parking Area Construction

The Planning Board shall use standards identified in the Planning Board Subdivision and Site Plan Regulations and this Ordinance as guidelines for road, driveway, and parking lot construction. The Board may grant waivers to these standards to promote public safety and good quality site design.

6.3.23 Provision of Pedestrian Amenities

The applicant shall provide needed amenities to allow safe and good quality pedestrian use and circulation within the site and between sites, when appropriate. In the Route One One-5 Zone, pedestrian amenities may include a sidewalk along the frontage of all lots which directly abut Route One.

6.3.24 Handicap Accessibility

The applicant shall provide site improvements, such as but not limited to adequately sized and located parking and curbing, to ensure handicap accessibility. The applicant shall be responsible for identifying, obtaining needed permits, and constructing all facilities needed to satisfy State and Federal requirements regarding handicap accessibility.

6.3.25 Calculation of Net Buildable Site Acreage

A non-residential use shall be subject to net buildable site acreage requirements to determine the amount of permitted lot coverage. Lot coverage is calculated by dividing the amount of impervious surface on a site by the amount of net buildable site acreage. Net buildable site acreage shall be determined by the following table:

	ON SEWER	NOT ON SEWER
▪ Excessively drained, well drained and moderately drained soils	100%	100%
▪ Poorly and somewhat poorly drained soils	75%	50%
▪ Very poorly drained soils	50%	25%
▪ Slopes greater than 33%	50%	50%
▪ Borrow Pits	67%	50%
▪ Former Town dumps and sanitary landfills	0%	0%
▪ Land below the normal high water mark of coastal waters, the York River, or Cape Neddick River	0%	0%

- **AMENDED 11/05/1996**

6.3.26 Determination of Project Ownership and Mechanism to Construct and Maintain Required Improvements

The applicant shall identify the owner and developer of the project and who will assume responsibility for construction, operation and maintenance of all required improvements. The Planning Board shall ensure the proposed ownership has the technical and financial resources to successfully complete and maintain all required project improvements. All proposals to establish a condominium form of ownership to manage the project shall require Planning Board review and approval of the condominium documents.

6.3.27 Outside Display and Outside Storage for Nonresidential Users

6.3.27.1 Outside Storage. Outside storage shall mean the storage in an un-roofed area of products or materials associated with a business activity, and to which access by customers is limited primarily to product or material pick-up only (as opposed to shopping/browsing). In the Route One zones, outside storage shall be allowed as accessory to: any use in the Commercial Use Category; or any use that customarily stores large volumes of loam, gravel, fill, mulch, and other similar materials. The outside storage area shall meet the minimum setbacks of the zoning district, shall not occur in the bufferyards required in Section 6.3.9, shall not be located closer to Route One than the primary structure on the site, and shall not adversely impact vehicular or pedestrian safety or circulation. All outside storage shall be screened by one or more of the following: a wooden stockade fence a minimum of 6 feet in height, landscaping that provides a good quality visual buffer, or be located behind a building and screened from the view of motorists traveling on Route One.

6.3.27.2 Outside Retail Display. Outside display of retail goods, in an un-roofed area where customers have ready access to such products, shall be allowed as an accessory use to any business with a retail component as follows.

A. The total area allowed for outside retail display is:
   1. for a property with 2,500 square feet or less of indoor retail space, 1,000 square feet of outside retail display per property; or
   2. for a property with more than 2,500 square feet of indoor retail space, 2,000 square feet of outside retail display per property.
B. Outside retail display does not need to be screened from view, and parking is not required for such areas.
C. Up to 10% of the outside retail display area may be located within the required bufferyards. This area shall be increased to 15% where the posted speed limit on the road in front of the business 50 MPH or faster. This limitation shall not apply to live plants – see §6.3.27.5.
D. The outside retail display may not occur within or block designated parking spaces, traffic aisles, or wheelchair-accessible pedestrian ways.
E. No component of the display shall be allowed if it would cause a safety risk to motorists, bicyclists or pedestrians because of its size, shape or placement (such as but not limited to objects which block sight distance, are sharp, or are large/immobile and located immediately adjacent to the road). Upon verbal direction from a Code Enforcement Officer, any such problem item shall be removed or relocated immediately.
F. Outside retail display shall not involve any substantive physical change to or development of the property. It is simply an allowance to place product outside.
G. Such areas can straddle or cross onto a neighbor's property with that owner's permission.
H. Except for vehicle display (see §6.3.29), outside retail display which conforms to the standards of this section shall be permitted and shall not require specific permits or approvals from the Town.

SUNSET CLAUSE: Reserved. - **AMENDED 05/16/2015**

6.3.27.3 Reserved.

6.3.27.4 Reserved.

6.3.27.5 A business that offers living plant material for sale may display or store any amount of this material outside. Living plant material for sale may be located in the bufferyards required in Section 6.3.9, provided there is the required amount of permanent landscaping identified in Section 6.3.10. - **AMENDED 05/19/2012**

6.3.27.6 A retail use is permitted to display goods for sale at special events, such as a sidewalk sale, tent sale, or similar event, provided such events do not occur for more than a maximum of fifteen days during any calendar year. Sale of holiday season trees, wreaths and boughs is permitted from November 20th through December 25th. All such outside display areas shall adhere to setback requirements of this Ordinance to the greatest extent practical as determined by the Code Enforcement Officer. - **AMENDED 11/04/1997, 11/03/2009**

6.3.28 Planning Board Waiver of Performance Standard Requirements

The Planning Board may waive the Section 6.3 Performance Standards for those projects under their review authority. A request for waiver(s) shall be made by the applicant in writing, and shall specify, by chapter, section and paragraph number, the provisions of the Ordinance for which a waiver is requested.

The Planning Board may waive requirements provided that the waiver does not result in:

a. Undue water or air pollution;
b. An inadequate water supply;
c. Unreasonable soil erosion;
d. Unreasonable traffic congestion or safety risk;
e. Inadequate sewage disposal capacity;
f. An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas.
g. Substantial non-conformance with this Ordinance or the Comprehensive Plan.

Factors appropriate for waivers include, but are not limited to: Route One Use Permit submission requirements; design standards for parking areas and streets; storm water management requirements; erosion and sedimentation requirements; performance guarantees; public open space; and off-site development costs. Waivers are specifically recognized for uses and structures existing prior to November 5, 1996 that propose to expand the use or structure, or change the use, that were constructed or permitted in accordance with prior Ordinance requirements.

The applicant shall meet with the Town Planner to discuss potential waivers. The Town Planner shall make recommendations to the Planning Board concerning any requested waiver. When the Board votes to approve or conditionally approve a Route One Use Permit, it shall consider any requested waivers. - **AMENDED 11/05/1996**

6.3.29 Outside Display for Vehicular Sales

Vehicular sales conducted wholly or partly on open lots shall be a permitted activity as defined in Article 4, Use Regulations. Vehicles displayed for sale on outside lots shall be subject to the following standards:

6.3.29.1 All new display of vehicles shall be located outside the bufferyards required in 6.3.29, and landscaping shall be provided as required in 6.3.10.

6.3.29.2 A non-residential use located in the Route One-6 Zone that offered vehicles for sale and which used an outside display area as of November 5, 1996 that does not comply with the requirements of 6.3.29.1, may continue to use such area for display. If the use proposes an expansion, all new display areas shall satisfy the requirements of 6.3.29.1, and all existing display areas shall satisfy the requirements of 6.3.29.1 to the greatest extent possible as determined by the Planning Board.

6.3.29.3 A non-residential use located outside the Route One-6 Zone that offered vehicles for sale as a permitted activity on or before November 5, 1996, may continue to use the existing area for outside display. Such outside display is considered a non-conforming use and this display area may not be expanded. If there is any expansion of any non-residential use located on the property, all existing outside display areas used for the sale of vehicles shall satisfy the requirements of 6.3.9.1 to the greatest extent possible as determined by the Planning Board. - **AMENDED 11/04/1997**

6.4 Additional Performance Standard Applicable to YBVC.

In a mixed-use building, residential uses shall be prohibited on the first floor except for required egress.
- **AMENDED 11/04/2008**

6.5 Performance Standard to Control Erosion

Eroded soil and resulting sedimentation degrades surface water quality by increasing turbidity, and often nutrients attach to sediment during the erosion process thereby contributing to nutrient pollution. Sedimentation also reduces the capacity of stormwater drainage systems and of the natural drainage of watersheds, which thereby worsens flooding. To help protect water quality and to help prevent flooding, every property owner shall ensure that no man-made activity causes water-borne eroded soil, silt or sediment to reach a waterbody, inland wetland, or man-made drainage facility as follows.

6.5.1 Sites that create disturbed area consisting of one or more acres of land shall prepare and implement an Erosion and Sedimentation Control Plan illustrating the information listed in Section 6.4.15 of the Site Plan and Subdivision Regulations, meeting the standards of Appendix A of the Site Plan and Subdivision Regulations. The Erosion and Sedimentation Control Plan shall be prepared by a Qualified Erosion and Sedimentation Control Professional as defined in the Site Plan and Subdivision Regulations. The Erosion and Sedimentation Control Plan shall be

submitted and reviewed by the Code Enforcement Officer unless subject to the approval of the Planning Board per Article 18. **- AMENDED 11/08/2011, 05/18/2013, 5/20/2023**

6.6 Prohibition of Dumping into Waterbodies, Wetlands and Man-Made Drainage Facilities

Dumped materials can diminish the capacity and function of streams, ditches and stormwater infrastructure and thereby worsens flooding risks throughout a watershed, and may degrade water quality as well. To help protect water quality and to help prevent flooding, it shall be prohibited to dump any material other than water into a waterbody, inland wetland or man-made drainage facility. This shall include, but not be limited to dumping of soil, yard wastes, brush, trash, tires, and/or junk. Discharges into the Town's storm sewer system are also regulated under the Non-Stormwater Discharge Ordinance. - **AMENDED 05/18/2013, 11/04/2014**

6.7 Performance Standards for Maintenance of Stormwater Management Facilities

Following completion of construction, stormwater management facilities on a property require ongoing inspection and maintenance in order to ensure their ongoing effectiveness in controlling both the quantity and quality of stormwater. It shall be the responsibility of the property owner, or drainage easement holder if applicable, to inspect and maintain all stormwater management facilities on their property. The Town's Post Construction Stormwater Management Ordinance shall apply to all sites that disturb one or more acres of land - **AMENDED 11/04/2014, 5/20/2023**

ARTICLE SEVEN

SPECIAL PROVISIONS

7.1 Temporary Use of Manufactured Housing Unit

Any person who can show good intentions of building a home may apply to the Board of Selectmen for a permit to locate a manufactured housing unit or recreation vehicle on the proposed home site during the construction of said home for a period of one year. If the applicant, at the end of one year, has not finished the proposed home to a livable state, the applicant may re-apply to the Board of Selectmen for a maximum of twelve (12) months extension of said permit. The Board of Selectmen, after being satisfied of good faith on the part of the applicant, may issue such permit for one year and extend such permit not to exceed twelve (12) months beyond the initial year. This allowance shall apply within the following zones:

A. RES 1-A, RES 1-B, RES-2, RES-3, YBVC, YVC-1, YVC-2, GEN-1, GEN-2 and GEN-3 base zoning districts;
B. Watershed Protection Overlay District; and
C. Shoreland Overlay District - Mixed Use subdistrict (Shoreland Permit from CEO also required), Limited Residential Subdistrict (Shoreland Permit from CEO also required) and Resource Protection Subdistrict (Special Use Permit from Planning Board per §18.2.7 also required), but prohibited in the Stream Protection Subdistrict.

(This provision is not meant to exclude trailers used for the sole purpose of a "Construction Office" located at the building site. "Construction Office" trailers shall not be equipped with sleeping accommodations and shall be removed from the site within 30 days after occupancy of the principal use.) - **AMENDED 11/04/2008, 05/19/12, 05/21/2016**

7.1-A. Temporary Use of Recreation Vehicles
On any lot other than a campground, one recreation vehicle may be occupied overnight for not more than 1 week per calendar year. Occupancy by more units or longer than 1 week shall be prohibited. - **AMENDED 05/19/2012**

7.2 Campgrounds

7.2.1 Provisions Applicable to BUS-2 District

Campgrounds shall be allowed only under the following conditions:

7.2.1.1 No building shall be used or erected to be used in connection with a campground within BUS-2, without a permit therefore, issued by the Code Enforcement Officer. Such person shall file an application for said permit to erect said structure, specifying the location of such buildings, the nature of their constructions, and the size and design of said buildings. Upon the filing of such application, if the Code Enforcement Officer shall determine that said structures are of adequate strength and are so located and constructed to be safe against fire, and have proper sanitary and toilet facilities, then he may grant a permit for the erection and use of the same for a campground. The word "building" as herein used, shall include an overnight bungalow, store, filling station, toilet, or other structure which shall be used in connection with a camping ground.

7.2.1.2 No person keeping a campground shall permit an accumulation of offal, garbage, rubbish or waste of any kind on or near said campgrounds. He shall, at all times keep said camping ground and the buildings thereon in a sanitary and wholesome condition and shall at all times provide adequate sanitary toilet facilities for his patrons. He shall not allow any patrons to remain on said campground who shall disturb the peace of the neighborhood or annoy the residents of the town by trespassing upon their property or by other unlawful conduct.

7.2.2 Provisions Applicable to all zones other than the BUS-2 Zone - AMENDED 11/07/2006

7.2.2.1 No trailers other than such as are recreational vehicles as defined herein shall be permitted within any camper park, temporarily or otherwise.

7.2.2.2 A campground may not be constructed on less than 5 acres of land.

7.2.2.3 Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density on each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

	Within the Shoreland Overlay District	For Non-Shoreland Areas
Tent sites	8 per acre	14 per acre
RV Sites	7 per acre	11 per acre

Minimum frontage along any shoreline shall be 100 feet. Minimum setback from the shoreline shall be 75 feet for all recreational vehicles, tents, or other vehicles and temporary or permanent structures.

7.2.2.4 Vehicular access shall be provided onto a hard-surfaced roadway adequate for the volume and type of traffic likely to be generated. Grades and sight distances specified in the York Planning Board Subdivision and Site Plan Regulations shall be observed in designing all intersections. Roadways shall be constructed of at least 12" of bank-run (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two applications of liquid asphalt (1/2 gallon per sq. yd. each application).

7.2.2.5 A soil erosion and sedimentation control plan meeting the standards of Article 6 Section 6.5 shall be submitted. **– Amended 5/20/2023**

7.2.2.6 A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the State of Maine Department of Human Services. In no case shall less than one toilet, lavatory and shower be provided for each sex for every ten (10) camping and tent sites.

7.2.2.7 Recreational vehicles shall be so parked in spaces that:

a. There shall be a minimum of 15 feet between vehicles, and that
b. There shall be a minimum of 25 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the trailer park or campground.
c. No camping unit or structure shall be located less than 200 feet from any residence (except residences belonging to the campground owners).

7.2.2.8 No camping unit shall be stored or exhibited for sale for commercial purposes within the park.

7.2.2.9 Each campsite shall be provided with an area for refuse storage. Within a maximum of 150 feet from each campsite, there shall be a container capable of storing the amount of refuse that the camping area for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to an approved disposal area at least once a week.

7.2.2.10 Fire extinguishers capable of dealing with both electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations.

7.2.2.11 The management of campgrounds shall be responsible for operating their premises in accordance with all Town codes and ordinances and all State laws and regulations. The maintenance of all open space areas, roadways, and utilities in a park shall be the responsibility of the park management.

7.2.2.12 All relevant provisions of the York Planning Board Subdivision and Site Plan Regulations shall be applied by the Planning Board in its review process. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required.

7.2.2.13 Facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval.

a. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields or shoreline.
b. Campsites should be clustered in groups according to intensity of use (low-density, medium density, etc.) and also related to common support service areas (laundries, play area, etc.) serving a number of campsite clusters. The purpose is to minimize roadway length, increase accessibility, and preserve open space.
c. Footpaths and roadways should follow "desire-lines" of pedestrian and vehicular movement between campsites and all jointly-facilities. Parking areas may be grassed, reinforced with open concrete blocks.

7.2.2.14 Campsites shall be laid out or screened in such a manner that none are within view from public streets, navigable rivers, existing residences, or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the locations described above.

7.3 Open Winter Storage of Vacant Camper/Trailer Vehicles - Applicable to YBVC, RES-5, RES-6, RES-7 Districts

All outdoor winter storage of vacant camper/trailer vehicles upon residential property must observe the lot line setbacks. When lot size prohibits compliance, an application for storage must be made to the Planning Board. The Board shall determine that the placement of the camper/trailer vehicle shall be as inoffensive to the neighborhood as possible.

7.4 Home Occupations

7.4.1 Provisions Applicable to All Zoning Districts

Home occupations are subject to the following requirements:

7.4.1 Purpose. The purpose of this section is to permit home occupations in a manner that enhances economic opportunities of residents, makes housing more affordable, and permits a diversity of uses throughout the Town while it protects the quality of neighborhoods. This section follows the policy direction of the 1999 Comprehensive Plan, which recommends much tighter use restrictions, while off-setting this policy in part by providing for more diverse and expanded home-based business opportunities.

7.4.2 Classes of Home Occupations. There shall be 3 classes of home occupations, as follows:

A. Class 1:
1. Located within the principal residential structure only.
2. Shall occupy 450 square feet or less of floor space. For a Day Care Home, this measure shall include only areas accessible by the people being cared for and shall not include other interior space dedicated for this use. - **AMENDED 05/19/2012**
3. Not more than one employee other than the home's occupants may work on-site at any time, and one additional on-site parking space shall be provided if there is such an employee.
4. No outdoor activity or storage of materials shall be permitted, except for a Day Care Home where outdoor space must be provided for the people. **- AMENDED 05/19/2012**
5. Additional workers cannot gather even briefly on the property.

B. Class 2:
1. May be located in the principal residential structure or an accessory structure.
2. Shall occupy 800 square feet or less of floor space.
3. Not more than one employee other than the home's occupants may work on-site at any time, and one additional on-site parking space shall be provided if there is such an employee.
4. Outdoor activity or storage of materials shall be permitted in an area not to exceed 1,600 square feet, provided the area meets structure setbacks and the area is screened from roads and abutters.
5. To the extent a home occupation involves off-site activity (landscaper, carpenter, etc.), up to 3 additional workers can gather, prepare briefly, load vehicles, unload vehicles associated with

the home occupation, provided that a minimum of ¾ of the work day for these other workers is spent working off-site.

C. Class 3:
1. May be located in the principal residential structure or an accessory structure, and may also include outdoor activities and storage.
2. Shall occupy 1,600 square feet or less of floor space for that portion of the use located in a building.
3. Not more than 3 employees other than the home's occupants may work on-site at any time, and one additional on-site parking space shall be provided per employee if there are such employees.
4. Outdoor activity or storage of materials shall be permitted in an area not to exceed 3,200 square feet, provided the area meets structure setbacks and the area is screened from roads and abutters.
5. To the extent a home occupation involves off-site activity (landscaper, carpenter, etc.), up to 5 additional workers can gather, prepare briefly, load vehicles, unload vehicles associated with the home occupation, provided that a minimum of ¾ of the work day for these other workers is spent working off-site.

7.4.3 Types of Home Occupations Permitted. The following types of home occupation uses shall be permitted: - **AMENDED 05/19/2012**

1. Professional Office: office space used for by professionals including, but not limited to architects, brokers, counselors, clergy, draftspeople, cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract managers, graphic designers, landscape designers, surveyors, salespeople, and travel agents. This shall exclude medical and dental offices.

2. Personal Service: space used for personal services including, but not limited to barbershops, beauty parlors, massage therapy, and manicure/pedicure shops.

3. Instructional Service: space used for instruction including, but not limited to music, dance, art, crafts, and tutoring.

4. Repair Service: space used for repair work including, but not limited to watch and clocks, small appliances, computers, electronic devices, small engines and lawnmowers.

5. Day Care Home: see definition in Article 2.

6. Studio: workshop of an artist or craftsperson, including, but not limited to artists, painters, sculptors, musicians, photographers, authors, weavers, jewelers, cabinetmakers, and woodworkers.

7. Trade Shop: space used by tradespeople including, but not limited to carpenters, plumbers, electricians and landscapers to store tools and materials and to prepare for off-site work.

7.4.4 Classes Permitted by Zone. The following shall apply:

A. Where the use of a lot is exclusively a single-family detached residence, a single home occupation shall be permitted. The maximum class of such home occupation shall be limited in accordance with the map, "York Zoning Ordinance: Home Occupation Classes" dated May 4, 2005, except as provided in §7.4.4.D.

B. For residences that are not single-family detached units, a single Class 1 home occupations shall be permitted in each residential unit in any base zoning district.

C. Overlay Zones. Some overlay zoning districts limit home occupations or impose standards that affect home occupations. In all cases, the more restrictive requirements apply.

D. For a single-family home on a lot containing 4 or more acres of land that is not wetland, a larger class of home occupation shall be permitted. In areas zoned for Class 1 home occupations, a Class 2 home occupation shall be permitted. In areas zoned for Class 2 home occupations, a Class 3 home occupation shall be permitted.

7.4.5 General Standards. The following shall apply to all home occupations:

A. Visual Appearance. A home occupation shall be conducted in a manner that minimizes any adverse visual impact on the neighborhood. The structure shall not be altered in a manner inconsistent with its residential character. Outdoor illumination shall be limited to that normal and customary for single family housing (such as a customary porch light, garage light or walkway light).

B. Signs. One sign shall be permitted for a home occupation. The total area of the sign, including all above-ground structural elements, shall not exceed 4 square feet. Such signs shall have no artificial illumination.

C. Retail Activity. The following standards shall apply:

1. All home occupations shall be permitted on-site retail activity that is incidental and subordinate to another use (e.g. a music teacher selling sheet music to one of the students).
2. Class 2 and class 3 home occupations may include the selling of products, the major portion of which is raised or produced on the premises.
3. All home occupations shall be permitted e-commerce (internet sales) provided any on-site parcel shipping services are in keeping with a typical residential use.

D. Parking. In addition to the parking spaces required for the residence, a parking space shall be provided for each employee that does not live in the residence. For home occupations that will have customers visiting the home, sufficient parking shall be provided to prevent the need for on-street parking. The parking shall be adequately screened from the street and from adjacent lots, for example with a dense screen of evergreens.

E. Impact Limits. Home occupations are to be limited as to be good neighbors. While there may be some adverse effects, they shall be in keeping with the types of impacts typically associated with a residence. In particular, home occupations shall limit their generation of vibrations, smoke, dust, heat, glare, or odor to that typically associated with a residence without the home occupation. Storage or use of hazardous or toxic materials in excess of that typically associated with a residence shall be prohibited.

F. Water Quality. No person shall cause any liquid, gaseous, or solid materials to run-off, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water that is above background levels or current public health drinking water standards for Maine, whichever is most stringent. (Note: Drinking water standards shall be obtained from current manuals, including, but not limited to: State of Maine Rules of the Department of Human Services relating to Drinking Water; "Drinking Water and Health", published by the National Academy of Sciences; "Suggested No-Adverse Response Levels" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.)

G. Solid Waste. Business-related trash shall be disposed of separate from the residential trash, and shall be paid for by the business, as required by the Town's solid waste ordinances.

7.4.6 Permit Required. A Use Permit shall be obtained from the Code Enforcement Officer prior to establishment of a home occupation. - **AMENDED 11/08/2005, 11/03/2009**

7.5 Conversion of Historic Buildings

The provisions of §7.5 shall be available only for a building that is a contributing building in a Local Historic District or that is listed in this Ordinance as an Historic Landmark. - **AMENDED 11/07/2006**

7.5.1 Provisions Applicable to RES-5, RES-6, RES-7, YBVC, YVC-1, and YVC-2 Districts

7.5.1.1 The Planning Board may review and authorize the conversion of an existing large single-family dwelling or other building to accommodate more than one family (and commercial use in the YBVC, YVC-1 and YVC-2 zones) provided that all the following conditions are met:

a. The house or building has at least 5,000 square feet of gross living area.
b. The house or building shall be located on a lot served by public water and public sewer.
c. The house or building has historical significance (in accordance with Section 7.5.1.2 below).

- **AMENDED 05/21/2016**

7.5.1.2 The Planning Board shall request an advisory letter from the Historic District Commission or the Maine Historic Preservation Commission regarding the historical significance of the building under consideration. Within 60 days of any such request, the Historic District Commission shall evaluate the historical significance in accordance with the qualifications outlined in Article 12, Section 12.4 and the Maine Historic Preservation Commission may evaluate the historical significance in accordance with Article 12, Section 12.4.5.

7.5.1.3 If Improvements, as defined in Article 12, Local Historic District Regulations, or any exterior changes are to be made or new structures or buildings erected in the process of or prior to conversion, the requirements of 7.5.1.4 of this Section shall also be met.

7.5.1.4 Applications for Improvements or Exterior Changes to Buildings Proposed for Conversion of Building Which Have Already Been Converted Under this Section or for Construction of Additional Buildings or Structures.

a. If a building-owner proposes improvements, exterior changes or enlargements to a building converted or proposed for conversion under this Section, or construction of any new building or structures partially or completely on the same lot, he shall obtain approval from the Planning Board before a building permit is issued. Such improvements, exterior changes, etc. shall be in accordance with the standards of Article 12, Section 12.14 and 12.15. The Planning Board shall request an advisory letter from the Historic District Commission or the Maine Historic Preservation Commission regarding the compatibility of the proposed improvements, changes, etc. Within 60 days of any such request, the Historic District Commission shall and the Maine Historic Preservation Commission may, evaluate the compatibility of the proposed improvements, changes, etc. in accordance with Article 12, Sections 12.14 and 12.15.
b. Planning Board approval shall be sought and secured by the building-owner and submitted in writing to the CEO prior to issuance of the building permit.
c. In reviewing such applications, the Planning Board shall refer to Sections 12.8 and 12.9 of Article 12.
d. Where the historic building is to be enlarged, increased residential density permitted under §7.5 shall be allowed only in the historic portion of the building. - **AMENDED 11/07/2006**
e. Any conversion which does not receive an Advisory Letter from the Local Historic District Commission or the Maine Historic Preservation Commission may be made only if the building shall be made to conform to the current density requirements of the zone in which it is located.

7.5.1.5 Application Procedure

a. Applications for conversions shall include the information required by Article 12, Section 12.5.2.1., 12.5.2.2, and 12.4.2.4.
b. Applications for improvements or exterior changes or enlargements as described Section 7.5.1.4 shall include the information required by Article 12, Section 12.12.
c. Applications shall include a sealed letter from a licensed (civil or structural) professional engineer (under Title 32 M.R.S.A., Chapter 19) in the State of Maine certifying that there is sufficient structural integrity in the existing building to sustain the proposed conversion or that the plans as proposed will guarantee sufficient structural integrity to sustain the proposed conversion.
d. Applications which also require review under the Functional Subdivision Site Plan Review Ordinance shall meet all requirements of that Ordinance.

7.5.1.6 Restrictions

a. Each resulting dwelling unit shall contain not less than 600 square feet of floor area not including porches, patios, stairways, common halls, storage, and similar areas whether or not enclosed.
b. Each resulting dwelling unit shall have complete cooking and sanitary facilities.
c. Notwithstanding Section 21.2, for conversions of historic buildings under this Section the density regulations of this Section shall specifically supersede all other applicable density standards in the Town of York Zoning Ordinance, the Town of York Planning Board Subdivision and Site Plan Regulations and the York Functional Subdivision Site Plan Review Ordinance.
d. There shall be at least one off-street parking space for each new dwelling unit created by a large historic building conversion subject to possible exception by the Planning Board granted in accordance with the provisions of Article 15. - **AMENDED 11/06/2007**

7.5.1.7 Definitions

The definitions of terms of Article 12 shall be used in interpreting references to that Article.

7.5.2 Provisions Applicable to BUS-1 District

7.5.2.1 Purpose: The purpose of this section is to promote the preservation of significant historical buildings, thereby enhancing the village's appearance and extending our common architectural legacy for future generations to enjoy. It is recognized that changing patterns in family size, and sharply increasing maintenance costs, are influencing the economic viability of large buildings designed in an earlier era. The intent of this section is to enable such buildings to be adapted to new residential needs, while exerting strict control over the preservation of all exterior architectural features.

7.5.2.2 Buildings listed in the National Register of Historic Places, which have been deemed to be historically significant in the judgment of the State Historic Preservation Officer, in the BUS-1 Zone, may be converted to use for more than one family, upon review and approval of the proposal by the Planning Board, according to the following conditions:

a. Fire-safety provisions shall conform to the standards set by the National 101 Life Safety Code.
b. All original exterior architectural trim, molding, and details (including doors and windows) shall be preserved, and replacements shall faithfully resemble the originals. Trim and moldings shall also not be covered by any new siding materials. No new building extensions shall be allowed. All exterior alterations shall be consistent with the historical period and architectural style of the building. In evaluating such proposals, the Planning Board may seek the assistance of recognized authorities in historic preservation. The above provisions are not only standards for reviewing applications, they are also conditions or which thereafter protect any historic building converted under this section.
c. Where the historic building is to be enlarged, increased residential density shall be permitted only in the historic portion of the building, as controlled by paragraphs d. and e. below. - **AMENDED 11/07/2006**
d. Off-street parking spaces shall be provided on the basis of the following ratios:
   One-bedroom units: 1.25 spaces each
   Two (or more) bedroom units: 2 spaces each
   Such spaces shall be located either on the premises or within 300 feet of the premises.
e. Dwelling units shall contain 700 sq. ft. of floor space, excluding common corridors, stairwells, and other common spaces (such as laundry rooms, etc.).
f. All outdoor parking and circulation areas shall be buffered from adjacent residential properties by screening consisting of either a landscaped solid wooden fence or dense evergreen shrubbery. The screen should be no less than four feet in height. Any outdoor illumination for parking, circulation, or building security shall be shielded or directed so that glare does not affect neighboring residential properties. The type, size, location, and "direction" of all proposed outdoor illumination fixtures shall be specified in the application to the Planning Board. New parking spaces may not be provided in front yards.
g. All electrical and plumbing systems shall be upgraded or replaced according to the applicable national and state codes, where this is recommended to the Planning Board by the Code Enforcement Officer, including but not limited to the 101 Life Safety Code, the National Electric Code, and the Maine State Plumbing Code.

h. For conversions of historic buildings under this Section the density regulations of this Section shall specifically supersede all other applicable density standards in the Town of York Zoning Ordinance, the Town of York Planning Board Subdivision and Site Plan Regulations and the York Functional Subdivision Site Plan Review Ordinance. To this end, Article 21.2 shall not pertain to these provisions.

7.6 Open Space Conservation Subdivision Application (formerly Cluster Housing Subdivision Application)

NOTE: Substantive revision to all of §7.6 was approved on November 5, 2013, and November 7, 2023. All prior dates of amendment have been removed in the November 5, 2013, and November 7, 2023 printing of this Ordinance for the sake of clarity. Prior amendments are identified by date in earlier printings.

Open space conservation subdivisions shall be permitted in all base zoning districts. Permissibility within overlay districts is addressed as needed by district. The standards of this Section (§7.6) shall apply to all open space conservation subdivisions.

7.6.1 Procedures.

Open space conservation subdivisions require subdivision approval by the Planning Board. The approval is obtained after approval of a Conceptual Design Review followed by the Preliminary Plan Subdivision Application

A. **Design Requirements**. Proposed residential subdivisions that are not created through exemptions in the State Subdivision law are required to be designed as an open space conservation residential development based on the requirements in this ordinance when any of the following exists:

1. The residential subdivision is proposed to contain a private or public road that provides access to the lots/dwellings; or

2. The lot for which the residential subdivision is proposed abuts conservation land or land that can't be developed that is 10 acres or greater; or

3. The lot to be subdivided is partially or fully located within the Cape Neddick or York River Watersheds (see the Natural Resources Chapter of the Comprehensive Plan for reference);

4. The lot to be subdivided is partially or fully located in the Town's Rural Area (See Town of York's 2022 Comprehensive Plan "Future Land Use Plan" chapter).

B. **Conceptual Design Review**. The first meeting(s) with the Planning Board shall be the Conceptual Design Review, shall include information as specified in §7.6.1 (B-F), and shall precede submission of a Preliminary Plan Subdivision application. During this stage in the review process the Planning Board shall consider waiving the requirement for open space conservation development, if the applicant can justify the open space conservation subdivision design option is not reasonable for the parcel based on §7.6.1.F. The reasons for or against granting a waiver of this requirement shall be detailed in the Planning Board application for preliminary and final plan approval and subsequent Findings of Fact.

As discussed below, the conceptual design review phase of the plan review process is primarily to ensure the open space design and conservation theme has been established and approved by the Planning Board prior to proceeding to preliminary and final subdivision plan approval. This phase of the review process provides opportunity for the Planning Board, applicant, and potential open space holder to build consensus on critical resources and overall site design early in the review process before the applicant initiates formal preliminary and final review/design of the project.

The Conceptual Design Review shall include the submission of an Existing Site Resources Map, identifying both significant natural and cultural resources; and a yield plan as described in 7.6.1.E. It is not required that this be an engineered plan, and widely available Town or State public data are acceptable data sources. The plan and supplemental documents shall include the following:

1. Wetland and Shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, species and sizes of significant trees, groups/copses of trees, historic and cultural resources such as existing barns, trails, cellar holes, stone walls, and other noteworthy features unique to the property.

2. The plan should be conveyed in a clear graphic style that is easy to read.

3. The Existing Site Resources Map shall not include new road layouts, house locations, or lot lines.

4. During the conceptual design review the Planning Board may schedule a site walk of the property using the Existing Site Resources Map and other information provided by the applicant to depict the open space design and conservation theme.

5. The York Conservation Commission shall be solicited for feedback by the applicant regarding the open design and conservation theme during the Conceptual Design Review process with the Planning Board. Written comments from the Conservation Commission shall be provided by the applicant to the Planning Board for consideration.

6. Any proposed holder of the open space shall be involved in the process of defining the open space and drafting appropriate restrictions and controls. (Note: Please see §7.6.2 for greater details on Open Space Design)

C. **Open space design and conservation theme**.

1. The applicant shall be responsible for justifying the proposed open space design, and identify a primary conservation theme, including but not limited to forest preservation, water quality preservation protection, farmland preservation, forest/wildlife corridor connectivity, or viewshed protection. The conservation theme shall guide the location and use of the designated open space. For instance, if setting aside open space for agricultural use, there should be a demonstration that the open space has good agricultural soils, or if setting aside open space for protection of wildlife habitat, the design should be based on science and the expert opinion of a qualified wildlife biologist. The open space design and conservation theme shall be approved by the Planning Board prior to submission of an application for preliminary plan approval. (Note: Please see §7.6.2 for greater details on Open Space Design)

2. The open space shall be designed to maximize achievement of the purposes described in Zoning §1.3.12. The applicant shall present a plan and narrative description to illustrate how this is to be accomplished. To the greatest extent possible, the open space should be in one large piece rather than separate pieces or narrow buffer strips that have little conservation value. The Planning Board may require alteration of the layout and design of the subdivision open space to better achieve these purposes. The Planning Board may solicit input on the efficacy of the open space design as needed, including but not limited to review by a third-party wildlife biologist, a landscape architect, or another professional qualified to respond to the aspect of the application in question. Any technical assistance deemed necessary by the Planning Board to conduct the review shall be paid for by the applicant in accordance with Zoning 18-A.2. D. (Note: Please see §7.6.2 for greater details on Open Space Design)

D. **Intent of the open space design.**

1. As specified above, it is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining area. During the Conceptual Design Review process, the Planning Board shall determine whether the open space layout, design and configuration is appropriate based on purposes stated in §1.3.12. For sites with on-site septic, the Planning Board shall balance the purposes to be achieved (as stated in §1.3.12) with the need to locate the septic system(s) on the best available soils. Other development considerations shall be of secondary importance.

2. The Planning Board may require alteration of the open space configuration to maximize achievement of the purposes of open space conservation subdivision design. The Board shall include in its Findings of Fact the basis for its conclusions about the suitability of the open space conservation subdivision design with respect to the specific site. (Note: Please see §7.6.2 for greater details on Open Space Design)

E. **Yield Plan Submission**. During the Conceptual Design Review Phase of the application process, Yield Plans will be reviewed by the Planning Board after the open space design and conservation theme has been approved by the Planning Board as specified above. An application for an open space conservation subdivision development shall submit a Yield Plan, which shows the maximum number of lots/dwelling units that could reasonably be achieved through a conventional layout and design given conventional subdivision requirements, zoning requirements, and site conditions on the lot and within the underlying

zoning or overlay district. The yield plan shall provide the net buildable area/acreage calculation used to determine maximum permitted density under Zoning §7.6.3.B and defined in Article 3 of the Site Plan and Subdivision Regulations. To aid the Planning Board in determining if a yield plan is considered "reasonably achievable" the applicant, at a minimum, shall illustrate the following:

1. Lots that comply with zoning dimensional requirements for the underlying zoning district including depicting structural setback lines within each lot.

2. Lots shall not be oddly shaped and must meet lot ratio requirements as defined in the Subdivision regulations. In general, lots should be rectangular/square and not consist of narrow portions of land that may be considered "spaghetti" or depicted as a "flag lot" in form.

3. If house lots are not served by public water or public sewer, or a combination thereof, lots shall show the rough locations of septic systems and water wells with the associated protective well radiuses.

4. Each lot shown in the Yield Plan shall indicate that the soils will support a house and septic system and be certified by a Maine Licensed Professional Engineer as such.

5. The presence of wetlands, slopes greater than 20% and ledge outcrop contained on each yield plan lot is considered reasonable for home, septic, well and driveway construction.

6. Road and driveway access to a lot or lots are "reasonably achievable" (e.g., no wetland fill and minimum, if any, stream, or wetland crossings).

7. The Planning Board may request other details needed to assess that the yield plan is deemed "reasonably achievable."

F. **Potential waiver of open space conservation subdivision requirement.** The Planning Board may waive the open space conservation subdivision requirement if the applicant can demonstrate why the open space conservation subdivision is not a reasonable design option for the parcel to be subdivided. When making this determination the Planning Board shall consider the following:

1. Lot shape/configuration;

2. Protection of natural features such as slopes greater than 20%, wetlands, vernal pools, surface waters and stream location(s) on the lot would not benefit from an open space conservation design;

3. The open space conservation design would not meet the intended purposes specified in zoning §1.3.12 - Concerning Open Space Conservation Subdivisions.

7.6.2 Open Space Standards. Upon approval of the Conceptual Design Review, the Preliminary Plan Subdivision Application can be submitted, subject to the following criteria.

A. **General**. Open space shall be required to meet the following standards:

1. The open space must contain at least 50% of the total area of the property if a portion of the property is within the Town's defined Growth Area (See Future Land Use Chapter of the Comprehensive Plan) or 60% of the total area if the entire property is located outside the Town's designated Growth Area(s) in order to comply with Comprehensive Plan Strategy 2.6.

2. The open space must contain at least 50% of the net developable area/acreage (as defined in the Subdivision Regulations) of the property if the property or portion thereof is located in a defined Growth Area and 60% if the property is located outside of the Towns defined Growth Area(s).

3. These standards shall be applied concurrently, not sequentially (e.g. a site with land that is entirely buildable can place 50% or 60% of its land in open space and meet both standards simultaneously).

B. **Requirements**. Open space areas defined within an open space conservation subdivision shall comply with the following requirements:

1. The following are ownership options for designated open space.

    a. The open space may be held in fee-simple ownership or as open space with a conservation easement placed upon it. In the event the open space is held by a qualified conservation organization, such as a land trust, the York Conservation Commission, or another body the Planning Board deems capable of land stewardship, a separate conservation easement may not be required if it can be demonstrated that the use, maintenance, and other requirements of the open space will be continued in perpetuity. Reference to open space throughout §7.6 refers to either the fee-simple or conservation easement arrangement.

    b. The open space land shall be owned by the homeowners, the Town, or other entity acceptable to the Planning Board. In no case shall the homeowners association or private property owner be the holder of the conservation easement, or the holder of the open space if there is no approved, partnering conservation organization. In determining whether a party is acceptable, the Board shall base its decision on the ability of the owner to control, maintain, manage and protect the open space in a manner consistent with the subdivision approval.

    c. If the homeowners take ownership of the open space land, all the open space lands shall be owned in common by a homeowners association, and the following shall be provided for:

        i. The ownership shall pass with conveyance of the lots or residential units;
        ii. Compulsory assessment of all related costs to each of the homeowners; and
        iii. A conservation easement shall be held by a qualified conservation organization.

    d. Legal arrangement of the Open Space. There shall be some form of legal arrangement to ensure the following:

        i. There is a plan for the use, management, maintenance, and protection of the open space, and that specifies the responsibilities of the owner.
        ii. The owner is responsible for maintenance, taxes, and insurance of the open space; and
        iii. The terms of the legal arrangement cannot be changed without prior approval of the Planning Board.

2. The Planning Board shall approve the open space, including terms, conditions, purpose, and the open space holder prior to final approval. The open space holder must have a demonstrated capacity to fulfill the purposes of the open space. Capacity shall be determined by the ability of the organization to:

    a. produce baseline documentation of the property;

    b. perform monitoring and maintenance of the property on an annual basis, or more frequently, as needed;

    c. have the capacity to seek remedies to violations of open space approval conditions, legally or through other enforcement measures;

    d. have staff with suitable professional capacity, which may include land stewardship, wildlife biology, or other areas of expertise suitable to the primary purpose of the open space.

3. The open space approval shall include the following:

    a. Regulate the use, maintenance, management and protection of the open space land;

    b. Be established and remain with the land in perpetuity.

    c. Specify the method of management and maintenance;

    d. Establish responsibility for maintenance, taxes and insurance;

    e. Establish a mandatory inspection program for the open space, which may retain a qualified neutral third party to perform this duty, and which may involve the subdivision homeowners and the Conservation Commission, and shall require annual inspections at a minimum; and

f. Address other requirements deemed necessary by the Planning Board to achieve the purposes for which the open space is established including, and as noted on the plan, where the applicant will place signage placards that field delineate the edge of open space boundary.

4. The open space land shall be used and managed consistent with the purposes for which it was established.

5. The Planning Board strongly encourages the allowance of public access to and/or through designated open space. If access is to be provided the Board shall consider the following guidance:

   a. The type of access shall be appropriate based on the plan for the open space, the clustered homes, and the traditional uses of the land;

   b. Reasonable limitations may be placed on public access, including but not limited to type of access (pedestrian only, etc.), specific locations (along a trail or path, to the entire open space, etc.), and timing controls (access during daylight only, no access near vernal pools in the spring, etc.); and

   c. The open space steward shall be permitted to temporarily restrict public access to prevent abuse. No such restriction shall be in effect for more than 90 days without application to and approval of the Planning Board. The Planning Board shall treat the matter as an application to amend the Subdivision Approval.

   d. The Board shall expressly review public access issues during the Conceptual Design Review of any open space conservation subdivision application.

6. Ownership of open space and, where applicable, the conservation easement, shall be transferred from the developer in a timely manner. Where a third-party will hold an easement or ownership, the transfer shall be made prior to the sale of any lot in the subdivision. Where a homeowner's association is to be the holder of the land, the transfer shall take place within 30 days of establishment of the association.

7.6.3 Development Standards.

A. **Uses**. Open space conservation subdivisions shall be limited to single-family, duplex and multifamily residential development as permitted in the base and overlay district(s) in which the lot is located. Each residential building shall be located on its own lot unless the proposed development is to be condominiumized. Regardless of the form of ownership all standards within §7.6.3 shall be depicted for adherence purposes.

B. **Density.**

1. The standard calculation of density for a subdivision shall be determined by the density requirements of the underlying base zone, all applicable overlay districts and uses, and the subdivision regulations.

2. Within the Shoreland Overlay District, the following shall apply regardless of any other provisions of this Ordinance:

   a. On portions of the lot in Resource Protection and Stream Protection subdistricts, buildings and building lots shall be prohibited consistent with Article 8.

   b. On portions of the lot in Limited Residential and Mixed Use subdistricts that have frontage on a Shoreland waterbody, and one or more dwelling units are proposed to be located in the land area within the Limited Residential or Mixed Use Subdistrict, the parcel must have a minimum of 200 linear feet of shore frontage to allow its development as an open space conservation housing subdivision. The following standards shall also govern the lay-out of such an open space conservation housing subdivision:

      i. A minimum of 50% of the shore frontage shall be undeveloped and shall be dedicated as open space.
      ii. The configuration of the dwelling units within the Limited Residential or Mixed Use Subdistrict shall be staggered, and shall not be located in a row immediately adjacent to

the minimum setback from the Normal High Water Mark of the protected waterbody. No more than 50% of the dwelling units located within the Limited Residential or Mixed Use Subdistrict can be located within 50 feet of the standard Shoreland setback.

iii. The maximum number of dwelling units permitted in the Shoreland Overlay District shall not exceed the density standards of Zoning §8.1.5

c. Buildable area within any area of the Shoreland Overlay District may be counted in the calculation of net developable area/acreage. The density standards of Zoning §8.1 shall apply, or others if more restrictive.

C. **Workforce Affordable Housing.** A proposed subdivision development that consists of ten (10) or more dwelling units shall include at least ten percent (10%) of the total number of dwelling units within the development as workforce affordable housing. All calculations for deciding the number of workforce affordable housing units required in a particular development shall be rounded up to the nearest whole number.

Density Bonus. A density bonus of twenty percent (20%) above that indicated by the yield plan shall be allowed if at least twenty five percent (25%), rounded to the nearest whole number, of the proposed dwelling units within a residential open space conservation subdivision development are defined as "workforce affordable housing" as determined by the Planning Board. The following standards shall also apply:

1. All dimensional, lot coverage, and open space standards as prescribed in this ordinance shall be adhered to;

2. Proposed workforce affordable housing units shall be integrated within the design of the development and not be "stand alone" as determined by the Planning Board; and

3. The governance standards specified in §10-F.6 shall be followed for dwelling units defined as "workforce affordable housing." This requirement shall be noted in the approved plan and Findings of Fact.

D. **Dimensional Standards**.

1. Lot Size. Building lots shall not be larger than the minimum lot size requirements specified in Zoning §5.2.1, §5.2.2 and §5.2.4. However, lots not served by municipal sewer service shall not be less than 20,000 square feet in total size.

2. Street Frontage. Building lots shall have frontage on streets sufficient to provide access to the lot, but shall not be required to meet the frontage standards of Zoning §5.2.1, §5.2.2 and §5.2.4.

3. Setbacks from Lot Lines. Minimum structure setbacks specified in Zoning §5.2.1, §5.2.2, and §5.2.4 shall be reduced to 1/3 of the measurements specified in those sections.

4. Lot Coverage. Lot coverage shall be evaluated in aggregate for the entire open space conservation subdivision, and overall the open space conservation subdivision shall be required to comply with the standard for the zone(s) in which it is located.

E. **Access**. Unless as required in §7.6.1-A above and if a road is to be developed, access to lots in an open space conservation subdivision shall be from an internal road, not from existing road frontage.

F. **Abutter Setbacks and Buffers**. To protect surrounding properties and neighborhood qualities outside the open space conservation subdivision, the following shall apply:

1. **Setback**. No building within the open space conservation subdivision shall be located closer than 50 feet to any property outside the open space conservation subdivision.

2. **Buffers**.

a. The applicant shall ensure vegetated buffers are clearly shown on subdivision plans and are clearly demarcated in the field prior to construction by adequate signage/placards.

b. Except in areas of the municipality designated by the Comprehensive Plan as a "Growth Area(s)," the open space conservation subdivision shall be designed to minimize the visibility of buildings from existing public roads. An open space conservation subdivision proposed outside of municipal designated Growth Areas shall provide a wooded/vegetated buffer strip no less than 50 feet in width along existing public roads.

c. New roads and utilities shall be allowed to cross through required wooded/vegetated buffers to access the subdivision, as well as to adjacent properties.

d. On building lots, there shall be a minimum 50 foot wooded/vegetated buffer along the property line of any lots outside the open space conservation subdivision.

e. All wooded buffers shall be left undisturbed with natural vegetation. The Planning Board may require additional landscaping to enhance the functionality of wooded/vegetated buffers.

7.7 Bed and Breakfast Operations

7.7.1 Purpose. The provisions that regulate bed & breakfast operations offer an opportunity for adaptive reuse of older homes, help make housing more affordable for owners of such homes, and guide the development and operations in order to prevent undue impacts on the surrounding neighborhoods.

7.7.2 Standards. The following standards shall apply.

A. Private Home. The operation shall be conducted only in conjunction with a single-family residence, occupied either year-round or seasonally. The use is clearly incidental and subordinate to the use of the home as a residence. The operation shall be conducted by the person or people who live in the residence during its operation and at least one of whom is listed on the property deed as a majority owner of the property. The intent of these requirements shall be that the overnight accommodations function as a private home with guest accommodations.

B. Sole Principal Use on a Lot. The single-family residence in which the bed & breakfast is operated shall be the sole residence and sole principal use on the lot.

C. Home Occupation. The home in which a bed & breakfast operates may also have a home occupation as an accessory use to the residence.

D. Transient Rooms. One to seven sleeping rooms may be rented to the general public for transient occupancy. Transient occupancy, as used here, shall mean that no guest stays in the same bed and breakfast for more than 120 days in a calendar year.

E. Meals. A full or continental breakfast shall be provided to guests.

F. Cooking Facilities. No cooking or kitchens are permitted in any of the rooms rented to the public.

G. Employees. Other than the home's occupants, not more than one employee of the bed & breakfast may work on-site at any time.

H. Age of Home. No new bed & breakfast shall be established in a residence that is less than 10 years old.

I. Exterior Alterations. No external alterations shall be permitted which would change the residential character of the dwelling, except as may be required to make the building accessible.

J. Exterior Lighting. There shall be no artificial outdoor illumination of any kind for permitted home occupations on the property, including off-street parking areas, the house or any accessory structures, other than the normal and customary outdoor lighting for single-family houses, such as a customary porch light or garage light or walk-way light.

K. Impacts. No noise vibration, smoke dust, odors, heat, glare, unsightliness or other nuisance shall be ~~is~~ produced which is discernible from other properties.

L. Display. There is no public display of goods or wares, and there are no signs except as permitted in Article 16.

M. Parking. One off-street parking space for each room accommodation in a Bed and Breakfast shall be required. Additionally, such establishments shall provide sufficient off-street parking spaces for the resident/owner and an employee. Such off-street parking shall be adequately screened from the street and from adjacent lots (for example with dense evergreen plantings). Such off-street parking areas shall be set at least ten 10) feet from the side and rear lot lines, and sixteen (16) feet from the front lot line.

N. Outside Storage Containers. Outside storage containers including, but not limited to; dumpsters and recycling bins, shall be located at least ten (10) feet from the side and rear lot lines, and sixteen (16) feet from the front lot line. Such containers shall be adequately screened from the street and from adjacent lots (for example with dense evergreen plantings).

O. Smoke Alarms. A hard-wired smoke alarm with battery back-up shall be located in each sleeping room within the house.

- **AMENDED 11/02/1993**

7.8 Elderly Housing Standards

The standards in this section shall govern proposed Elderly Housing project applications within the Town of York's defined Growth Area. However, in addition to adhering to the standards of this zoning ordinance section, proposed Elderly Housing project applications not located within the Town of York's Growth Area shall also adhere to the Open Space Conservation Subdivision Application requirements specified in sections 7.6.1 Procedures and 7.6.2 Open Space Standards when applicable.

7.8.1 Schedule of Dimensional Regulations

a.	Minimum Land Area	43,560 sq. ft. or the minimum land area in the underlying zone if this requirement is greater than 43,560 sq. ft.
b.	Minimum Street Frontage	Amount of lineal feet specified in the underlying zone.
c.	Minimum Shore Frontage	Amount of lineal feet specified in the underlying zone.
d.	Minimum Lot Depth	Amount of lineal feet specified in the underlying zone.
e.	Minimum Front Yard Setback	Any structure with 4 units of elderly housing or less shall have a minimum setback of 50 feet. Any structure with 5 units to 12 units of elderly housing shall have a minimum setback of 75 feet.
f.	Minimum Rear Yard Setback	A project with 15 or less units of elderly housing in which there is no structure with more than 4 units of elderly housing shall have the minimum setback specified in the underlying zone. A project in which there are 16 or more elderly housing units or any structure with 5 or more elderly housing units shall have a minimum setback of 50 feet.

g.	Minimum Side Yard Setback	A project with 15 or less units of elderly housing in which there is no structure with more than 4 units of elderly housing shall have the minimum setback specified in the underlying zone. A project in which there are 16 or more elderly housing units or any structure with 5 or more elderly housing units shall have a minimum setback of 50 feet.
h.	Maximum Lot Coverage	25% of lot if a portion of lot is located outside a Town designated growth area; and 35% if the lot is located entirely within a Town designated growth area. - **AMENDED 11/04/2025**
i.	Maximum Building Height	35 feet. - **AMENDED 11/07/1995**
j.	Accessory Structures and Uses Associated with the Elderly Housing Units Setbacks	All accessory structures associated with the elderly housing project shall comply with all setback requirements established for such units and structures.
k.	Parking Area Setbacks	No parking shall be located closer to the front lot line than any structure containing elderly housing units or any accessory structure or use associated with the elderly housing project. This front lot line shall be the lot line which establishes minimum street frontage for the parcel on which the elderly housing project is located. Also, no parking areas shall be located within the side and rear setback requirement.

7.8.1.2 Floor Area

Notwithstanding the terms of Section 5.4 of this Ordinance to the contrary, each elderly housing dwelling unit shall have at least 190 gross square feet of living area.

7.8.1.3 Number of Units Per Structure

A structure shall have at least 1 and no more than 12 units of elderly housing.

7.8.1.4 Density

The minimum land area for each elderly housing dwelling unit shall be:

a.	An elderly housing unit with 3 or or more bedrooms	Each elderly housing unit shall have the minimum land area specified in Section 5.2.
b.	Structure with one unit of elderly housing	Minimum land area specified in Section 5.2
c.	Structure with 2 units of 1 or 2 bedroom elderly housing	5,000 sq. ft. of suitable land area for each unit
d.	Structure with 3 units of 1 or 2 bedroom elderly housing units	4,000 sq. ft. of suitable land area for each unit
e.	Structure with 4 or more, but no greater than 12 units of 1 or 2 bedroom elderly housing units	3,000 sq. ft. of suitable land area for each unit

7.8.1.5 Number of Units Per Development

No elderly housing project shall consist of less than 6 elderly housing units or more than 250 elderly housing units on a single parcel of land.

7.8.2 Performance Standards

7.8.2.1 Sewer and Water Supply

All elderly housing units shall be connected to public sewer and public water supply. - **AMENDED 11/07/1995**

7.8.2.2 Architectural Appearance/Building Accessibility Standard

All new construction of elderly housing shall have pitched roofs, which may include a gable roof, hip roof, mansard roof, or gambrel roof. If a gable roof or hip roof is used, the roof pitch shall be at least four feet in twelve feet. All new construction shall use exterior materials compatible with other structures in the surrounding area. At least one bedroom shall be located on the same floor where kitchen and bathroom facilities are located. - **AMENDED 11/04/2025**

7.8.2.3 Buffers and Landscaping

Standard 7.8.2.3.1 is applicable to all projects and Standards 7.8.2.3.2, 7.8.2.3.3, 7.8.2.3.4 and 7.8.2.3.5 are applicable to all large projects as defined by Standard 7.8.2.3.2.

7.8.2.3.1 Any elderly housing project, regardless of size, shall submit a landscape plan prepared by a landscape architect licensed in the State of Maine, for the parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

7.8.2.3.2 Any elderly housing project with 15 or more elderly housing units, shall comply with the Standards in paragraph 7.8.2.3.3 through 7.8.2.3.5.

7.8.2.3.3 The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the project.

7.8.2.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen or in the sole judgment of the Planning Board, is not sufficient to achieve an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen, in accordance with the following procedure and standards:

a. For the purpose of this subsection a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2 inch caliper six inches above the ground and a height of at least 8 feet. An "understory tree" is a deciduous tree that reaches less than 35 feet in height at maturity and at time of planting has a minimum 1-1 1/2 inch caliper six inches above the ground and a height of at least 6 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1 1/2 caliper six inches above the ground and a minimum height of at least 6 feet.
b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen shall be equal to 5 "plant units", one understory tree shall be equal to 5 "plant units", and one shrub shall be equal to one "plant unit".
c. In each rear or side yard, the required buffer shall include sufficient trees and shrubs to total a minimum of 80 "plant units" per 100 feet of length or fraction thereof of yard area, and at least 40 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this Section. New plantings required by this Section that die shall be replaced within one growing season.
d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the buffer yards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abutting lot and the applicant's development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Planning Board may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of plans is appropriate for the site shall be the Planning Board's.

7.8.2.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, accessory use areas, public areas and site entrances, in accordance with Section 7.17 of the Town of York Planning Board Site Plan and Subdivision Regulations.

7.8.2.4 Open Space Requirement

7.8.2.4.1 An elderly housing project shall provide open space according to the following formula. Open space may include, at the sole judgment of the Planning Board, land which is not considered "suitable land" in accordance with Section 5.5.3. The purpose of this open space is to lessen the intensity of property development, preserve natural features, provide scenic vistas, discourage development of geographically unsuitable land, and promote other similar uses deemed appropriate by the Planning Board.

Amount of Land Area	Percent of Open Space Required
a. An elderly housing project which requires total suitable land area of less than 65,340 sq. ft.	No open space required
b. An elderly housing project which requires a minimum total suitable land area of 65,341 sq. ft. (1 1/2 acres), but not more than 130,680 sq. ft. (3 acres) of total suitable land area	15% required open space
c. An elderly housing project which requires a minimum total suitable land area of 130,681 sq. ft. (3 acres) but not more than 217,800 sq. ft.(5 acres) of suitable land area	50% required open space
d. An elderly housing project which requires a minimum total suitable land area of more than 217,801 sq. ft. (5 acres) of suitable land area.	50% required open space

- **AMENDED 11/07/1995, 11/04/2025**

7.8.2.4.2. Any elderly housing open space area shall comply with all of the following:

a. The applicant or developer shall provide for the dedication of open space land to the Town or other suitable agency established under Title 33 M.R.S.A., Section 476, or to its legal protection in perpetuity by a method satisfactory to the Planning Board. The Planning Board must approve of the holder and its adequacy to protect and maintain the values for which the open space land was established. If the land is conveyed to a corporation or trust owned or to be owned by the owners of the lots or elderly housing units within the cluster housing subdivision, ownership of the open space land shall pass with conveyance of the lots or elderly housing units.

b. Covenants or other legal arrangements which regulate the use of the open space land shall be established and shall remain with this land in perpetuity. The covenants shall: specify ownership of the open space; method of management and maintenance; responsibility for maintenance; taxes and insurance; compulsory membership and compulsory assessment provisions; guarantee that any association formed to own and maintain the open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board to achieve the purposes or theme for which the open space was established. The Planning Board shall approve the regulatory covenants.

c. The uses permitted in the open space land shall be consistent with the purposes and theme for which it was established. Such uses shall consist of: land which remains in its natural state, such as open fields and meadowlands, wooded areas, and wetlands and waterbodies; wildlife, waterfowl and bird habitat; passive recreation uses, such as nature trails, pedestrian trails, cross-country skiing areas and horseback riding trails; agriculture uses, such as grazing land, crop raising and hay fields; and similar uses deemed appropriate by the Planning Board. The preservation of scenic vistas, particularly vistas from public ways and lands, shall be a consideration in the establishment and use of open space land.

d. Elderly housing open space land shall only be made available for public use if either or both of the following actions occur:

1. The applicant proposes to make the land available for public use and the Planning Board makes a finding that the public use of this area is desirable. The Board, in making this finding, shall consider the size, location, type of development, and cost of development or maintenance of such elderly housing open space.
2. The Planning Board determines that a significant public benefit will be achieved by allowing public use of the land. If such a finding is made, the Board shall request a transfer of such land to the Town or other suitable agency. The applicant shall not be required to approve the request of the

Board. The Board determination that a significant public benefit will be achieved shall consider the size, location, type of development, and cost of development or maintenance of such elderly housing open space. **– Amended 11/04/2025**

7.8.2.5 Transportation and Access Requirement

a. An elderly housing project shall have a minimum of one means of ingress and egress to the site which provides safe access to and from public and private streets. If the project has either fifty or more elderly housing units or there is 400 or more feet of depth from the street frontage to any unit, the applicant shall provide a divided entranceway for this single means of ingress and egress for a minimum of 50 feet. The Planning Board shall use road standards prescribed in the Planning Board Subdivision and Site Plan Regulations as guidelines for access design and construction.

b. All elderly housing projects that require Planning Board approval shall provide, to the maximum extent practicable as determined by the Planning Board, multi-modal transportation access. Such examples include but are not limited to bicycle paths and bicycle racks, sidewalks within the development and connected to other areas outside the development, walking trails, bus or trolley stops. **– Amended 11/04/2025**

7.8.2.6 Affordability Standards for Elderly Housing

a. Consistent with the Town's Comprehensive Plan and the definition of Affordable Elderly Housing in which the following shall apply:

1. Affordable Elderly housing units for rent or ownership shall comprise of no less than 30% of the total number of dwellings constructed as part of an elderly housing development of three (3) or more dwelling units, and;
2. The developer shall integrate affordable elderly housing (for rental or ownership purposes) within the development, and shall provide them with equal rights of access, use, and community.

b. Governance of Affordable Elderly Housing Units.

1. A qualified non-profit housing corporation shall qualify all applicants for Affordable Elderly Housing units as to the income, employment (if any), and residence preferences as prescribed herein, and will adhere to established legal covenants for occupancy and resale, each of which shall be set forth as covenants in all deeds to buyers and to run with the properties in perpetuity, as stated below:

i. Residents of Affordable Elderly Housing will not be required to leave their residences even if their income(s) rise or their employment changes, provided that this residence remains their only year-round residence.

ii. When owners of Affordable Elderly Housing units choose to sell their homes, a qualified non-profit housing corporation that may have developed the units shall be given the first option to purchase the homes. In the event the qualified non-profit housing corporation declines its option to purchase a unit, the owner may sell it to a household that meets the income limits and fits one of the selection preferences set forth in this ordinance, as determined by a qualified non-profit housing corporation. All sales shall be subject to the Resale Price Calculation.

iii. Resale Price Calculation. A dwelling unit that may be purchased for year-round occupancy for which the selling price does not exceed the maximum price set forth for moderate income households as determined by York's HUD Metro FMR Area.

The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term if permitted by regulations, to the percentage increase in Median Income as defined for York's HUD Metro FMR Area.

2. Selection Priorities. Preferences will be granted in the following order to income-qualified applicants for Affordable Elderly Housing:

i. At least one member of the qualifying household is currently a resident of the Town of York.

ii. At least one member of the qualifying household is currently or was a resident of the Town of York and is a veteran.

iii. At least one member of the qualifying household has a family member that is a resident of the Town of York

iv. At least one member of the qualifying household works in the Town of York.

v. At least one member of the qualifying household is currently approved for general assistance through the Town or York's General Assistance Program.

-Amended 11/04/2025

7.8.3 Occupancy of Elderly Housing

An elderly housing unit shall only be used for occupancy by the following persons to allow issuance and continuance of an Occupancy Permit.

a. All persons who reside in the unit are a minimum of 62 years of age or older.
b. An elderly family whose head or spouse is a minimum of 62 years of age or older.
c. For elderly housing units financed wholly or partially with federal funds, housing units occupied by elderly persons or handicapped persons as defined in the funding program, provided the number of units available for occupancy by handicapped persons who are not elderly shall be the minimum needed to establish eligibility for the federal or state program and that the program has received the approval of the United States Department of Housing and Urban Development as one designed and operated to assist elderly persons.
d. Elderly housing units shall not be utilized for Short-Term Residential Rentals, which shall be expressly stipulated by covenants and/or deeds. **-Amended 11/04/2025**

7.8.4 Conversion of Elderly Housing Units

An elderly housing unit shall not be converted to a residential dwelling unit unless the elderly housing unit satisfies the minimum lot size and minimum floor space area requirements for the zoning district in which it is located.
- **AMENDED 11/07/1995**

7.9 Accessory Residential Unit

A. Purpose. The purpose of Accessory Residential Units shall be to help accommodate the need of residents to care for relatives who are dealing with demonstrated illness, disability, or old age (person aged 62 years old or older). To this end, accessory residential units shall be permitted only by special exception in compliance with §7.9. See also Article 2 definitions of "residential unit" and "accessory residential unit."

B. Special Exception. If granted a Special Exception, one accessory residential unit shall be permitted as an accessory use to a single-family residence without being considered a subdivision or a change in density. The Board of Appeals shall grant the Special Exception only when all of the following conditions are met:

1. Not more than 2 people shall occupy the accessory residential unit.

2. The floor area of the accessory residential unit shall not exceed 50% of the gross floor area of the principal residence, or 750 square feet, whichever is less.

3. The accessory residential unit shall be created only when one or both of the occupants are related by blood, marriage or adoption to the primary resident of the single-family residence. The approval shall expressly identify the tenants of the accessory residential unit. Any subsequent change in occupation of the unit, as may occur by marriage, institutionalization, death, or other reasons, shall require re-application to the Board of Appeals. The Board shall follow the same application review and decision-making process as for the original application.

4. At least one of the people to occupy the accessory residential unit shall, at the time of application, demonstrate to the satisfaction of the Board of Appeals the need for some form of assistance consistent with the purpose stated in §7.9.A.

5. The accessory residential unit shall be removed when the approved occupants no longer live in the unit. Removal shall be defined, for this purpose, as removal of the kitchen, and by removal of any lockable doors that would separate the main residence from the accessory residential unit if in the same building.

6. As a subsequent condition of approval, the Board of Appeals shall require its written approval of the Special Exception to be recorded in the York County Registry of Deeds to ensure that the duration limit is included in the chain of title.

7. As a subsequent condition of approval, the Board of Appeals shall require the applicant to provide annual certification to the Code Enforcement Officer that occupancy of the unit continues to comply with the approval. The CEO may request evidence as they deem necessary to confirm compliance.

C. Occupancy Permit. The Code Enforcement Officers shall not permit occupancy of the accessory residential unit without receiving written verification of the recording of the Board of Appeals' approval. - **AMENDED 11/02/2004**

7.10 Restaurant as Accessory to Retail Use

For a restaurant use to be considered accessory to a principal retail use, the retail business may provide not more than 12 seats for customers to consume products on-premise. If more seating is provided, the restaurant use shall be considered a principal use, no longer accessory to the retail use and therefore subject to all controls established for restaurants in the zone in which it is located. - **AMENDED 11/02/2004**

7.11 Overboard Discharge Systems

New overboard discharge systems shall be prohibited in the Town of York. Systems currently in operation may be maintained and operated indefinitely in compliance with all State requirements. Such systems shall not be expanded. - **AMENDED 11/06/2001**

7.12 Propane Tanks

The Fire Chief with jurisdiction shall be required to approve any proposed propane tank installation prior to the issuance of an Occupancy Permit for any building which will utilize propane. This standard shall apply to buildings on lots located wholly or partially within the 100- year or 500-year floodplain, or within the YBVC base zoning district. - **AMENDED 11/07/2006, 11/04/2008**

7.13 Conversion of Buildings to Affordable Apartments

A. Purpose. These standards are enacted to help the Town comply with statutory requirements to encourage the creation of new affordable housing units, but in a manner consistent with public sentiment expressed in the Town's Comprehensive Plan. Units are for rent only, and changes are limited in scale to prevent excessive neighborhood impacts.

B. Reserved. **AMENDED 5/17/2025**

C. Percent of Units to be Affordable. When a building is converted, a minimum of 50% of the resulting residential units shall be affordable apartments.

D. Maximum Units Per Building. For creation of new affordable apartment units, an eligible building may be converted in accordance with the following:

1. into not more than two affordable apartments and two associated market-rate apartment units if served by year-round public water and public sewer; or

2. into not more than one affordable apartment and one associated market-rate apartment unit in other situations.

Where the units are not serviced by public sewer, density shall not exceed the standards of the State Minimum Lot Size Law (Title 12 MRSA §4807 et seq.), and the septic system must be approved for the number of units and bedrooms.

E. Conflicting Dimensional Standards. Where the dimensional provisions of this section (§7.13) are less restrictive than the dimensional provisions of Article 5, these provisions shall prevail as follows:

1. Lot Coverage. The maximum lot coverage limits of §5.2 may be exceeded to the extent necessary to provide the minimum number of required parking spaces as specified in §15.1.1.8. The standards of §5.2 shall not be exceeded for other purposes, such as building expansion.

2. Density. The density provisions of this section specifically supersede the requirements of Article 5 for all base zoning districts, but do not supersede density limits in any applicable overlay districts, except as follows: in the Shoreland Overlay District, an existing building which is served by public water and public sewer and which will not be expanded during the conversion shall not be subject to the density standards of §8.1.4.A.

3. Floor Area. Each affordable apartment unit shall have no less than 190 square feet and no more than 1,500 square feet of living space, regardless of any conflicting standards of §5.3.

F. **Reserved**.

AMENDED 5/17/2025

G. **Governance.** The following shall apply.

1. Income Limit. Only a household which qualifies as low income, as defined in Article Two, shall be permitted to occupy an affordable apartment unit. In the event household income increases above this threshold during the term of a lease, the tenant shall not be required to vacate the unit until the end of the term of the lease, at which point they shall vacate the unit to make it available for a qualifying household.

2. Rent Limit. At the time of initiating or renewing a lease for a tenant, the maximum rent for an affordable apartment unit shall not exceed the standard for affordable housing, as defined in Article Two, for the tenant.

3. Landlord. Any property owner shall be eligible to own and manage affordable apartments.

4. Qualification of Income and Maximum Rent. Prior to entering into a new lease or renewing a lease of an affordable apartment, the landlord shall obtain from York Housing or another qualified non-profit housing corporation as defined by 30-A M.R.S.A. Section 5002(13), a written statement which verifies the household qualifies as low income, and which specifies a maximum rent the tenant can be charged to keep the housing affordable in accordance with this Ordinance. The landlord shall not lease to any household without this statement, and shall not charge a rent which exceeds the stated limit for this household. The qualified non-profit housing corporation providing this service may charge an administrative fee to cover the cost. - **AMENDED 11/02/2010**

5. Condominium Conversion Prohibited. On a property with affordable apartments, all residential units shall be owned by a single party, and condominium ownership shall be prohibited.

6. Duration of Lease. The lease for an affordable apartment unit shall be for one year.

7. Right to Review Compliance. The Code Enforcement Officer shall expressly have the right to periodically review compliance with these governance provisions with the property owner and the applicable qualified non-profit housing corporation, and shall annually report to the Town Manager about the number of affordable apartments and any compliance issues. - **AMENDED 11/02/2010**

H. **Permit Authority.** Authority to review and decide on an application for conversion to affordable apartments shall rest with the Code Enforcement Officer, except the Planning Board shall have such authority if the number of units being created constitutes a subdivision.

I. **Abandonment of Use.** In the future, if the affordable apartment use is abandoned and the building is converted to other residential use, the new number of residential units shall comply with all Ordinance requirements in effect at that time, and any additional lot coverage gained per §7.13.E.1 shall be restored to pervious surface. - **AMENDED 11/03/2009**

J. **Town of York Owned Buildings**. The following requirements shall apply to buildings owned by the Town of York:

1. If a building or lot is owned by the Town of York and is within or abuts the Town's Growth Area as defined in the Town's Comprehensive Plan, the provisions of Zoning Article 10-F Workforce Affordable Housing Overlay District shall supersede all provisions in this zoning ordinance section 7.13 for the development of a Town owned lot or conversion of a Town owned building. The development shall be workforce affordable housing and/or affordable housing except for the following additional requirement.

2. If two or more dwelling units are created within a Town owned building or on a Town owned lot, that at least 50% of the total number of dwelling units created within the building or on the lot be workforce affordable housing whose income is not more than 80% of the current median family income for the York-Kittery-South Berwick HUD Metropolitan Finance Area. - **AMENDED 5/17/2025**

7.14 Occupancy of Seasonal Dwellings

A seasonal dwelling shall be vacated for a minimum of 90 consecutive days annually. Because the 90-day period will often occur during the winter, "annually" does not need to correspond to a calendar year. - **AMENDED 11/03/2009**

7.15 Cultural Facility Standards

7.15.1 Dimensional Regulations

In addition to the dimensional regulations of the Base Zone or Overlay District, the following regulations are applicable to Cultural Facilities.

a. Minimum Land Area: Minimum 5 acres in size. Where Cultural Facilities share land area with residential dwellings, the minimum lot size requirement shall be met separately for each dwelling unit for the base zone or any applicable Overlay Districts, plus 5,000 square feet for each Artist Studio.

b. Front, Rear and Side Yard Setbacks: In no case shall new construction occur within 40 feet of any property line. When there is a conflict between these setback requirements and the base zone or Overlay District, the more restrictive shall prevail.

c. Number of Artist Studios per Structure: A structure shall have no more than 6 Artist Studios per structure.

7.15.2 Off-Street Parking

Off-street parking shall be provided on the lot with 1 space for each residential unit and .5 space per Artist Studio. One visitor parking per 1,000 square feet of common use area shall be provided in addition to the parking required for the other uses on the lot. The required parking can be reduced by up to 50% if documentation can be provided showing that the required parking will not be needed to serve the facility. Parking Reductions can be granted by the Planning Board, as outlined in §15.1.1.4.

7.15.3 Retail or Commercial Activity

No retail or commercial activity shall be permitted except for incidental sales of works made on site.

- AMENDED 5/22/2010

7.16 Commercial Functions on Residential Lots Accessory to Residential Use

Owners of parcels can host up to 12 commercial functions per calendar year on their property provided they obtain a use permit from the Code Enforcement Office and meet all of the following criteria:

1. No more than 250 people present at the function.
2. Lot size is at least 5 acres.
3. Lot has 1 parking spot for every 3 people attending the function, or there is satellite parking and a shuttle service. (To be determined by the Police Department)
4. Provide either portable toilets, or other toilet facilities if connected to public sewer. Provide at least 1 toilet per 100 people (or fraction thereof) attending.
5. Function activities are at least 200 feet from the nearest abutter's dwelling.
6. Noise Ordinance is adhered to.
7. Obtain a Special Event Permit from the Board of Selectmen.
8. There shall be no more than 3 functions in any calendar month.
9. All activities must end prior to 11pm.
10. All other applicable ordinances are adhered to.

- **AMENDED 05/22/2010, 05/17/2014**

7.17 Accessory Dwelling Units

7.17.1 Purpose Statement for Accessory Dwelling Units:
This ordinance is intended to increase the variety of housing opportunities for York's diverse population, provide additional affordable housing, while allowing long-term residents tax relief potential through rental opportunities.

7.17.2 Performance Standards:

A. An accessory dwelling unit (ADU) is a small apartment which is part of an existing single-family dwelling, in the same building as the principal dwelling unit or in a building accessory to the principal dwelling unit, and which is clearly secondary to the single-family dwelling. The ADU shall have living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The owner may rent the ADU and/or the principal dwelling unit.

B. Reserved.

C. An accessory dwelling unit may be permitted as an accessory use to a single-family dwelling under the following conditions:

1. Only one ADU is permitted per lot. The ADU shall be located in the same building as the principal dwelling unit or in a building accessory to the principal dwelling unit and shall be exempt from base zone density requirements for dwelling units and the minimum floor area requirements as specified in section 5.3 of this ordinance. Any structure containing an ADU must meet the minimum yard and setback requirements for the principal structure, and must meet all relevant sections of the state and local Plumbing Codes. The ADU permit process shall be applicable to all zones town wide, regardless of underlying base zone use requirements. All other Town of York Zoning requirements shall be met unless otherwise specified in section 7.17 of the Zoning Ordinance.

2. A building permit is required for the creation of a new ADU and is issued by the CEO. Planning Board approval is not required for an ADU. An occupancy permit must be issued by the CEO prior to occupancy of an ADU created or modified pursuant to this section.

3. This ADU ordinance is intended to create year-round housing. Therefore, a short-term residential rental is prohibited within the ADU, principal dwelling unit or anywhere on a lot where an ADU is constructed.

4. Reserved.

5. The total gross floor area of the ADU unit shall not exceed 50% of the total gross floor area of the principal residence or 850 square feet, whichever is more restrictive. Calculation of total gross floor area for an ADU shall not include: garage areas or unfinished attic space. Unfinished attic space shall not include electrical receptacles, finished walls or finished flooring. Total floor area of an ADU shall be measured from the interior faces of the inside walls. The minimum gross floor area for an ADU shall not be less than 190 square feet.

6. A home occupation or home business may be conducted, subject to existing regulations, as an accessory use to either the ADU or the principal dwelling unit, but not both.

7. Reserved.

8. When any property containing an ADU is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the ADU. Should the new owner not meet the requirements of this Section, the use of the unit must be discontinued to the satisfaction of the CEO.

However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter.

9. To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the York County Registry of Deeds a covenant in a form acceptable to the Town attorney that the ADU and principal dwelling shall not be utilized as a short-term residential rental or for transient occupancy as defined in this ordinance. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section. Violations of the terms of this covenant shall be considered a violation of this section and subject to enforcement provisions specified in Article 19- Enforcement and Violations.

10. Reserved.

11. This provision shall not prohibit the conversion of a single family dwelling to a two-family or multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any ADU previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the two-family or multifamily dwelling. A two-family or multifamily dwellings shall not include ADUs as defined in this section.

12. Design Criteria:
    a. An ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing façade, roof pitch, siding, and windows. In the interest of energy efficiency and conservation, active and passive solar features are exempted from this requirement.
    b. Exterior stairs are restricted to the rear or sides of the structure wherever practicable.
    c. Wherever practicable, no more than one curb cut per lot shall be permitted, unless the lot has multiple curb cuts at the time of the application being filed.
    d. A detached accessory structure housing an ADU must be designed and constructed in the style of a barn, garage, carriage house, or similar structure customarily located on the same lot with a single family residence.

13. For residences with an ADU not on Town water, a test of the residential well water shall be reported to the Code Enforcement Office prior to the issuance of an occupancy permit.

14. An accessory dwelling unit is not subject to additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

15. Reserved.

16. The CEO shall prepare an annual report to the Selectboard and Planning Board on ADUs which will include: (a) the number of units established; (b) the geographic distribution of the units; and (c) the average size of the units and other pertinent information as may be requested by the Selectboard.

17. Reserved. -**AMENDED 11/05/2019**

18. A detached accessory structure containing an ADU shall be located no further than 150 feet from the nearest point of the principal structure.

19. Non-conformities shall not be created or increased in the creation of an accessory dwelling unit.

20. The maximum density for any lot which is not serviced by public sewer shall not exceed the standards of the State Minimum Lot Size Law (Title 12 M.R.S.A. §4807 et seq.).

D. If any part, section or clause is found to be unlawful these shall have no effect on the legality of the remaining. - **AMENDED 05/18/2013**

7.18 Medical Marijuana

7.18.1 Purpose: The purpose of this Section and related provisions of this Ordinance is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.

7.18.2 Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting. As part of a Medical Marijuana Home Production accessory use, qualifying patients or medical marijuana caregivers may not be authorized to extract marijuana using inherently hazardous substances per Title 22, Chapter 558-C: Maine Medical Use of Marijuana Act, section 2423-F, subsection 3.

7.18.3 Approval Process: Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Manufacturing Facility shall require approval of the Planning Board, even if the Planning Board was not required to grant the original local approval. The Planning Board shall follow the application procedures established in Article 18-A. In addition to other public notification requirements, the Town shall notify the York Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.

7.18.4 Performance Standards: In addition to other requirements of this and other codes, including but not limited to Article 6, the following shall apply to any application for a new or altered Medical Marijuana Registered Dispensary or a Medical Marijuana Manufacturing facility:

A. Limit. There shall be no more than one Medical Marijuana Registered Dispensary in the Town of York.

B. Proximity Limit. Only one Medical Marijuana Registered Dispensary or Medical Marijuana Manufacturing Facility shall be permitted per lot. Additionally, no Medical Marijuana Manufacturing Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Manufacturing Facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

C. Safe Zones. No Medical Marijuana Registered Dispensary or Medical Marijuana Manufacturing Facility shall be permitted within any Safe Zones established by the Board of Selectmen. (Initially designated by the Board of Selectmen on April 9, 2007, and as amended.)

D. Security. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the York Police Department and the Police Department finds the security measures are consistent with State requirements.

E. Business License. As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Manufacturing Facility shall obtain and retain all required business licenses pursuant to the Town's Business Licensing Ordinance. The land use approval shall be considered abandoned if no license-holder occupies the Facility for a period of 2 years of more.

F. A Medical Marijuana Manufacturing Facility may contain within the facility, as an accessory use, a Medical Marijuana Testing Facility. - **AMENDED 11/04/2014, 11/05/2019**

7.19 Outdoor Seating for Restaurant Uses

7.19.1 General. Outdoor seating for dining purposes shall be allowed where a restaurant use is permitted per Article Four Use Regulations. This provision shall supersede any zoning ordinance section that states otherwise. Outdoor seating used for dining purposes shall not be included for determining maximum gross floor area calculations for restaurant uses where applicable.

7.19.2 Outdoor Seating in the Public Right of Way. Outdoor seating for a restaurant use may be permitted in a public right-of-way after Selectboard approval. Selectboard approval or denial shall occur after either Planning Board or Code Enforcement approval as prescribed in Article Eighteen Administration of this ordinance. The Planning Board or Code Enforcement shall ensure outdoor seating for dining purposes meets applicable ordinances or regulations, that the seating locations are secure, and that safe passage for pedestrian, bicycle, and vehicular traffic is ensured. The York Police Department, appropriate York Fire Department, and York Department of Public Works shall provide comment prior to an approval granted by the authorized permitting authority.
- AMENDED 11/08/2022, 11/05/2024

ARTICLE EIGHT

SHORELAND OVERLAY DISTRICT

NOTE: Major shoreland revisions were approved on November 4, 2008. All revisions denoted in this Article were made subsequent to this date. For earlier legislative history, see the May 17, 2008 version of the Zoning Ordinance.

8.1 Dimensional Standards for lots.

8.1.1 Minimum Lot Size and Shore Frontage. The following minimum standards apply:

A. For a lot with residential use which is in the Shoreland Overlay District adjacent to Tidal Areas, a minimum land area of 30,000 square feet and 150' of shore frontage shall be required.

B. For a lot with residential use which is in the Shoreland Overlay District adjacent to Non-Tidal Areas, a minimum land area of 40,000 square feet and 200' of shore frontage shall be required.

C. For a lot with non-residential use which is in the Shoreland Overlay District adjacent to Tidal Areas, a minimum land area of 40,000 square feet and 200' of shore frontage shall be required.

D. For a lot with non-residential use which is in the Shoreland Overlay District adjacent to Non-Tidal Areas, a minimum land area of 60,000 square feet and 300' of shore frontage shall be required.

E. For a lot located within the RES-5, RES-6, RES-7, YBVC, CD-3 and CD-4 base zoning districts, with public water and sewer service, a minimum land area of 12,000 square feet shall apply regardless of the lot size requirements listed in subsections "A" through "D" above, and shore frontage requirements listed in subsection "A" through "D "above shall also be adhered to. **Amended 5/17/2025**

8.1.2 Minimum Lot Width. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of the Atlantic Ocean, tidal waters of the York River and its tributaries, tidal waters of the Cape Neddick River and its tributaries, and any open body of water that is greater than four acres in size, such as a pond or lake, shall be equal to the shore frontage requirement for a lot with the proposed use.

8.1.3 Maximum Lot Coverage. The total area of all structures and other non-vegetated surfaces, which includes but is not limited to, driveways, parking areas and other areas from which vegetation has been removed within the Shoreland Overlay District, shall not exceed the least restrictive of the following:

a. 70% of the land area of the lot, or portion thereof, located within the Mixed Use Subdistrict;
b. 20% of the land area of the lot, or portion thereof, located within any other subdistrict of the Shoreland Overlay District; or
c. 30% of the land area of the lot, or portion thereof, for an existing lot of record with a total area less than 12,000 square feet.
d. Naturally occurring ledge and rock outcroppings are not counted as non-vegetative surfaces when calculating lot coverage for existing lots of record as of March 24, 1990 and in continuous existence since that date. - **AMENDED 05/20/2017**

8.1.4 Additional Standards.

A. Multiple Uses on a Lot. If more than one residential dwelling unit or principal non-residential use or structure (or combination thereof), is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

For purposes of the Shoreland Overlay District, "residential dwelling unit" shall be defined as: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family at a time, and containing cooking, sleeping and sanitary facilities. The term shall include modular homes, manufactured housing units and rental units that contain cooking, sleeping, and sanitary facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

B. Minimum Land Area. Land below the normal high water mark of a water body or below the upland edge of a wetland, and land beneath a road serving more than 2 lots shall not be included toward calculating minimum lot size.

8.1.5 Open Space Conservation Subdivisions. Open space conservation subdivisions shall be controlled as follows:

1. By subdistrict, an open space conservation subdivision is:
   a. allowed with Shoreland Approval from the Planning Board in the Mixed Use and Limited Residential subdistricts.
   b. prohibited in the Resource Protection and Stream Protection subdistricts.
2. An open space conservation subdivision shall be approved only upon demonstration that overall dimensional requirements for the Overlay District, including shore frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the Shoreland Overlay District shall be considered. - **AMENDED 05/19/2012, 11/06/2018**

8.2 Land Uses Permitted in the Shoreland Overlay District

8.2.1 Land uses permitted in the Shoreland Overlay District are limited to those indicated in Sections 8.2.1.A – D below. Any use that is not expressly permitted in Sections 8.2.1.A - D is prohibited. However, additional limitations shall apply as follows. Within the Shoreland Overlay District adjacent to a Great Pond or a stream which flows into a Great Pond, the following new commercial and industrial uses shall be prohibited:

- **AMENDED: 11/08/2011, 5/17/2025**

1. Auto washing facilities;
2. Auto or other vehicle service and/or repair operations, including body shops;
3. Chemical and bacteriological laboratories;
4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms;
5. Commercial painting, wood preserving and furniture stripping;
6. Dry cleaning establishments;
7. Electronic circuit assembly;
8. Laundromats;
9. Metal plating, finishing or polishing;
10. Petroleum or petroleum product storage and/or sale, except for storage on same property as the use occurs;
11. Photographic processing; and
12. Printing.

8.2.1.A Mixed Use Subdistrict

Residential Use Category (Mixed Use Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below. - **ENTIRE CATEGORY AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding House
- Bed & Breakfast – Shoreland Permit from the CEO is required.
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (Mixed Use Shoreland)

- Service Businesses Serving Local Needs such as, but not limited to, barber shops, shoe repair, self-service laundry or dry-cleaning pick-up agency, tailoring, printing shop, caterer or other similar uses – Shoreland Permit from the CEO is required.
- Small (under 2,500 square feet) Store for Retail Sale of Merchandise provided all display, storage and sale of materials are conducted within a building and provided there is no manufacturing or assembly on premises – Shoreland Permit from the CEO is required.
- Large Store, or Mall (group of stores under single roof) with total floor space over 2,500 square feet for Retail Sale of Merchandise provided all display, storage, and sales of materials are conducted within a building and provided there is no manufacturing or assembly on the premises – Shoreland Permit from the CEO is required.
- Banks (with or without drive-through window) – Shoreland Permit from the CEO is required.
- Antique Shops – Shoreland Permit from the CEO is required.
- Laundries and Dry Cleaning Facilities (on public sewer) – Shoreland Permit from the CEO is required.
- Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting residential property – Shoreland Permit from the CEO is required.
- Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – Shoreland Permit from the CEO is required.
- Medical Marijuana Manufacturing Facility
- Medical Marijuana Registered Dispensary
- Motels/Hotels – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons. Also, Shoreland Permit from the CEO is required.
- Lodging and Tourist Homes/Inns – Shoreland Permit from the CEO is required.
- Restaurants – Shoreland Permit from the CEO is required.
- Ice Cream Stands – Shoreland Permit from the CEO is required.
- Marinas – Shoreland Permit from the CEO is required.
- Florists – Shoreland Permit from the CEO is required.
- Garden Centers – Shoreland Permit from the CEO is required.
- Pet Shops – Shoreland Permit from the CEO is required.
- Commercial Schools – Shoreland Permit from the CEO is required.
- Day Care Facilities – Shoreland Permit from the CEO is required.
- Fruit and Vegetable Produce Stores – Shoreland Permit from the CEO is required.
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet). Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.
- EXPRESSLY PROHIBITED: Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Testing Facilities.

- AMENDED 11/04/2014, 11/05/2019

Office Use Category (Mixed Use Shoreland)

- Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices – Shoreland Permit from the CEO is required.

- Town of York or York School District Offices – Shoreland Permit from the CEO is required.
- Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic – Shoreland Permit from the CEO is required.
- Laboratory or Research Facility – Shoreland Permit from the CEO is required.
- Radio or Television Studio – Shoreland Permit from the CEO is required.

Civic & Public Use Category (Mixed Use Shoreland) Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.

- Cemeteries – All burial sites, fences, monuments, and related improvements associated with a cemetery shall conform with the required Shoreland setbacks for structures. Also, a Shoreland Permit from the CEO is required.
- Civic Use - Only parks, playgrounds or recreation areas involving minimal structural development are allowed. This shall include small non-residential facilities for educational, scientific or nature interpretation purposes - Shoreland Permit from the Planning Board is required.
- Cultural Facility – Shoreland Permit from the Planning Board is required.
- Essential Services:
  - Roadside Distribution and Sub-Transmission Lines (electric, telephone, cable) – Permit not required, but must file a written "notice of intent to construct" with Code Enforcement Officer.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with 10 or less poles in the Shoreland Overlay District – Shoreland Permit from the CEO is required.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with more than 10 poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
  - Other Essential Services – Shoreland Permit from the CEO is required.
- Hospitals – Shoreland Permit from the Planning Board required.
- Medical Facility - Shoreland Permit from the CEO is required.
- Membership Organization - Shoreland Permit from the CEO is required.
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials - –Shoreland Permit from the Planning Board is required.
- Nursing Homes – Shoreland Permit from the ~~CEO~~ Planning Board is required.
- Religious Use - Shoreland Permit from the Plannning Board is required.
- School - Shoreland Permit from the Planning Board is required.
- Utility District - Shoreland Permit from the CEO is required.

- **AMENDED 11/06/2012**

Industrial Use Category (Mixed Use Shoreland)

- Printing, Binding, Publishing and Related Arts and Trades – Shoreland Permit from the CEO is required.
- Bottling of Beverages – Shoreland Permit from the CEO is required.
- Machine Shop, Assembly, Packaging, or Manufacturing – Shoreland Permit from the CEO is required.
- Wholesale Business and Storage in a Roofed Structure – Shoreland Permit from the CEO is required.
- Wood Manufacturing and Fabrication – Shoreland Permit from the CEO is required.
- Bulk Storage Collection Bin – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (Mixed Use Shoreland)

- Vehicle Service Stations, Auto Repair Garages – Shoreland Permit from the CEO is required.
- Auto Body Repair Shops – Shoreland Permit from the CEO is required.
- Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots – Shoreland Permit from the CEO is required.
- Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles – Shoreland Permit from the CEO is required.
- Place for Repair, Sale, Rent or Storage of Pleasure Boats – Shoreland Permit from the CEO is required.
- Car Washing Establishment – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Salvage Yards, Junk Yards, Wrecking Yards.

Rural & Agricultural Use Category (Mixed Use Shoreland)

- Mineral Exploration – Shoreland Permit from the CEO is required.
- Mineral Extraction – Shoreland Permit from the Planning Board required.

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Shoreland Permit from the CEO is required.
- Aquaculture – Shoreland Permit from the CEO is required.
- General Purpose Farm, Agriculture and Nurseries – Shoreland Permit from the CEO is required.
- Timber Harvesting – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Animal Breeding (Small Domestic Animals)
- Harvesting of Wild Crops
- Commercial Stables – Shoreland Permit from the CEO is required.
- Veterinary Establishment, Kennel, or Similar Establishment – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: n.a.

Recreation & Amusement Use Category (Mixed Use Shoreland)

- Indoor Sports Facility (No Gambling) – Shoreland Permit from the CEO is required.
- Fraternal Organization/Club/Lodge
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (Mixed Use Shoreland)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Line or Within a Wetland:
  - Temporary – Shoreland Permit from the CEO is required.
  - Permanent in Non-Tidal Waters – Shoreland Permit from the Planning Board required, and subject to conditions of §8.3.6.6.
  - Permanent in Tidal Waters – Shoreland Permit from the CEO is required.
- Mortuary, Undertaking or Funeral Establishment – Shoreland Permit from the CEO is required.
- Place for Exhibition, Lettering or Sale of Gravestones – Shoreland Permit from the CEO is required.
- Filling or Other Earthmoving Activities – Shoreland Permit from the CEO is required.
- Road and Driveway Construction – Shoreland Permit from the CEO is required.
- Medium-Scale Ground-Mounted Solar Energy System – Shoreland Permit from the Planning Board is required.
- Large-Scale Ground-Mounted Solar Energy System – Shoreland Permit from the Planning Board is required.
- Land Management Road – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**
- Public Sewage Treatment Facility – Shoreland Permit from the Planning Board required.
- Structures Accessory to Permitted Use – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities. Also, a Shoreland Permit from the CEO is required.
- Accessory Uses Customarily Incident to Allowed Uses – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Head Shop; Obscene Exhibitions; Dumps; Billboards; All Other Uses.

- **AMENDED 11/06/2012, 11/06/2018**

8.2.1.B Limited Residential Subdistrict

Residential Use Category (Limited Res. Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below. - **ENTIRE CATEGORY AMENDED 05/19/2012**

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Bed & Breakfast – Shoreland Permit from the CEO is required.
- Elderly Housing
- Short-Term Residential Rental

Commercial Use Category (Limited Res. Shoreland)

- Antique Shops – Shoreland Permit from the CEO is required.
- Motels/Hotels – A transient rental accommodation with cooking facilities in a hotel/motel shall not be rented or leased to the same person or persons for more than 90 days in any 120 consecutive day period. This length of stay shall be considered as a rental or lease of any accommodation with cooking facilities in the same hotel/motel and not only the rental of the same accommodation to the same person or persons. Also, expansion is defined as meaning: 1) construction of additions to existing facilities, buildings and structures, and 2) construction of new free standing facilities, buildings and structures. Under definition 1 and 2 above, construction is limited to an expansion, within lot lines existing as of November 7, 1995 of existing facilities, buildings and structures and other facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures. All expansions, regardless of the amount of expansion, shall satisfy to the maximum extent practical, as determined by the Planning Board, the requirements of the Town of York Planning Board Subdivision and Site Plan Regulations.
- Restaurants – Expansion is defined as meaning: 1) construction of additions to existing facilities, buildings and structures, and 2) construction of new free standing facilities, buildings and structures. Under definition 1 and 2 above, construction is limited to an expansion, within lot lines existing as of November 5, 1996, of existing facilities, buildings and structures and other facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures. All expansions, regardless of the amount of expansion, shall satisfy to the maximum extent practicable, as determined by the Planning Board, the requirements of the Town of York Planning Board Subdivision and Site Plan Regulations. Also, a Shoreland Permit from the Planning Board required.
- Ice Cream Stands – Expansion is defined as meaning: 1) construction of additions to existing facilities, buildings and structures, and 2) construction of new free standing facilities, buildings and structures. Under definition 1 and 2 above, construction is limited to an expansion, within lot lines existing as of November 5, 1996, of existing facilities, buildings and structures and other facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures. All expansions, regardless of the amount of expansion, shall satisfy to the maximum extent practicable, as determined by the Planning Board, the requirements of the Town of York Planning Board Subdivision and Site Plan Regulations. Also, a Shoreland Permit from the Planning Board required.
- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Lodging and Tourist Homes/Inns; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

  - **AMENDED 11/04/2014, 05/16/2015, 05/20/2017, 11/05/2019**

Office Use Category (Limited Res. Shoreland)

- Town of York or York School District Offices – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (Limited Res. Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.

- Cemeteries – All burial sites, fences, monuments, and related improvements associated with a cemetery shall conform with the required Shoreland setbacks for structures. Also, a Shoreland Permit from the CEO is required.
- Civic Use - Only parks, playgrounds or recreation areas involving minimal structural development are allowed. This shall include small non-residential facilities for educational, scientific or nature interpretation purposes - Shoreland Permit from the Planning Board is required.
- Cultural Facility – Shoreland Permit from the ~~CEO~~ Planning Board is required.
- Essential Services:
  - Roadside Distribution and Sub-Transmission Lines (electric, telephone, cable) – Permit not required, but must file a written "notice of intent to construct" with Code Enforcement Officer.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with 10 or less poles in the Shoreland Overlay District – Shoreland Permit from the CEO is required.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with more than 10 poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
  - Other Essential Services – Shoreland Permit from the CEO is required.
- Membership Organization - Shoreland Permit from the Planning Board is required.
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials –Shoreland Permit from the Planning Board is required.
- Religious Use - Shoreland Permit from the Planning Board is required.
- School - Shoreland Permit from the Planning Board is required.
- Utility District - Shoreland Permit from the CEO is required.

- **AMENDED 11/06/2012**

Industrial Use Category (Limited Res. Shoreland)

- Bulk Storage Collection Bin – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (Limited Res. Shoreland)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (Limited Res. Shoreland)

- Mineral Exploration – Shoreland Permit from the CEO is required.
- Mineral Extraction – Shoreland Permit from the Planning Board required.
- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Shoreland Permit from the CEO is required.
- Aquaculture – Shoreland Permit from the CEO is required.
- General Purpose Farm, Agriculture and Nurseries – Shoreland Permit from the CEO is required.
- Timber Harvesting – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. – **AMENDED 05/20/2017**.
- Forest Management Activities Except for Timber Harvesting
- Sale of Produce Raised on Same Premises
- Wildlife Management Practices
- Harvesting of Wild Crops
- Commercial Stables – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Animal Breeding (Small Domestic Animals); Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (Limited Res. Shoreland)

- Bath House, for Non-Commercial Purposes – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No

Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Fraternal Organization/Club/Lodge.

Miscellaneous Use Category (Limited Res. Shoreland)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Line or Within a Wetland:
    - Temporary – Shoreland Permit from the CEO is required.
    - Permanent in Non-Tidal Waters – Shoreland Permit from the Planning Board required, and subject to conditions of §8.3.6.6.
    - Permanent in Tidal Waters – Shoreland Permit from the CEO is required.
- Filling or Other Earthmoving Activities – Shoreland Permit from the CEO is required.
- Road and Driveway Construction – Shoreland Permit from the CEO is required.
- Land Management Road – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**
- Public Sewage Treatment Facility – Shoreland Permit from the Planning Board required.
- Structures Accessory to Permitted Use – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities. Also, a Shoreland Permit from the CEO is required.
- Accessory Uses Customarily Incident to Allowed Uses – Shoreland Permit from the CEO is required.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; All Other Uses.
  - **AMENDED 11/06/2012, 11/06/2018**

8.2.1.C Resource Protection Subdistrict

Residential Use Category (Res. Protection Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below. - **ENTIRE CATEGORY AMENDED 05/19/2012**

- Single-Family Dwelling – Requires a Special Use Permit per §18.2.7.

Commercial Use Category (Res. Protection Shoreland)

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015, 11/05/2019**

Office Use Category (Res. Protection Shoreland)

- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category (Res. Protection Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.

- Civic Use - Only parks, playgrounds or recreation areas involving minimal structural development are allowed. This shall include small non-residential facilities for educational, scientific or nature interpretation purposes - Shoreland Permit from the Planning Board is required.
- Cultural Facility – Shoreland Permit from the Planning Board is required.
- Essential Services:
    - Roadside Distribution and Sub-Transmission Lines (electric, telephone, cable) – Shoreland Permit from the CEO is required.
    - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with 10 or less poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
    - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with more than 10 poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
    - Other Essential Services – Shoreland Permit from the CEO is required.
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials —Shoreland Permit from the Planning Board is required.
- Utility District - Treatment plants not permitted - Shoreland Permit from the CEO is required.

- **AMENDED 11/06/2012**

Industrial Use Category (Res. Protection Shoreland)

- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals; Bulk Storage Collection Bin.

Vehicular Use Category (Res. Protection Shoreland)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (Res. Protection Shoreland)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Shoreland Permit from the CEO is required.
- Aquaculture – Shoreland Permit from the CEO is required.
- General Purpose Farm, Agriculture and Nurseries – Shoreland Permit from the CEO is required.
- Timber Harvesting – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Mineral Extraction; Sale of Produce Raised on Same Premises; Animal Breeding (Small Domestic Animals); Commercial Stables; Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (Res. Protection Shoreland)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Fraternal Organization/Club/Lodge; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (Res. Protection Shoreland)

- Filling or Other Earthmoving Activities – Shoreland Permit from the CEO is required.
- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Line or Within a Wetland-
    - Temporary - Municipal Use only. Shoreland Permit from the CEO is required.
    - Permanent in Non-Tidal Waters - Municipal Use only. Shoreland Permit from the Planning Board required, and subject to conditions of §8.3.6.6.
    - Permanent in Tidal Waters - Municipal Use only. Shoreland Permit from the Planning Board is required.
- Road and Driveway Construction – Permitted only as per provisions of §8.3.8.5.
- Land Management Road – Permitted only as per provisions of §8.3.8.5.
- Structures Accessory to Permitted Use – If the principal structure or principal use is a dwelling unit, an accessory structure shall not have cooking facilities and shall not have more than one of the following: living facilities, sanitary facilities or sleeping facilities. Also, requires a Special Use Permit per §18.2.7, except that only the conditions of §18.2.7.c through §18.2.7.f shall apply.
- Accessory Uses Customarily Incident to Allowed Uses – Shoreland Permit from the Planning Board required.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Medium-Scale Ground-Mounted Solar Energy System; Large-Scale Ground-Mounted Solar Energy System; All Other Uses.

- AMENDED 11/06/2012, 11/06/2018, 11/05/2024

8.2.1.D Stream Protection Subdistrict

Residential Use Category (Stream Protection Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below. - **ENTIRE CATEGORY AMENDED 05/19/2012**

- No uses in this Category are permitted in this Subdistrict.

Commercial Use Category (Stream Protection Shoreland)

- EXPRESSLY PROHIBITED: Service Businesses Serving Local Needs; Small (under 2,500 square feet) Store for Retail Sale of Merchandise; Large Store or Mall (Group of Stores Under Single Roof) With Total Floor Space Over 2,500 Square Feet for Retail Sale of Merchandise; Banks; Antique Shops; Laundries and Dry Cleaning Facilities; Store for Retail Sale of Merchandise such as but not limited to Lumber Yards and Building Supply Yards; Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment; Motels/Hotels; Lodging and Tourist Homes/Inns; Restaurants; Fast Food Restaurants, whether the use is a principal use or an accessory use; Formula Restaurants, whether the use is a principal use or an accessory use; Ice Cream Stands; Truck Stops; Marinas; Florists; Garden Centers; Pet Shops; Commercial Schools; Day Care Facilities; Fruit and Vegetable Produce Stores; Medical Marijuana Registered Caregiver Retail Stores; Medical Marijuana Manufacturing Facility; Medical Marijuana Registered Dispensary; Medical Marijuana Testing Facilities; Artisanal Food and/or Beverage Facility.

- **AMENDED 11/04/2014, 05/16/2015**

Office Use Category (Stream Protection Shoreland)

- EXPRESSLY PROHIBITED: Business, Financial, Professional or Government Offices, Except Town of York or York School District Offices; Town of York or York School District Offices; Offices and Clinics for Medical, Psychiatric, or Other Health Services for the Examination or Treatment of Persons as Outpatients, including only Laboratories that are Part of Such Office or Clinic; Laboratory or Research Facility; Radio or Television Studio.

Civic & Public Use Category and Miscellaneous Use Category (Stream Protection Shoreland) – Shoreland permits/approvals are required. Jurisdiction to issue Shoreland permits/approvals is established by use as specified in §4.1.A, except where indicated below.

- Civic Use - Only parks, playgrounds or recreation areas involving minimal structural development are allowed. This shall include small non-residential facilities for educational, scientific or nature interpretation purposes - Shoreland Permit from the CEO is required.
- Cultural Facility – Shoreland Permit from the CEO is required.
- Essential Services:
  - Roadside Distribution and Sub-Transmission Lines (electric, telephone, cable) – Shoreland Permit from the CEO is required.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with 10 or less poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
  - Non-Roadside (Cross-Country) Distribution or Sub-Transmission Lines with more than 10 poles in the Shoreland Overlay District – Shoreland Permit from the Planning Board required.
  - Other Essential Services – Shoreland Permit from the CEO is required.
- Municipal Use - Excluding Department of Public Works facilities which involve the regular storage of heavy equipment and construction materials; only parks, playgrounds or recreation areas involving minimal structural development are allowed –Shoreland Permit from the CEO is required.

- **AMENDED 11/06/2012**

Industrial Use Category (Stream Protection Shoreland)

- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; Bottling of Beverages; Machine Shop, Assembly, Packaging, or Manufacturing; Wholesale Business and Storage in a Roofed Structure; Wood Manufacturing and Fabrication; Waste Transfer Facility; Waste Processing or Disposal Facility; Bulk Fuel Storage; Truck Terminals; Bulk Storage Collection Bin.

Vehicular Use Category (Stream Protection Shoreland)

- EXPRESSLY PROHIBITED: Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

Rural & Agricultural Use Category (Stream Protection Shoreland)

- Soil and Water Conservation Practices – Conducted in accordance with the standards of the USDA Natural Resources Conservation Service including but not limited to creation and maintenance of farm ponds for agricultural purposes. Shoreland Permit from the CEO is required.
- Aquaculture – Shoreland Permit from the CEO is required.
- General Purpose Farm, Agriculture and Nurseries – Shoreland Permit from the CEO is required.
- Timber Harvesting – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**.
- Forest Management Activities Except for Timber Harvesting
- Wildlife Management Practices
- Harvesting of Wild Crops
- EXPRESSLY PROHIBITED: Mineral Exploration; Mineral Extraction; Sale of Produce Raised on Same Premises; Animal Breeding (Small Domestic Animals); Commercial Stables; Veterinary Establishment, Kennel, or Similar Establishment.

Recreation & Amusement Use Category (Stream Protection Shoreland)

- EXPRESSLY PROHIBITED: Campgrounds and Travel Trailer Parks; Amusement Arcades (as Primary or Accessory Use); Indoor Amusement/Entertainment/Assembly Place (Enclosed); Indoor Sports Facility (No Gambling); Outdoor Sport and Amusement Facilities Conducted for Profit; Country Club; Open Air or Drive-In Theater or Other Open Air Places of Entertainment; Fraternal Organization/Club/Lodge; Bath House, for Non-Commercial Purposes.

Miscellaneous Use Category (Stream Protection Shoreland)

- Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Line or Within a Wetland:
  - Temporary – Shoreland Permit from the CEO is required.
  - Permanent in Non-Tidal Waters – Shoreland Permit from the Planning Board required, and subject to conditions of §8.3.6.6.
  - Permanent in Tidal Waters – Shoreland Permit from the CEO is required.
- Filling or Other Earthmoving Activities – Shoreland Permit from the CEO is required.
- Road and Driveway Construction – Shoreland Permit from the CEO is required.
- Land Management Road – Shoreland Permit notification to the CEO after review and approval from the Maine Bureau of Forestry. - **AMENDED 05/20/2017**.
- EXPRESSLY PROHIBITED: Flea Markets; Casino; Mortuary, Undertaking or Funeral Establishment; Place for Exhibition, Lettering or Sale of Gravestones; Head Shop; Obscene Exhibitions; Dumps; Billboards; Structures Accessory to Permitted Use; Accessory Uses Customarily Incident to Allowed Uses; All Other Uses.

- AMENDED §8.2.1.A-D ADDED 11/08/2011, 11/06/2012

8.2.2 When there is a conflict between a use permitted in the Shoreland Overlay District and an underlying district, the more restrictive of the two shall prevail.

8.2.3 All land uses permitted in the Shoreland Overlay District are subject to the Land Use Standards in Section 8.3 below.

8.2.4 Home Occupations. Home occupations shall be controlled as follows:

1. By subdistrict, home occupations are:
   a. allowed with a Shoreland Permit from the CEO in the Mixed Use or Limited Residential subdistrict.
   b. allowed with Shoreland Approval from the Planning Board in the Resource Protection Subdistrict.
   c. prohibited in the Stream Protection Subdistrict.
2. Limits on the size of the home occupation shall follow the standards of §7.4. - **AMENDED 05/19/2012**

8.3 Land Use Standards

8.3.1 Agriculture

8.3.1.1 All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §4201-4209).

8.3.1.2 There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high water mark of any great pond, nor within 75 feet, horizontal distance, of the normal high water mark of other waterbodies and coastal wetlands, nor within 25 feet, horizontal distance, of streams and inland wetlands of 4 or more acres. Operations in existence on May 9, 1992 and not in conformance with this provision may continue.

8.3.1.3 Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland Overlay District shall require a Conservation Plan to be filed with the Planning Board. Non-compliance with the provisions of the Plan shall be considered to be a violation of this Ordinance.

8.3.1.4 Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond, or within 75 feet, horizontal distance, of other waterbodies, or wetlands of 4 or more acres. Within five years of the effective date of this amendment (5-9-92), all manure storage within the Shoreland Overlay District must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five-year period.

8.3.1.5 After May 9, 1992, newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high water mark of great ponds, nor within 75 feet, horizontal distance, of other waterbodies and coastal wetlands, nor within 25 feet, horizontal distance, of streams and inland wetlands of 4 or more acres. Existing livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

8.3.2 Erosion and Sedimentation Control

8.3.2.1 All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.
b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
c. Permanent stabilization structures such as retaining walls or riprap.

8.3.2.2 In order to create the least potential for erosion, development shall also be designed to fit with the topography and soils of the site. Areas of steep slopes (slopes generally greater than 15%) where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

8.3.2.3 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

8.3.2.4 Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

8.3.2.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

8.3.2.6 Erosion and sedimentation control - For disturbances over one acre see Section 6.5. **-Amended 5/20/2023**

8.3.3 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

8.3.3.1 In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water mark, except to remove safety hazards. Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

8.3.3.2 Except in areas as described in §8.3.3.1, above, and except to allow for the development of permitted uses, a buffer strip of vegetation shall be preserved within a strip of land extending: 100 feet, horizontal distance, inland from the normal high-water mark of a great pond; 100 feet, horizontal distance, from the normal high water mark of the tidal waters or upland edge of coastal wetlands along York River, Cape Neddick River, Brave Boat Harbor and their tributaries; or 75 feet, horizontal distance, from any other waterbody or the upland edge of a wetland. The following standards shall apply:

(a) Any applicant developing within the shoreland zone shall provide the Town of York Code Enforcement Office with preconstruction and post construction photos of the shoreline vegetation. Preconstruction photos shall be submitted at the time of permitting and post construction photos shall be submitted no later than 20 days after completion of the development, per State Statute 38 M.R.S § 439-A (10). - **AMENDED 05/21/2022**

(b) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created. - **AMENDED 05/20/2017**

(c) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of §8.3.3.2(b) a "well-distributed stand of trees" adjacent to a great pond or a stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree (in inches) at 4.5' Above Ground Level	Points
2 - < 4 in.	1
4 - <8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of §8.3.3.2(b) "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than 2 inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4½ feet above ground level may be removed in any 10 year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under 3 feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in §8.3.3.2 and §8.3.3.2(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with section 8.3.12.1 (Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal) unless existing new tree growth is present. **– AMENDED 11/06/2018**

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 8.3.3.2. **– AMENDED 11/06/2018**.

§8.3.3.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

8.3.3.3 Except in areas as described in §8.3.3.1, above, farther back from the shoreland resource than the buffer required per §8.3.3.2, there shall be allowed on any lot, in any 10 year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply wherever lot coverage in excess of 25% is permitted.

8.3.3.4 Cleared openings legally in existence as of 5-9-92 may be maintained but shall not be enlarged except as permitted by this ordinance.

8.3.3.5 Fields and other cleared openings which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this §8.3.3.

8.3.3.6 Clearing operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters, pursuant to Section 8.3.2. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding erosion, maintaining or enhancing the value and functioning of the wetland and preserving natural beauty.

8.3.3.7 The cutting or removal of vegetation within the wetland area that occurs in conjunction with a permitted filling and earthmoving activity, reference 8.3.4.2, shall require the applicant to provide adequate mitigation for such vegetation cutting or removal. The Code Enforcement Officer or the Planning Board shall be responsible for determining the adequacy of all mitigation proposed by the applicant.

8.3.3.8 The Code Enforcement Officer may permit removal of invasive species, but is not obligated to approve such requests. Removal of invasive species must not result in violation of any Shoreland standards. No roots of any tree or shrub may be removed within a required buffer, unless this is associated with establishment of a permitted use. For such clearing within a required buffer, the CEO shall consider the impact on all buffer functions and shall approve a request only if it is reasonable to expect the changes will maintain or improve all buffer functions within a two year timeframe. A Shoreland Permit shall be required.

8.3.4 Storm Water Runoff

8.3.4.1 All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters. (See also Title 17 M.R.S.A. §2808 regarding adverse impact to neighbors from storm water runoff.)

8.3.4.2 Stormwater management facilities shall be maintained by the property owner, or drainage easement holder if applicable, as necessary to ensure proper functioning in accordance with the Post Construction Stormwater Management Ordinance where applicable. **- AMENDED 11/04/2014, 5/20/2023**

8.3.5 Mineral Exploration and Extraction

8.3.5.1 Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

8.3.5.2 Mineral extraction may be permitted under the following conditions:

a. A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of §8.3.5.2.c below.

b. No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond, and

within 75 feet, horizontal distance, of the normal high-water line of any other waterbody or the upland edge of a wetland. Extraction operations shall not be permitted within 50 feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

c. Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12 month period, ground levels and grades shall be established in accordance with the following:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

2. The final graded slope shall be not more than one foot vertical per 2½ feet horizontal.

3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

d. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or beyond the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization. – AMENDED 05/20/2017

8.3.6.1 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

8.3.6.2 The location of all structures and facilities subject to this paragraph shall not interfere with developed areas, recreation areas, or natural beach or dune areas.

8.3.6.3 The structure or facility shall be so located as to minimize adverse effects on fisheries.

8.3.6.4 The facilities shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

8.3.6.5 No new structure other than those exempted below shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high water mark of a waterbody. Exempted from this restriction are:

a. Structures which require direct access to the water as an operational necessity.
b. Small structures integral to water-borne activities, such as but not limited to, bait houses, hoists, or the storage of boating equipment and gear for individual use. Such structures shall not, in total, exceed 10% of the pier surface.

8.3.6.6 New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

8.3.6.7 No existing structures built on, over or abutting a pier, dock, wharf, or other structure extending beyond the normal high water mark of a waterbody or within a wetland shall be converted to residential dwelling units in any district. No provision of this Ordinance, including but not limited to the change of non-conforming use provisions, shall be utilized to circumvent this standard.

8.3.6.8 New structures built on, over, or abutting a pier, wharf, dock or other structure extending beyond the normal high water mark of a waterbody shall not exceed twelve feet in height above the pier, wharf, dock or other structure.

8.3.6.9 A pier may be built only on a tract of land with river frontage on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Neddick River or shore frontage on Brave Boat Harbor existing as of May 20, 2017, provided that there is no pier presently on the land and that the following requirements are met:

a. The total area of all floats associated with any single pier shall not exceed 200 square feet, except that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf that is defined as a municipal or commercial marina use. Commercial fishing uses, as defined in this ordinance, shall be allowed a total float size area not to exceed 400 square feet with any single pier.
b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.
c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer. - **AMENDED 11/04/2014, 11/05/2019**

8.3.6.10 In addition to any other local, state, or federal permitting and licensing requirements, prior written approval by the York Harbor Board is a necessary precondition to the Code Enforcement Officer's issuance of either:

a. a permit to build a new dock, float, moored float, pier, landing, or any other new structure within the jurisdictional limits of the Town of York Harbor Ordinance; or

b. a permit to make additions, alterations, or changes to an existing dock, float, moored float, pier, landing, or any other existing structure within the jurisdictional limits of the Town of York Harbor Ordinance. No permit is required for routine repairs and/or maintenance to existing structures.

In addition to any other paperwork associated with the issuance of such permits, the CEO shall sign the plan previously signed by the Harbor Board, and by the Chair of the Board of Selectmen as required. If the Board of Selectmen is also required to approve the application, all 3 sign-offs on the plan shall be required before any work commences.

EXPLANATORY NOTE: This language was inserted to ensure that the requirements of the Zoning Ordinance and Harbor Ordinance match up. It reflects the Town's intention that an applicant who wants to either build or alter a pier, dock, wharf, or float must first secure the Harbor Board's approval before the CEO can issue a permit. - **AMENDED 11/04/2014**

8.3.6.11 No more than one pier, dock, wharf or similar structure extending or located beyond the normal high-water line of a water body or within a wetland is allowed on a single lot. - **AMENDED 05/20/2017**

8.3.6.12 Vegetation may be removed in excess of the standards in Section 8.3.3 (Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.

b Revegetation must occur in accordance with Section 8.3.19 (Revegetation Requirements). - **AMENDED 11/06/2018**

8.3.7 Archeological Site

The Maine Historic Preservation Commission (MHPC) has identified prehistoric and historic archeological sites in York. The masked location of known archeological sites is shown on two maps: Prehistoric Archeology (York

Comprehensive Plan, Inventory & Analysis, Historic and Archeological Resources Chapter; November 6, 2007) and Historic Archeology (York Comprehensive Plan, Inventory & Analysis, Historic and Archeological Resources Chapter; November 6, 2007). The MHPC masks the location of known resources by placing a point at the site, then randomly locating a square, ½ kilometer on each side, over the point. The actual resource location is somewhere within the square. The maps also show areas of archeological sensitivity, which are areas where the MHPC has determined that additional archeological sites are most likely to exist.

A. The following standard shall apply for any earth-disturbing activity wholly or partially within the Shoreland Overlay District which is conducted with mechanized construction equipment (bulldozers, excavators, backhoes, etc.) and which is wholly or partially within a masked area. Within such areas, the applicant shall send a copy of the application to the MHPC, certified mail/return receipt requested (receipt to be retained by the applicant and provided to the CEO if requested). This shall include a photocopy of the applicable USGS quad sheet with a point showing the site location. MHPC shall have 20 days from its receipt of the application to notify the Code Enforcement Officer (CEO) if the proposed activity would impact a known archeological site. If the MHPC fails to respond in a timely manner, or if the MHPC response indicates no known archeological resources will be impacted, the Shoreland Permit may be issued. In the event MHPC responds and informs the CEO that known archeological resources would be adversely impacted, a Shoreland Permit may be issued only if the applicant and MHPC come to agreement about means of conserving and/or documenting such resources prior to site disturbance.

B. Every Shoreland Permit which involves earth-disturbing activity with mechanized construction equipment (bulldozers, excavators, backhoes, etc.) shall be issued with an anticipated discovery clause, as follows: "If, during excavations, any archeological findings are uncovered, all work shall stop and the State Archeologist be consulted, and may commence again only after conservation of the resources is addressed to the satisfaction of the State Archeologist." In areas of archeological sensitivity, the CEO shall remind applicants to be watchful as they excavate.

8.3.8 Road and Driveway Construction

8.3.8.1 Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in §8.3.2.

8.3.8.2 Roads and driveways shall be setback from the normal high water mark of any waterbody, or wetland by the same distance required for structures under section 8.3.11, unless no reasonable alternative exists as determined by the Code Enforcement Officer or Planning Board. If no reasonable alternative exists, the Code Enforcement Officer or Planning Board may reduce the road and/or driveway setback requirement by the minimum amount necessary to allow necessary access, but shall not reduce the setback to less than 50' in width. In such cases the applicant shall employ appropriate techniques to prevent sedimentation of the waterbody or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the waterbody or wetland.

On slopes of greater than 20%, the road and/or driveway setback shall be increased by 10 feet for each 5% increase in slope above 20%.

§8.3.8.2 does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of §8.3.8.2 except for that portion of the road or driveway necessary for direct access to the structure.

8.3.8.3 Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a waterbody or wetland.

8.3.8.4 Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.

8.3.8.5 New roads, land management roads, and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road, land management road, or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road, land management road, or driveway is allowed in a Resource Protection District it shall be set back as far as practicable from the normal high-water line of a waterbody or upland edge of a wetland, except for wetland or waterbody crossings and approaches.

8.3.8.6 Road crossings of wetlands and waterbodies shall be kept to the minimum number necessary.

8.3.8.7 In order to prevent road and driveway surface drainage from directly entering waterbodies or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip which has a width of at least 50 feet plus two times the average slope (measured as a percent) of the buffer strip, between the outflow point of the ditch or culvert and the normal high-water line of a waterbody or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

8.3.8.8 Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.

(c) On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8.3.8.9 Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained by the owner on a regular basis to assure effective functioning.

8.3.8.10 The Town may maintain an existing public road and associated drainage system without a Shoreland Permit. At least 2 working days prior to commencement of work, the Public Works Department shall file a written "notice of intent to construct" with the Code Enforcement Officer (to allow inspections to be scheduled). Compliance with all applicable performance standards of the Shoreland Overlay District shall be required.

8.3.9 Subsurface Sewage Disposal Standards

8.3.9.1 Resource Protection Subdistrict Requirements. Existing sewage disposal systems may be replaced as needed. New sewage disposal systems are permitted only pursuant to a Special Use Permit granted by the Planning Board per §18.2.7.

8.3.9.2 All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Waste Water Disposal Rules, and the Town of York Supplemental Subsurface Wastewater Disposal Rules, and the following:

a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than 75 feet, horizontal distance, from the normal high water mark of a water body or the upland edge of a wetland, and

b) a holding tank is not allowed for a first-time residential use in the Shoreland Overlay District.

8.3.9.3 Town approval for any new system variance shall be subject to the condition that the property owner grants permission to the Local Plumbing Inspector to conduct periodic on-site inspections (not more than once a year) as long as the system is in use to ensure continuing proper function.

8.3.10 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. When reviewing proposed uses requiring subsurface waste disposal, and non-residential development of greater than 5,000 sq. ft., the Planning Board may require a soils report, prepared by a State certified professional based on an on-site investigation. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, and Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed methodology to counteract soil limitations where they exist.

8.3.11 Structures

Setbacks from the normal high water mark of any waterbody or wetland shall be as follows. The waterbody or wetland setback shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

8.3.11.1 Resource Protection Subdistrict

Within the Resource Protection Subdistrict, all allowed principal or accessory structures and expansions of such structures shall set back 100 feet from the normal high water mark of any waterbody, or from the upland edge of any coastal wetland or of an inland wetland of 4 or more acres in size.

a. Within the Resource Protection Subdistrict, existing single family residences may expand, regardless of their setback from the normal high water mark, provided all expansions comply with requirements of 8.3.11.4.

b. See §8.3.11.7 for additional setback requirements in proximity to coastal bluffs.

8.3.11.2 Limited Residential Subdistrict

Within the Limited Residential Subdistrict, all principal and accessory structures and expansions of such structures shall set back 100 feet from the normal high water mark of any waterbody, or from the upland edge of any coastal wetland or of an inland wetland of 10 or more acres in size. For Inland Wetlands with a contiguous area of 4 or more acres but less than 10 acres, the setback shall be 75 feet.

a. Within the Limited Residential Subdistrict, all principal and accessory structures that do not comply with the above setback requirement may expand, provided all expansions comply with requirements of 8.3.11.4.

b. See §8.3.11.7 for additional setback requirements in proximity to coastal bluffs.

8.3.11.3 Mixed-Use Subdistrict

Within the Mixed Use Subdistrict, all principal and accessory structures and substantial expansions of such structures shall set back 100 feet (but 35 feet on Harris Island only) from the normal high water mark of any waterbody, or from the upland edge of any coastal wetland or of an inland wetland of 10 or more acres in size. For Inland Wetlands with a contiguous area of 4 or more acres, but less than 10 acres, the setback shall be 75 feet.

a. Within the Mixed Use Subdistrict, all principal and accessory structures that do not comply with the above setback requirement may expand, provided all expansions comply with requirements of §8.3.11.4.

b. See §8.3.11.7 for additional setback requirements in proximity to coastal bluffs.

8.3.11.4 Expansions of Structures that Do Not Comply with Setback Requirements

In the Shoreland Overlay District, the portion of a principal structure that does not satisfy the required shoreland setback may be expanded only in accordance with the following provisions:

Expansions. All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in this ordinance. A non-conforming structure may be added to or expanded after obtaining a permit from the authorized permitting authority, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with the subparagraphs below.

a. Expansion of any portion of a principal structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high water mark of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

b. Notwithstanding paragraph (a) above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited.

1. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater. **– AMENDED 05/20/2017**

c. All other legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section §8.3.11.4 or §8.3.11.4.a above.

1. For structures located less than 75 feet from the high water mark of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater. **– AMENDED 05/20/2017**

2. For structures located less than the required 100 foot setback specified in section 8.3.11 or less than 100 feet from a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high water mark of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in §8.3.11.4.b.1 and §8.3.11.4.c.1 above. **– AMENDED 05/20/2017, 11/07/2017**

3. In addition to the limitations in subparagraphs 1 and 2, for structures that are legally non-conforming due to their location within the Resource Protection Overlay when located at less than 250 feet from the normal high water mark of a water body or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection Overlay was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high water mark of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in §8.3.11.4.b.1 and §8.3.11.4.c.1 above. - **AMENDED 05/20/2017, 11/07/2017**

d. An approved plan for expansion of a non-conforming structure must be recorded by the applicant with the York County Registry of Deeds, before final occupancy is granted. The approved plan must be embossed, sealed or both, with the seal of a State of Maine architect, professional engineer or professional land surveyor. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority. - **AMENDED 05/17/2025**

e. No part of the addition that does not comply with a minimum setback requirement shall be closer to any waterbody, tributary, stream, or wetland than any part of the existing structure.

f. Any non-conforming use of such structure shall not be expanded or intensified and;

g. For structures within the Resource Protection Subdistrict which are less than 100 feet, within the Limited Residential Subdistrict which are less than 75 feet, within the Stream Protection Subdistrict which are less than 50 feet, or within the Mixed Use Subdistrict which are less than 75 feet (but 35 feet on Harris Island only) from the Normal High Water Mark or upland edge of the shoreland resource, the new addition must be on the side of the structure located the furthest away from the high water mark or upland edge and the direction of the expansion must be away from the water. The requirements of §8.3.11.4.g does not apply to vertical expansion above existing interior enclosed living space for the principal building (not to include screen porches, decks, patios and similar structures, but does include attached garages) which shall be

permitted so long as the expansion does not exceed the height of the building as it existed on January 1, 1989.

h. Foundations. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practicable extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in subsection "i" below. This section shall expressly supersede any conflicting provisions of §17.2.

i. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practicable extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In no case shall relocation be required for a building which has been determined by a qualified historic resources expert to be eligible for National Register listing.

In determining whether the building relocation meets the setback to the greatest practicable extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, four and one half (4.5) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

j. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a waterbody or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the waterbody or wetland setback requirement to the greatest practicable extent as determined by the Planning Board or its designee in accordance with the purposes of this Overlay District. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to §8.3.11.4 above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed

structure shall be replaced or reconstructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with §8.3.11.4.i above.

Any non-conforming structure which is located less than the required setback from a waterbody or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practicable extent the Planning Board or its designee shall consider, in addition to the criteria of §8.3.11.4.h above, the physical condition and type of foundation present, if any. - **AMENDED 05/20/2017**

8.3.11.5 Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer or Planning Board to provide shoreline access in areas of steep slope or unstable soils provided:

a. that the structure is limited to a maximum of four (4) feet in width;
b. that the structure does not extend below or over the normal high-water mark of a waterbody or upland edge of a wetland, and
c. that the applicant demonstrates that no reasonable access alternative exists on the property.

Stairways or similar structures that are under the ownership or control of the Town of York that are needed to provide public access to a shoreline shall be exempt from requirements of a-c above. The Town must obtain a permit from the Code Enforcement Officer or Planning Board for all stairways and similar structures and must demonstrate the public need for the improvement and why there is no reasonable access alternative.

8.3.11.6 Structure and Building Height. Maximum structure height shall be 35 feet. Maximum building height shall be 35 feet.

8.3.11.7 Setback of Principal Structures from Coastal Bluffs. Where there is a coastal bluff identified on the Shoreland Overlay District map, the setback for a principal structure shall be the more restrictive of: the standard setback for the Shoreland subdistrict; or the required setback from the top of the coastal bluff. Regarding the required setback for principal structures from the top of a coastal bluff, the following shall apply:

a. Along Dover Bluff on the Nubble, the required setback from the top of the coastal bluff shall be 20 feet.

b. Along the bluff which runs parallel to Harmon Park Road, the required setback from the top of the coastal bluff shall be 25 feet.

c. Along all other coastal bluffs, the required setback from the top of the bluff shall be 75'.

If the applicant and the permitting official(s) are in disagreement as to the specific location of the bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

8.3.11.8 Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
iii. Only native species may be used to establish the buffer area;
iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
v. A footpath not to exceed the standards in §8.3.3.2 (a), may traverse the buffer.

-Amended 11/05/2019

8.3.11.9 Stormwater Management Facilities. Stormwater Management Facilities shall adhere to all primary and accessory structure setback requirements for the shoreland subdistrict they are located in. **-Amended 11/03/2020**

8.3.12 Timber Harvesting- All timber harvesting and forestry activities shall be administered by the Maine Bureau of Forestry - AMENDED 05/20/2017

NOTE: This section pertains to timber harvesting only. For provisions regarding the clearing for approved development, see section 8.3.3.

8.3.12.1 Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

1. Hazard trees in the shoreland zone may be removed provided a shoreland permit is obtained from the Code Enforcement Officer, and said removal complies with the following:

a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four and one half (4.5) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half(4.5) feet above the ground level.

c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

d. The Code Enforcement Officer shall require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

e. The Code Enforcement Officer shall require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting, as long as the removal does not result in the creation of new lawn, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season. - **AMENDED 05/20/2017**

8.3.13 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, soil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

8.3.14 Essential Services

8.3.14.1 Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

8.3.14.2 The installation of essential services other than roadside distribution lines is not permitted in the Resource Protection or Stream Protection Subdistricts, except to provide services to a permitted use within said district, or except when the application demonstrates that no reasonable alternatives exists. Where permitted, such structures and facilities shall be located so as to minimize such adverse impacts on surrounding uses and resources, including visual impact.

8.3.14.3 Damaged or destroyed essential services lines and related infrastructure may be repaired, reconstructed or replaced in kind without a permit.

8.3.15 Parking Areas

8.3.15.1 Parking areas shall meet the setback requirements for structures for the subdistrict in which such areas are located, except that for Commercial Fishing parking areas shall be set back at least 25 feet, horizontal distance, from the shoreline. The setback requirement for parking areas (other than on-street parking) serving public boat launching facilities shall be no less than 50 feet, horizontal distance, from the shoreline if the Planning Board finds that no other reasonable alternative exists.

8.3.15.2 Parking areas shall be designed to prevent stormwater runoff from flowing directly into a waterbody or wetland and where feasible, to retain all runoff on-site.

8.3.16 Commercial Fishing

A. Use. The Commercial fishing use shall be expressly permitted in the following areas, regardless of the shoreland subdistrict or underlying base zone:

1. York River: waterfront lots downstream from Sewalls Bridge, but not along Barrells Mill Pond, and on any other property used for commercial fishing during the year 2004.
2. Cape Neddick River: waterfront lots downstream from Clark Road Bridge, and on any other property used for commercial fishing during the year 2004.

B. Lot Coverage. Any property used exclusively for commercial fishing use as defined herein, and included within the areas identified in §8.3.16.A, shall be permitted a maximum lot coverage of 70%.

C. Boat and Equipment Storage. A person engaged in commercial fishing shall be permitted to store their own boats and/or associated equipment on the lot on which they reside, or on any other lot which they own. Such storage may be within a building or outside. If outside, such storage shall be set back 10' from any lot line, or permitted up to the lot line if screened by a solid fence or dense hedge.

D. Most Restrictive Provision. This section is intended to be permissive, to permit commercial fishing consistent with State and Town policy, and therefore §8.3.16 expressly supersedes more restrictive controls imposed elsewhere in this Ordinance as permitted in §21.2.

8.3.17 Shop for Building Small Boats

A. Use. The Shop for Building Small Boats use shall be expressly permitted on waterfront lots on the York River downstream from Sewalls Bridge, but not along Barrells Mill Pond, regardless of the shoreland subdistrict or underlying base zone.

B. Application. Establishment of a Shop for Building Small Boats shall require Site Plan Review approval by the Planning Board. This shall apply whether or not the use meets the threshold criteria of §18.15.

C. Most Restrictive Provision. This section is intended to be permissive, permitting Shops for Building Small Boats as detailed in §8.3.17.A, and therefore §8.3.17 expressly supersedes more restrictive controls imposed elsewhere in this Ordinance as permitted in §21.2.

8.3.18 Campgrounds

In addition to standards of §7.2, campgrounds shall conform to the following minimum requirements within the Shoreland Overlay District:

A. Campgrounds shall contain a minimum of 5,000 square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a waterbody shall not be included in calculating land area per site.

B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet, horizontal distance, from the normal high-water line of a great pond, and 75 feet, horizontal distance, from the normal high-water mark of other waterbodies or the upland edge of a wetland.

8.3.19 Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 8.3.3, to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

A. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

B. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

C. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

D. Revegetation activities must meet the following requirements for trees and saplings:

1. All trees and saplings removed must be replaced with native noninvasive species;
2. Replacement vegetation must at a minimum consist of saplings;
3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
4. No one species shall make up 50% or more of the number of trees and saplings planted;
5. If revegetation is required for a shoreline stabilization project and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.

E. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

1. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
2. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
3. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

F. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.

- **AMENDED 05/20/2017**

8.3.20 Exemption to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 8.3.3, provided that all other applicable requirements of this ordinance are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 8.3.3 apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 8.3.1 are complied with;
5. The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A section 343-E, and that is located along:
    (a) A coastal wetland; or
    (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
    (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
    (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
    (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
7. The removal of vegetation associated with emergency response activities conducted by the Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

- **AMENDED 11/06/2018**

ARTICLE NINE

Sustainable Energy Efficient Buildings

9.1 Purpose

The purpose of the Sustainable Energy Efficient Buildings Article is to promote sustainable building practices through resource conservation, reduction of waste generated in building construction, increases in energy efficiency, and promotion of the health of residents, employees and visitors to the Town of York.

9.2 Standards for New Municipal Buildings.

A. All new buildings, new building additions, and renovation projects to be owned or occupied by the Town of York, or to be funded in whole or in part by the Town of York, shall meet the standards set forth in the 2021 International Energy Conservation Code, including its Appendix CA, CB, CC, RA, RB, RC, published by the International Code Council, Inc. ("IECC 2021").

B. The following types of construction shall not be required to meet the IECC 2021 standards but are still required to meet current MUBEC standards including the International Energy Conservation Code (currently IECC 2015) unless otherwise specified:

   a. An unheated building, addition or renovation designed and used exclusively for storage;
   b. A building, addition or renovation that is less than 500 square feet of gross floor area.

C. A building that is a historic landmark or site, or that is in a designated historic district, or that is 75 years or older may be exempt from some IECC 2021 standards as follows. An exemption may be granted by the York Historic District Commission only if the Commission finds that strict compliance with IECC 2021 standards could result in deterioration of the exterior of the building, as certified by a Maine Building Envelope Specialist or Engineer.

9.3 Standards for Private Buildings

Privately funded buildings, unless the Zoning Ordinance specifies otherwise, are not required to meet IECC 2021 standards at this time. The Town recommends private construction to include as many sustainable energy efficient building standards as are feasible.

- **AMENDED 05/17/2008, 05/20/2017, 05/21/2022**

ARTICLE NINE-A

SMALL WINDMILLS

9-A.1 Purpose

The purpose of the Small Wind Article is to allow for Small Windmills, producers of alternative, renewable energy, to be erected in the Town of York, with rigorous provisions for their potential impacts on abutters and the surrounding environment.

9-A.2 Capacity

A Small Windmill shall have a maximum rated capacity of 20 kW, except in the case of a Small Windmill on a municipally owned lot equal to or greater than 5 acres in size, which shall have a maximum rated capacity of 50 kW.

9-A.3 Location and Dimensional Standards

Applicable as an accessory use in all base Zoning Districts. Small Windmills shall not be permitted in Local or National Historic Districts, or in the Wetland Protection Overlay District. In all other Overlay Districts, Small Windmills are subject to standards regulating accessory structures.

9-A.3.1 Lot Requirement

A Small Windmill shall be the permitted only on a conforming lot.

9-A.3.2 Setbacks

A Small Windmill shall be set back a minimum horizontal distance of 1.1 times its total height from:

A. all surrounding property lines, except when the adjacent lot is held in common ownership;
B. overhead utility lines (these do not include a Small Windmill's associated electrical collection and supply equipment); and
C. public roads.

9-A.3.3 Height

A. Tower height shall not exceed 80 feet to the center of the turbine on lots under 3 acres in size.
B. Tower height shall not exceed 100 feet to the center of the turbine on lots equal to or greater than 3 acres in size.
C. The allowed total height shall be reduced if necessary to comply with Federal Aviation Administration Requirements (FAA).
D. The height limits of this Section supersede other building and structure height standards in the Town of York Zoning Ordinance.

9-A.4 Performance Standards

9-A.4.1 Noise

A Small Windmill shall not exceed 50 dBA, as measured at the neighboring property lines. The sound level, however, may be exceeded during short-term events such as severe windstorms. In the event of a conflict between this standard and the Town of York Noise Ordinance, the more restrictive of the two shall prevail.

9-A.4.2 Color

To minimize visual disruption, the Small Windmill's tower and blades shall be a non-reflective color that blends into the surrounding environment to the greatest extent possible.

9-A.4.3 Signs

Small Windmills shall not display any signs. Writing, symbols, logos, or graphic representation of any kind shall not be visible beyond the lot on which it is located.

9-A.4.4 Lighting

Small Windmills shall not be lighted unless required by the FAA.

9-A.4.5 Preservation of Landscape

Placement of a Small Windmill shall recognize existing topography and vegetation. Clearing of natural vegetation and grade changes to the site shall be limited to the minimum necessary for the construction and maintenance of the Small Windmill.

9-A.4.6 Safety

A. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

B. Horizontal axis small windmill towers shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

C. Vertical axis small windmill towers shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 9 feet above the ground.

D. Blade clearance. For all horizontal axis small windmills the minimum distance between the ground and any protruding blades shall be 15 feet as measured at the lowest point of the arc of the blades.

9-A.4.7 Negative Visual Impact

Efforts shall be made to minimize visual prominence of Small Windmills. A Small Windmill shall not be placed in a location that would substantially detract from or block the view of a designated Scenic Resource, as listed in the Town of York Comprehensive Plan (see Natural Resources Chapter for listing), as viewed from any public road right-of-way within the Town. Visual dominance and extreme contrast in scale of the proposed Small Windmill in relation to the affected Scenic Resources shall be considered when determining whether there is a negative visual impact. A substantial detraction from or blocking of the view of a designated Scenic Resource, as determined by the Planning Board, shall constitute a basis for application denial.

9-A.4.8 Shadow Flicker

Small Windmills shall be sited and designed in a manner that minimizes shadow flicker impacts.

9-A.4.9 Structural Integrity

A Professional Engineer (PE) shall certify structural integrity of design before any Small Windmill is constructed. The property owner shall be responsible for having structural integrity of the system re-evaluated a minimum of every 5 years, and shall retain records of such as long as the Small Windmill in standing.

9-A.4.10 Structure Type

A Small Windmill shall be designed as a self-supporting structure without guyed supports.

9-A.4.11 Other Uses

A Small Windmill shall be used exclusively for the production of electrical power, and shall not include mounting of equipment for any other use, including but not limited to the collocation of Wireless Communication Facilities equipment.

9-A.4.12 Number Per Lot

There shall be no more than one Small Windmill per lot.

9-A.4.13 Off-site Consumption

Excess electrical power generated and not immediately needed for on-site use may be used by the utility company.

9-A.5 Abandonment of Use

A Small Windmill which is not generating electricity for 18 consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner within 3 months of determination of abandonment. Determination of abandonment shall be made by the Code Enforcement Office.

- **AMENDED 05/29/2009**

ARTICLE NINE-B

SOLAR ENERGY SYSTEMS

9-B.1 Purpose

The Town of York finds that it is in the public interest to encourage the development and use of Solar Energy Systems as a clean, renewable energy source and to help promote sustainable initiatives in town. The purpose of this Article is to facilitate the effective and efficient use of Solar Energy Systems while protecting the public health, safety and welfare of York citizens.

9-B.2 Applicability

a) The requirements of this Ordinance shall apply to all small, medium, and large-scale Solar Energy Systems modified or installed after November 6, 2018.

b) All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state and federal codes, regulations and standards.

c) Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.

9-B.3 Permitting

a) Solar Energy Systems or devices shall be installed or operated in York in compliance with this ordinance and any other applicable local, state and federal regulations or codes.

b) Solar thermal, building-integrated photovoltaic, building mounted photovoltaic, roof mounted, and small-scale ground mounted Solar Energy Systems shall obtain a building permit through the Code Enforcement Department and are permitted in all zoning districts referenced in Article 4 - Use Regulations.

c) Medium and large-scale ground-mounted Solar Energy Systems are permitted per Article 4 - Use Regulations, Article 8 - Shoreland Overlay District, and section 18.15 - Delegation of Site Plan Review Authority as well as other sections of this ordinance. Such Solar Energy Systems shall obtain a building permit through the Code Enforcement Department following Planning Board site plan approval.

d) Historic districts, sites, or landmarks. All Solar Energy Systems proposed to be within a historic district, site or landmark require a Certificate of Appropriateness from the Historic District Commission prior to receiving a building permit from the Code Enforcement Officer (See Article 12 - Historic and Archeological Resources).

9-B.4 Dimensional Requirements

a) Height

1) Building-integrated photovoltaic systems and roof-mounted Solar Energy Systems shall not exceed the maximum allowed building height or peak of the roof, whichever is greater, in the district they are proposed to be located. Regarding non-residential uses, roof-mounted Solar Energy Systems shall be considered comparable to a building appurtenance and, for purposes of height measurement, shall be consistent with other building-mounted mechanical devices or similar building appurtenances as determined by the Code Enforcement Officer or Planning Board.

2) Small-scale ground-mounted Solar Energy Systems in all residential districts specified in §4.1.1-Residential Districts. Small-scale ground-mounted Solar Energy Systems shall not exceed twelve (12) feet in height when oriented at minimum tilt to the vertical.

3) Ground-mounted Solar Energy Systems in all other zoning districts shall conform to the building/structure height requirements of the zoning district(s) in which they are permitted in.

b) Setbacks

1) All ground-mounted Solar Energy Systems shall be regulated by the dimensional setback regulations stipulated in Article 5 - Dimensional Regulations, Article 8 - Shoreland Overlay District, or as prescribed in other sections of this ordinance.

2) Ground-mounted Solar Energy Systems shall not be located in front yards in residential zoning districts specified in §4.1.1 - Residential Districts, unless they are sited at least fifty (50) feet from the front property line(s).

c) Lot Coverage/Calculating Small, Medium or Large Solar Energy Systems Surface Area

Regarding small, medium or large scale Solar Energy Systems, lot coverage and surface area square footage (or solar collector coverage/horizontal projected area) shall be calculated by measuring the total surface area of the solar collector at maximum tilt to the vertical that occupies a given space or mounting surface. See figure 9-B.1 below.

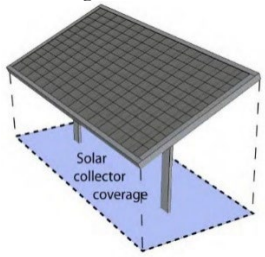


Figure: 9-B.1

9-B.5 Standards for building integrated, building-mounted photovoltaic, roof-mounted and small-scale ground-mounted Solar Energy Systems.

a) All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the town of York.

b) Prior to operation, electrical connections must be inspected by the Code Enforcement Officer or their designee.

c) Any connection to the public utility grid must be inspected by the appropriate public utility unless waived by the public utility.

d) Roof-mounted and building-mounted solar collectors shall meet all applicable fire safety and building code standards.

9-B.6 Standards for Medium and Large-Scale Ground-Mounted Solar Energy Systems.

In addition to the standards above, medium and large-scale ground-mounted Solar Energy Systems shall comply with the following:

a) Utility Connections – Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

b) Safety – The Solar Energy System owner shall provide a copy of the site plan review application to the Fire Chief for their comment. All means of shutting down the Solar Energy System shall be clearly marked on the plan.

c) Visual Impact – Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, and protecting scenic resources.

d) Glare – Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways without unduly impacting the functionality or efficiency of the Solar Energy System.

e) Natural resources – Reasonable efforts, as determined by the Planning Board, shall be made to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%), as

well as Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat Program.

f) Additional Standards for Large-Scale Solar Energy Systems

1) Operations & Maintenance Plan - as part of a large-scale ground-mounted Solar Energy System site plan the project applicant shall include an operation and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

2) Signage - Signs on large-scale ground-mounted Solar Energy Systems shall comply with all applicable standards in this zoning ordinance and shall be required, at minimum, to identify the owner and provide a 24-hour emergency contact phone number.

3) Emergency Services - The owner or operator of a large-scale ground-mounted Solar Energy System shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

4) Installation Conditions - The owner or operator of a large-scale ground-mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s), unless the road(s) is accepted as a public way.

5) Removal - Any large-scale ground-mounted Solar Energy System which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

i. Physical removal of all Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site.
ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

6) Abandonment.

i. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a large-scale ground-mounted Solar Energy System shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Office.
ii. If the owner or operator of the large scale ground mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the Town retains the right to use any and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned large-scale ground-mounted Solar Energy System to be removed.

- AMENDED 11/06/2018

ARTICLE TEN

WATERSHED PROTECTION OVERLAY DISTRICT

10.1 Watershed Protection District

The provisions of this article pertain to the Watershed Protection District as described in Section 3.9.

10.2 Land Uses

10.2.1 The Watershed Protection District shall be an overlay district whose provisions shall be applied in addition to those of underlying zones. Where the provisions of this district conflict with the provisions of the underlying zone, the more restrictive shall apply.

10.2.2 The following uses are permitted, provided all necessary state and local permits have been obtained and the use meets all applicable performance standards:

Agriculture, excluding Animal Husbandry	Single-family dwellings
Open Space	Uses accessory to the foregoing
Timber harvesting	

10.2.3 A conditional use permit is required for the following uses:

Expansion of uses	Home occupations
Public utility facilities	Road construction (except for logging roads)

- **AMENDED 11/05/1996, 11/07/2000, 05/22/2004**

10.2.4 All other uses are prohibited. - **AMENDED 11/07/2000**

10.3 Performance Standards

10.3.1 Buffer Strips

10.3.1.1 Buffer strips shall be retained within 100 feet of the normal high water mark of a public water supply or 75 feet of all streams, including tributary streams.

10.3.1.2 Buffer strips shall remain un-disturbed, except as follows:

a. individual trees may be cut in accordance with a timber harvest management plan; and
b. the buffer may be crossed where required to access land outside the buffer, provided the crossing is avoided where possible, and minimized where unavoidable.

10.3.2 Agriculture

10.3.2.1 Land application of sludge and other process wastes is prohibited in the Watershed Protection District. Spray irrigation of industrial wastewater or sewage is prohibited in the Watershed Protection District.

10.3.2.2 The spreading, storage, or disposal of manure in the Watershed Protection District requires the written approval of the Water District. Land application of manure is prohibited within 500 feet of a public water supply and 250 feet of all streams, including tributary streams. All manure handling shall be carried out in conformance with a Conservation Plan approved by the York County Soil and Water Conservation District.

10.3.2.3 Use of chemical pesticides and herbicides is prohibited.

10.3.3 Drainage

10.3.3.1 The development or other alteration of a site shall not cause an increase in the volume of peak run-off above that occurring in its undeveloped state, nor shall it reduce the water quality of the receiving waters.

10.3.3.2 Stormwater run-off shall be provided for by on-site recharge through vegetative surfaces, unless such recharge is unfeasible due to site conditions or uncontrollable risks to water quality.

10.3.4 Erosion and Sedimentation Control

10.3.4.1 At a minimum, all earth disturbing activities shall comply with the standards of Section 6.5.

10.3.4.2 When the vegetative cover is to be changed or removed on over five (5) acres, a soil erosion and sedimentation control plan for the activity must be approved by the Water District. **-Amended 5/20/2023**

10.3.5 Home Occupations

Home occupations involving the use or storage of hazardous materials in excess of normal residential use are not permitted.

10.3.6 Storage of Petroleum and Hazardous Materials

All storage facilities for petroleum and hazardous materials shall be above-ground. These facilities shall be located on impervious pavement and shall be completely enclosed by an impervious dike which is tall enough to contain the total volume of liquid kept within the storage area plus the rain which would fall on the area during a 50-year storm. This section shall apply for any modification of pre-existing facilities because new facilities are prohibited.

10.3.7 Steep Slopes

Earthwork or site disturbance on slopes of 12% or more shall be designed by a Maine Licensed professional Engineer specializing in civil engineering and shall be approved in advance by the Water District to ensure that proper erosion control measures are taken.

10.3.8 Timber Harvesting

10.3.8.1 Timber harvesting operations shall be conducted in such a way as to minimize soil erosion and sedimentation of surface waters.

10.3.8.2 Skid trails and ruts deeper than one foot shall be smoothed over as soon as practicable, but no later than November 1 in any given 12-month period.

10.3.8.3 Logging yards, skid trails, landings, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located entirely outside of the buffer strips.

10.3.8.4 All harvesting activities on more than five (5) acres shall be reported to the Water District at least one (1) week prior to the commencement of operations.

10.3.8.5 Timber harvesting, excluding harvesting for personal use such as firewood, shall not be allowed until a timber harvest management plan that demonstrates compliance with Town and State codes, prepared by a Maine-Licensed Professional Forester or the property owner, is placed on file with the Code & Planning Department and the appropriate water district. Such timber harvest activity shall comply with the management plan.

10.3.9 Wastewater Disposal Systems

10.3.9.1 Not less than 24 (twenty-four) inches of original soil shall be present between the bottom of the subsurface disposal area and the most limiting factor (seasonal high groundwater table, bedrock, or other restrictive layer).

10.3.9.2 All septic tanks installed shall be pumped every three years to ensure proper functioning of the system.

10.3.9.3 Sewage collection, treatment, and disposal systems which discharge effluent directly into any waterbody or watercourse are prohibited in the Watershed Protection District.

10.3.9.4 The Water District shall have the right to inspect any system within the Watershed Protection District during its construction or operation for compliance with these provisions and the requirements of the Maine Subsurface Wastewater Disposal Rules. Defects or malfunctions shall be reported to the Department of Human Services, Division of Health Engineering or the Plumbing Code for enforcement action.

10.3.10 Water Quality

No person shall cause any liquid, gaseous, or solid materials to run-off, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water that is above background levels or current public health drinking water standards for Maine, whichever is most stringent. (Note: Drinking water standards shall be obtained from current manuals, including, but not limited to: State of Maine Rules of the Department of Human Services relating to Drinking Water; "Drinking Water and Health", published by the National Academy of Sciences; "Suggested No-Adverse Response Levels" as determined by the Environmental Protection Agency; "Ambient Water Quality Criteria" manuals, published by the Environmental Protection Agency.)

10.3.11 Wetlands

Filling of any wetland is prohibited unless the applicant can prove that the filling will not, individually or cumulatively with other activities, adversely affect those wetland functions which maintain water quality, including: 1) the ability to serve as a sedimentation and filtration basin for silt, organic matter, and heavy metals; and, 2) the ability to control erosion by retaining and slowly releasing water. - **AMENDED 11/07/2000**

10.4 Dimensional Standards

10.4.1 Minimum Lot Size. No lot shall be less than 10 acres in size in this Overlay District. No lot shall contain more than one (1) principal dwelling unit and one (1) accessory dwelling unit with a combined total maximum of 5,000 square feet. Additional Town requirements regarding net buildable area shall not be applied to this lot size measure, but may apply to the minimum land area requirement in the underlying zoning district. An open space conservation subdivision with the same density ratio shall be allowed within this Overlay District. - **AMENDED 05/19/2012, 05/16/2015, 11/06/2018**

10.4.2 Setbacks. All buildings and wastewater disposal systems shall be set back a minimum of 500 feet from the normal high water mark of a public water supply and 250 feet from all streams, including tributary streams.

10.4.3 Vegetation Removal. No more than 25% of the total lot area shall be stripped of existing vegetation.

10.4.4 Lot Coverage. The area of a lot covered by impervious surfaces shall not exceed 15% or 10,000 square feet, whichever is more restrictive. - **AMENDED 11/07/2000**

10.5 Administration and Enforcement

10.5.1 An application for a use permitted in §10.2.2 shall be decided by the Code Enforcement Officer. An application for a Conditional Use Permit per §10.2.3 shall be decided by the Planning Board. In either case, the applicant shall submit a complete second copy of the application to the water district in whose watershed the property is located.

The water district shall be considered an abutter for purposes of both notice and testimony, may submit comments and/or recommendations, and shall have the right to appeal the decision. - **AMENDED 11/03/2009**

10.5.2 The Code Enforcement Officer or a representative of the Water District may, with the permission of the landowner or their authorized agent, enter on and inspect any property within the Watershed Protection District to determine whether all land uses and activities conducted on the property are in compliance with the provisions of the Watershed Protection District.

10.5.3 Appeals. The procedure for appeals from decisions made under the provisions of this Article can be found in Section 18.8.

10.6 Submissions

10.6.1 Applications to conduct a permitted use requiring Water District approval shall be submitted to both the Code Enforcement Officer and the Water District with the following information:

10.6.1.1 A map showing the location of the property and the location of the proposed activity on a USGS topographic map at a scale of 1:24,000 (1" = 2,000') or larger;

10.6.1.2 A written description of the proposed activity and how all applicable performance standards shall be met;

10.6.1.3 If applicable, a copy of the soil evaluation form required under the State of Maine Plumbing Code, as submitted to the local plumbing inspector (form HHE-200);

10.6.2 Applications to conduct a Conditional Use shall be submitted to both the Code Enforcement Officer and the Water District, accompanied by a fee to be set by the Board of Selectmen, payable to the Town of York, and the following information:

10.6.2.1 A map showing location of the property and location of the proposed activity on a USGS topographic map at a scale of 1:24,000 (1" = 2,000') or larger;

10.6.2.2 A written description of the proposed activity and how all applicable performance standards shall be met;

10.6.2.3 A site plan showing: boundaries of the property on which the use is proposed, topography, location of all buildings, storage areas, subsurface waste disposal systems, and public water supplies and tributaries within 1,000 feet;

10.6.2.4 A complete list of all petroleum and hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

10.6.2.5 If an on-site septic system is to be used, a copy of the soil evaluation report submitted to the local plumbing inspector (form HHE-200);

10.6.2.6 Any other information deemed necessary by the Planning Board to determine whether the use will adversely affect water quality.

10.7 Nonconformities

10.7.1 Replacement of existing structures, including on-site septic systems, is permitted even though such structure does not conform to the provisions of this District. Replacement septic systems shall comply with the Maine Subsurface Wastewater Rules and shall comply to the greatest extent possible with all local ordinances currently in place.

10.7.2 Expansion of uses and structures existing prior to April 14, 1987, is permitted as a conditional use, provided structures within the Shoreland Overlay District are not expanded toward the water. When construction of a

structure accessory to a use existing prior to April 14, 1987, is proposed, and the structure cannot reasonably meet the setback requirement of this District, the Planning Board may waive the setback requirement, notwithstanding the provisions of Section 18.8, provided adequate provisions are made to minimize impact on water quality in public water supplies and provided the structure meets the setback requirements of the Shoreland Overlay District.

10.7.3 An existing, non-conforming use may be changed to another non-conforming use provided the proposed use is equally or more appropriate to the District than the existing, non-conforming use as determined by the Planning Board. The determination of appropriateness shall include consideration of the probable changes in traffic, generation of litter, wastes, or by-products, or other changes which might affect water quality. - **AMENDED 05/22/2010**

10.7.4 Notwithstanding the provisions of Section 18.8, any single lot of record legally existing as of 4-14-87 and lying totally within 500 feet of a public water supply or within 250 feet of a tributary of a public water supply or rendered unbuildable by the wastewater disposal provisions of Section 10.3.12 may have one single-family dwelling and subsurface wastewater disposal system located on it, provided the use conforms with all other applicable state and local laws. The Planning Board shall review applications which meet this criteria and may impose reasonable conditions upon the proposed use to ensure that the purposes of this District are met to the greatest extent possible.

ARTICLE TEN-A

ELDERLY CONGREGATE HOUSING STANDARDS

TITLE AMENDED 05/19/2012

10-A.1 Applicability

The provisions of this Article pertain to Elderly Congregate Housing. - **AMENDED 05/19/2012**

10-A.2 General Standards

10-A.2.1 Where the provisions of this Article are less restrictive than other provisions applicable to the base zoning district in which the elderly congregate housing use is located, the standards of this Article shall supersede those of the base zone. - **AMENDED 05/19/2012**

10-A.2.2 A nursing home, when not allowed in the base zoning district, shall be permitted as an accessory component to the elderly congregate housing use, subject to the limits of this Section. The nursing home shall contain no more than 50% of the total square footage of the elderly congregate housing component of the project. Kitchens, dining rooms, and other shared community space necessary to serve the elderly congregate housing shall be counted as part of the square footage of the elderly congregate housing even if they also will serve the nursing home.
- **AMENDED 05/19/2012**

10-A.3 Dimensional Regulations

10-A.3.1 Schedule of Dimensional Regulations

Minimum land area (sq. ft.)	43,560 sq. ft., provided that if a nursing home is part of the project, the minimum land area shall be 43,560 sq. ft. plus the minimum land area required for locating a use in the underlying zone. - **AMENDED 04/10/1993**
Minimum street frontage (ft.)	As specified in the underlying zone.
Minimum shore frontage (ft.)	As specified in the underlying zone.
Minimum lot depth (ft.)	As specified in the underlying zone.
Minimum front yard setback (ft.)	As specified in the underlying zone.
Minimum side and rear yard setback (ft.)	A. Buildings with a building height of 20' or less shall be set back a minimum of 50 feet. B. Buildings with a building height in excess of 20' shall be set back a minimum of 65 feet. - **AMENDED 11/08/2005**
Maximum coverage (percent)	25%
Maximum building height (ft.)	35

10-A.3.2 Floor Area

Notwithstanding the terms of Section 5.4 of this Ordinance to the contrary, each dwelling unit in elderly congregate housing shall have at least 500 gross square feet, and each unit designated as a residential care unit shall contain less than 500 gross square feet.

10-A.3.3 Density

The minimum land area for each dwelling unit and each residential care unit, as defined in this Ordinance, in elderly congregate housing shall be:

Dwelling units	3,000 sq. ft. of suitable land
Residential care units	1,500 sq. ft. of suitable land

"Suitable land" is defined in the same manner as for cluster housing developments in §5.4.6, Table 2, of this Ordinance. These density standards do not apply to those portions of any proposed projects which lie in the Shoreland Overlay District. Those areas of proposed projects which lie in the respective Shoreland Overlay District(s) shall be governed by the density standards of the Shoreland Overlay District. - **AMENDED 04/10/1993, 05/17/2003**

10-A.4 Performance Standards

10-A.4.1 Sewer and Water Supply

Elderly congregate housing shall be connected to public sewer and public water supply.
- **AMENDED 04/10/1993**

10-A.4.2 Architectural Appearance

All new construction of elderly congregate housing and related nursing homes, if any, shall have pitched roofs, which may include a gable roof, hip roof, mansard roof, or gambrel roof. If a gable roof or hip roof is used, the roof pitch shall be at least four feet in twelve feet. All new construction shall use exterior materials compatible with other structures in the surrounding area.

10-A.4.3 Buffers and Landscaping

Standard 10-A.4.3.1 is applicable to all projects, and standards 10-A.4.3.2, 10-A.4.3.3, 10-A.4.3.4, and 10-A.4.3.5, are applicable to all large projects as defined by standard 10-A.4.3.2.

10-A.4.3.1 Any elderly congregate housing project, regardless of size, shall submit a landscape plan prepared by a landscape architect licensed in the State of Maine, for the parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

10-A.4.3.2 In addition, any elderly congregate housing project with more than 15 dwelling units, residential care units, and/or nursing home beds and that abuts a lot in a residential district, or in residential use shall comply with the standards in paragraphs 10-A.4.3.3 through 10-A.4.3.5.

10-A.4.3.3 The first 30 feet of the side or rear year, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the project. Any place a building with a building height in excess of 20' is adjacent to abutting property, the minimum required buffer width shall be increased to 45 feet. - **AMENDED 11/08/2005**

10-A.4.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen or, in the sole judgment of the Planning Board, is not sufficient to achieve an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen (or where a building with a building height in excess of 20' is adjacent to abutting property, the minimum buffer width shall be increased to 45 feet), in accordance with the following procedure and standards: - **AMENDED 11/08/2005**

a. For the purpose of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2-inch caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1/2-inch caliper six inches above the ground and a minimum height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height and at planting shall be at least 18 inches in height.

b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen tree shall be equal to 5 "plant units", one understory tree shall be equal to 5 "plant units", and one shrub shall be equal to 1 "plant unit".

c. In each rear or side yard abutting a lot in a residential district or residential use, the required buffer shall include sufficient trees and shrubs to total a minimum of 120 "plant units" per 100 feet of length of yard area, and at least 60 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this section. New plantings required by this section that die shall be replaced within one growing season. - **AMENDED 04/10/1993**

d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the bufferyards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abutting lot and the applicant's development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Planning Board may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of plans is appropriate for the site shall be the Planning Board's.

10-A.4.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots in residential districts or residential use, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, public areas and site entrances, in accordance with Section 7.17 of the Town of York Planning Board Subdivision and Site Plan Regulations.

10-A.4.4 Off-Street Parking and Loading Areas

Elderly congregate housing developments shall comply with the off-street parking and loading area standards contained in Article 15, Section 15.4, of this Ordinance. If uses in addition to elderly congregate housing are included in the plan, the number of parking spaces required shall be the sum of the spaces required for each use individually. - **AMENDED 04/10/1993**

ARTICLE TEN-B

YORK VILLAGE HOSPITAL OVERLAY DISTRICT

10-B.1 Purpose

A hospital is an important community institution, with unique needs regarding its site development. The purpose of this section shall be to offer certain flexibility so that the hospital in York Village can expand, but require good-quality performance standards.

10-B.2 Design Standards

This section establishes design standards for this overlay district that shall supersede conflicting dimensional and performance standards applicable in the underlying base zoning districts. The following standards shall apply to a hospital use within this overlay district:

A. Lot Coverage. On all contiguous lots under common ownership of a hospital, the amount of lot coverage allowed shall be calculated for each lot, and the maximum permitted lot coverage for the entire site shall be the sum of that required for the individual lots. The total amount of lot coverage may be distributed among the lots in any pattern, considering the lots in the aggregate rather than individually.

B. Internal Setbacks and Buffers. Where adjacent lots are under common ownership of a hospital, the setbacks from lot lines shared with other hospital-owned lots shall be eliminated. To the extent that this affects buffers, any requirements for buffers along these interior lot boundaries shall also be eliminated.

C. Perimeter Setbacks and Buffers. Setbacks and buffers around the perimeter of this Overlay District shall satisfy all Site Plan and Subdivision Regulation requirements at a minimum. At its discretion, the Planning Board may impose additional, more restrictive setback and buffer requirements to prevent undue impact to the neighborhood.

D. Mitigation. In zones where the requirement is more restrictive, the Planning Board may increase the maximum permitted lot coverage for a hospital use to 75 percent in exchange for increased buffers and/or other impact mitigation, as determined appropriate by the Planning Board.

E. Structure Height. The principal hospital structure that provides in-patient care shall be exempt from the height limitations of §5.2.1 and §5.2.2 as provided for in §21.2. For this building only, building height shall not exceed a maximum of 60 feet from the average grade of the ground adjoining the building to the ridge of the peaked roof. A peaked roof shall be required.

F. Parking Garage. A parking garage shall be a permitted accessory structure for a hospital. **NEW ARTICLE AS OF 05/17/2003**

G. Building Footprint. Maximum Building Footprint requirements shall not apply within this overlay district.

H. Building Appearance. The Planning Board may consider alternative approaches to building design and materials in this overlay district but shall ensure structures are related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. – **AMENDED 05/21/2016**

ARTICLE TEN-C

YORK VILLAGE AFFORDABLE ELDERLY HOUSING OVERLAY DISTRICT

10-C.1 Purpose

In York there is a great social and economic need for more affordable elderly housing. Consistent with the growth management laws of the State, the Town seeks to provide this housing within its designated growth area, in close proximity to York Village's amenities, York Hospital, and emergency services facilities. To help accomplish this goal, increased density and larger building sizes are permitted within this Overlay District consistent with this Article.

10-C.2 Standards

To facilitate the economic provision of affordable elderly housing, the following shall be permitted:

A. The maximum number of elderly housing units per building shall not exceed 40 units.

B. Elderly housing shall require 3,000 square feet of suitable land per unit.

C. The development of the site shall not be approved unless the design includes enhanced stormwater management controls to protect water quality. At post-development, there shall be no reduction in the quality of stormwater runoff compared to the pre-development condition. Standard requirements pertaining to stormwater quantity shall remain in effect.

D. Eligibility for occupancy of units shall be based on income. Only households which meet the criteria of low or moderate income are eligible for occupancy, and the rent charged shall be such that the unit constitutes affordable housing, as defined in Article Two, for the household. - **AMENDED 11/03/2009**

10-C.3. Conflict

Where specific provisions of this Article supersede other requirements of this Ordinance, this section shall prevail as allowed in §21.2. This shall include, but not be limited to, the Schedule of Dimensional Regulations for elderly housing in §7.8.1, and residential density limits of the Shoreland Overlay District in §5.2.3. **NEW ARTICLE AS OF 05/17/2003**

ARTICLE TEN-D

YORK RIVER WATERSHED OVERLAY DISTRICT

Reserved. - **AMENDED 11/02/2004**

ARTICLE TEN-E

YORK VILLAGE CENTER OVERLAY DISTRICT

Reserved. - **AMENDED 05/20/2006; 05/19/2007; 05/21/2016**

ARTICLE TEN-F

WORKFORCE AFFORDABLE HOUSING OVERLAY DISTRICT

10-F.1 Workforce Affordable Housing Overlay District

The provisions of this Article pertain to the Workforce Affordable Housing Overlay District as described in section 3.16. The purpose of this Article is to support workforce affordable housing within the Town's Municipal Growth Area and comply with MRSA 30-A §4364. - **AMENDED 5/18/2024**

10-F.2 Land Uses

10-F.2.1 This Workforce Affordable Housing Overlay District is established to permit residential zoning at higher density than what is presently allowed in the underlying base zoning district. The provisions of the overlay district apply specifically to Workforce Affordable Housing, as defined in this ordinance. Unless otherwise specified, all other uses shall comply with the standards of the underlying zoning district and any applicable overlay districts.

10-F.2.2 Use of this Workforce Affordable Housing Overlay District shall require the owner or renter be qualified by York Housing or another qualified non-profit housing corporation as defined by 30-A M.R.S.A., Section 5002(13). - **AMENDED 11/02/2010, 11/05/2019**

10-F.2.3 Reserved. -**AMENDED 11/05/2019**

10-F.2.4 Supplemental Uses. For each 10 units of newly constructed Workforce Affordable Housing in a single project, a portion of the project may be developed for one or more uses which supplement the project. Only supplemental uses which the Planning Board finds will complement the livability of the project for its residents without unduly impacting the surrounding neighborhood shall be allowed. Such use may include, but is not limited to a place of worship, community center, neighborhood convenience store, and coffee shop, provided the use is permitted in the base zoning district in which it is located. The maximum floor area shall be limited to 200 square feet per unit of Workforce Affordable Housing. - **AMENDED 11/03/2009**

10-F.3 Dimensional Regulations

10-F.3.1 **Schedule of Dimensional Regulations For All Newly Constructed Workforce Affordable Housing**

Minimum land area (sq. ft.) per site:	3/4 acre or as specified in the underlying zone, regardless of the number of units, whichever is less restrictive.
Minimum street frontage (ft.):	As specified in the underlying zone.
Minimum front yard setback (ft.):	As specified in the underlying zone.
Minimum side and rear yard setback (ft):	Buildings shall be set back a minimum of 35 feet. Where this standard conflicts with §5.2 the less restrictive standard shall apply.
Maximum coverage (percent):	50%, or that specified in the underlying base zoning district, whichever is less restrictive.
Maximum building height:	35 feet

- **AMENDED 11/03/2009, 11/05/2019**

10-F.3.2 **Schedule of Dimensional Regulations for Conversion of Existing Buildings**

Any existing building(s), whether conforming or non-conforming, may be converted to Workforce Affordable Housing within the footprint of the existing building or buildings.

10-F.3.3 **Floor Area**

Each dwelling unit in Workforce Affordable Housing shall have no less than 190 square feet and no more than 1,500 square feet of living space. Where this standard conflicts with §5.3, the less restrictive standard shall apply.

10-F.3.4 **Density**

A. The minimum land area for each newly constructed Workforce Affordable Housing dwelling unit for purchase, as defined in this Ordinance, shall be:
   1) 5,000 sq. ft. of suitable land, if the land is serviced by both public sewer and public water; or
   2) 20,000 sq. ft. of suitable land if the land is serviced by either public sewer or public water, but not by both; or
   3) 30,000 sq. ft. of suitable land if the land is not serviced by either public sewer or public water. Where this standard conflicts with §5.2 or §5.4, the less restrictive standard shall apply. - **Amended 11/05/2019; Amended 5/17/2025**

B. The minimum land area for each Workforce Affordable Housing dwelling unit for rent shall be 3,000 sq. ft. of suitable land, except that, if a building to be used for such housing is in existence at the time this ordinance is enacted, the minimum land area of 3,000 sq. ft per unit is not applicable and that building may be converted into Workforce Affordable Housing rental units within the footprint of the existing building.

C. In all cases, the maximum density for Workforce Affordable Housing which is not serviced by public sewer shall not exceed the standards of the State Minimum Lot Size Law (Title 12 M.R.S.A. §4807 et seq.).

"Suitable land" is land that does not include: any areas of wetland; land in the Resource Protection Subdistrict of the Shoreland Overlay District; or slopes in excess of 30%. The increased density standards described in this section do not apply to any portions of a proposed Workforce Affordable Housing site that lie in the Shoreland Overlay District. Such portions shall be governed by the density standards of the Shoreland Overlay District.

10-F.4 Performance Standards

10-F.4.1 **Sewer and Water Supply**
All Workforce Affordable Housing dwelling units shall be connected to public sewer when there is a public sewer line capable of servicing the development within 750 feet of the proposed development at its nearest point or to a public water supply if an existing public water system line with adequate supply is within 750 feet of the site, or both. - **Amended 11/05/2019**

10-F.4.2 **Architectural Appearance**
For all new construction of Workforce Affordable Housing, the applicant shall demonstrate compliance with the following standards, and the permit-issuing authority shall not unreasonably withhold its approval based on these issues:

A. Buildings Which Will Front on an Existing Street. For all newly constructed buildings which will front on an existing street adjacent to the property, the following standards shall apply:

1. Rhythm of Building Spacing. The pattern of building fascades and adjacent open spaces between buildings shall be compatible with those other structures which are visually related.

2. Relationship of Materials, Textures and Colors. The materials, textures and colors of the building's exterior shall be compatible with those other structures which are visually related.

3. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of those other structures which are visually related.

4. Size and Massing of Buildings. The size of the proposed building, and its massing in relationship to adjacent open spaces, shall be compatible with these patterns of those other structures which are visually related.

5. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discouraged. - **AMENDED 11/05/2019**

As it pertains to §10-F.4.2.A, structures considered to be visually related to the newly proposed units shall be separately determined for each new building, and shall include only those principal structures visible in winter (minimum foliage) from a point directly in front of the center of the proposed new building at the road centerline and at a height of 5' above the road surface.

B. For All Other Buildings. For all other newly constructed buildings within the project, the following

standards shall apply:

1. Relationship of Materials, Textures and Colors. The materials, textures and colors of each building's exterior shall be compatible with the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.

2. Roof Shape. The proposed roof shape shall be compatible with the roof shapes of the majority of structures located within 250' of the perimeter of the property being developed, and internally with each other.

3. Size and Mass of Buildings. For any newly proposed building within 100' of the perimeter property boundary, the size of the proposed building, and its mass in relationship to adjacent open spaces, shall be compatible with these patterns found among existing buildings within 250' of the proposed building. - **AMENDED 11/03/2009**

4. Building Design. Buildings shall be developed in a way that encourages diversity in housing type, style and design. Strict uniformity, especially for single family dwelling units, shall be discourage. - **AMENDED 11/05/2019**

10-F.4.3 **Buffers and Landscaping**
Section 10-F.4.3.1 is applicable to all Workforce Affordable Housing and §10-F.4.3.3, §10-F.4.3.4, and §10-F.4.3.5, are applicable to all large projects as defined by §10-F.4.3.2.

10-F.4.3.1 Any Workforce Affordable Housing shall submit a landscape plan prepared by a Maine-licensed landscape architect for eight (8)- space or larger parking areas that serve the development, with adequate provision for screening the parking areas from adjacent properties.

10-F.4.3.2 In addition, any Workforce Affordable Housing with more than 15 dwelling units that abuts a lot in a residential district, or in residential use shall comply with the standards in §10-F.4.3.3 through §10-F.4.3.5.

10-F.4.3.3 The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the Workforce Affordable Housing site. **-Amended 11/05/2019**

10-F.4.3.4 When the natural buffering does not exist, cannot be fully retained as a visual screen, or, in the sole judgment of the Permit Authority is not sufficient to achieve an effective visual screen, the first 30 feet of the side or rear yard setback shall be landscaped to create the visual screen in accordance with the following procedure and standards:

a. For the purpose of this subsection, a "canopy tree" is a deciduous tree that reaches at least 35 feet in height at maturity and at the time of planting has a minimum 2-inch caliper six inches above the ground and a height of at least 8 feet. An "evergreen tree" reaches 10 to 35 feet in height at maturity and at time of planting has a minimum 1-1/2-inch caliper six inches above the ground and a minimum height of at least 6 feet. A "shrub" reaches 2 to 10 feet in height and at planting shall be at least 18 inches in height.

b. Further, for the purpose of this subsection, one canopy tree shall be equal to 10 "plant units", one evergreen tree shall be equal to 5 "plant units", one under-story tree shall be equal to 5 "plant units", and one shrub shall be equal to 1 "plant unit".

c. In each rear or side yard abutting a lot in a residential district or residential use, the required buffer shall include sufficient trees and shrubs to total a minimum of 120 "plant units" per 100 feet of length of yard area, and at least 60 of these "plant units" shall be achieved with canopy and evergreen trees. Each mature canopy or evergreen tree existing in the required setback prior to the development and retained in good condition shall be awarded double the "plant units" assigned to a newly planted tree. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy or evergreen trees as described in this section. New plantings required by this section that die shall be replaced within one growing season.

d. Because different sites will have different potential impacts on the abutting lots, the applicant shall submit at least two alternative plans for the buffer yards prepared by a landscape architect licensed in the State of Maine. The first plan shall demonstrate the means by which the landscaping will create a dense screen that blocks virtually all visibility between the abutting lot and the applicant's

development. The second plan shall arrange the landscaping in clusters of plantings or other suitable arrangement to allow filtered views of the development from the abutting property. The Permit Authority may ask for additional alternatives as it considers appropriate and necessary. The decisions as to which plan or which combination of plans is appropriate for the site shall be the Permit Authority's. **-Amended 11/05/2019**

10-F.4.3.5 In addition to the landscaping of side and rear yards required to serve as buffers between the development and abutting lots in residential districts or residential use, the applicant shall submit a landscape plan, prepared by a landscape architect licensed in the State of Maine, for other yard areas, parking areas, public areas and site entrances, in accordance with §7.17 of the Town of York Site Plan and Subdivision Regulations.

10-F.4.4 **Energy Efficiency**
Controlling the ongoing utility costs for home occupants is an important component of maintaining affordability. All newly constructed Workforce Affordable Housing units shall be required, at a minimum, to comply with the 2021 International Energy Conservation Code (IECC 2021) and all other applicable MUBEC standards that may be required. **-Amended 11/04/2025**

10-F.4.5 **Village Green Design**
For a new application for 10 or more units of single-family detached and/or duplex units, but not counting multi-family units, of Workforce Affordable Housing, a village green design shall be the preferred option. The village green design shall be required for these units, provided the Planning Board determines such design is feasible given the configuration of the property. The Board may also permit conventional patterns of housing along existing street frontage. A village green design means each of the units shall front on a central, shared common space. Each building shall face this common space, shall have pedestrian access through this space, and shall have shared rights to use this space. The central, shared common space shall be comprised of at least 10% of the required land area for the units, and shall be designated for active use of the residents. It may include a central lawn or green, garden plots, walkways, a playground, and other such active uses. It shall not be used for parking, roads, or driveways, but may have septic leach beds located underneath provided the septic design and proposed use above are compatible with each other. Vehicular access shall be via one or more shared driveways located to the back side of the homes. If one or more garages will be incorporated into the principal structure, the garage doors shall face away from the central, shared common space, and the design of the garage doors shall be such that the architectural treatment makes the doors aesthetically compatible with the building designs. - **AMENDED 11/03/2009**

10-F.4.6 **Parking Standards**
There shall be a minimum of 2 off-street parking spaces for every 3 dwelling units of workforce affordable housing. This section shall supersede parking requirements imposed elsewhere in this Ordinance**.**

10-F.4.7 **Adequate Conditioned Space**
Each dwelling unit in Workforce Affordable Housing shall provide adequate heating and cooling facilities to maintain a habitable space. **- AMENDED 5/18/2024**

10-F.4.8 **Affordable Apartment Requirement**
If a workforce affordable housing development constructs dwelling units for rent, then at least 30% of those dwelling units as part of the development shall be affordable to a low income household for York's HUD Metro FMR Area. - **AMENDED 11/04/2025**

10-F.5 Permit Authority
Authority to review and decide on an application for Workforce Affordable Housing shall rest with the Code Enforcement Officer, except the Planning Board shall have such authority if the number of units being created constitutes a subdivision.

10-F.6 Governance
Regardless of the entity that builds Workforce Affordable Housing Units under this ordinance, a qualified non-profit housing corporation shall qualify all applicants for Work Force Affordable Housing as to the income, employment, and residence preferences as prescribed herein, and will adhere to established legal covenants for occupancy and resale, each of which shall be set forth as covenants in all deeds to buyers and to run with the properties in perpetuity, as stated below:

A. Residents of Workforce Affordable Housing will not be required to leave their residences even if their income(s) rise or their employment changes, provided that this residence remains their primary year-round residence;

B. A qualified non-profit housing corporation shall follow the Resale Price Calculation and procedures to allow homeowners to possibly accrue limited equity, while preserving the long-term affordability of units within the established Workforce Affordable Housing income limits;

C. When owners of Workforce Affordable Housing units choose to sell their homes, the qualified non-profit housing corporation that developed the units shall be given the first option to repurchase the homes. In the event the qualified non-profit housing corporation declines its option to purchase a unit, the owner may sell it to a household that meets the income limits and fits one of the location preferences set forth in this ordinance, as determined by the qualified non-profit housing corporation. All sales shall be subject to the Resale Price Calculation.

D. Resale Price Calculation.
A dwelling unit that may be purchased for year-round occupancy for which the selling price does not exceed the maximum price set forth for moderate income households as determined by York's HUD Metro FMR Area.

The resale price is limited by deed restriction or other legally binding agreement for all future sales of the unit, or a lesser term if permitted by regulations, to the percentage increase in Median Income as defined for York's HUD Metro FMR Area. - **AMENDED 11/04/2008, 11/02/2010, 11/04/2025**

10-F.7 Selection Priorities

Preferences will be granted in the following order to income-qualified applicants for Workforce Affordable Housing:

1) At least one member of a qualifying household living and working full-time (as defined by the person's employer) in York;
2) At least one member of a qualifying household working full-time in York but living elsewhere;
3) At least one member of a qualifying household living in York but working within a 10-mile radius of the boundaries of York; and
4) Families employed and working with structured services, as defined by the office of General Assistance and the Town of York. - **AMENDED 11/05/2019**

Veterans' preferences shall be consistent with H.U.D. Handbook 4350.3, Rev. 1, Change 2, and all applicable Fair Housing regulations as defined under U.S.C. 101(2).

- **AMENDED 11/02/2010**

10-F.8 Conflicting Provisions

If any part, section, or clause of these provisions are found to be inconsistent with MRSA 30-A §4364 it shall have no effect on the legality of the remaining. **- AMENDED 5/18/2024**

ARTICLE TEN-G

FARM ENTERPRISE OVERLAY DISTRICT

10-G.1 Purpose

The Farm Enterprise Overlay District is intended to maintain and promote agriculture and its related activities through granting agriculture increased flexibility, recognizing that agricultural enterprises often need to encompass hybrids of different, related uses, in order to remain economically viable. Properties not in the Farm Enterprise Overlay District may engage in agriculture and related activities as allowed in Article 4, Use Regulations.

10-G.2.a Allowed Agriculture-Related Uses

Agriculture-related uses are permitted on agricultural land in the Farm Enterprise Overlay District. This section shall expressly supersede any conflicting provisions of Article Four. The following activities are considered agriculture-related uses. Other agriculture-related uses are permitted if the applicant can demonstrate that a proposed use is similar to the following, or can demonstrate that the proposed activity meets the definition of an agriculture-related use, as defined by this Ordinance:

- Processing and sale of agricultural products grown or raised within New England, such as a store to sell local produce, dairy, and/or flowers; farmers market; farm stand; farm bakery
- Commercial Stable
- Pick-Your-Own Establishment
- Agricultural Composting Operation
- Cider Pressing
- Maple Syrup Production
- Hay Rides
- Sleigh Rides
- Recreational trails for activities such as hiking and cross country ski trails
- Educational events such as farming and food preserving classes, and other activities qualifying as agricultural tourism
- Corn Mazes or Straw Bale Mazes
- Tree Farm
- Artisanal Food and/or Beverage Facility (Not to exceed 5,000 square feet). Retail Sales of Merchandise as part of this use shall not supersede 2,500 square feet of gross floor area.

- **AMENDED 05/21/2011, 05/16/2015**

10-G.2.b Prohibited Commercial Uses

It is not the intent of this District to allow substantially dissimilar uses in the Farm Enterprise Overlay District, such as a dirt bike track, atv course, rodeo, water park, firing range, paint ball course, or similar high impact commercial activities not customarily associated with agriculture or agricultural tourism.

10-G.2.c Special Events

Events in excess of 50 people related to agricultural activities such as ox-pulls, horse shows, agricultural fairs and the like shall be reviewed and approved by the Board of Selectmen.

- **AMENDED 05/21/2011**

10-G.3 Administration

Applications for Construction of buildings or structures exceeding 2,400 square feet to accommodate an Agriculture-Related Use shall be reviewed by the Planning Board. All other applications shall be reviewed by the CEO. The following information must be provided when applying for Planning Board review:

A. A plan drawn to an appropriate scale for effective interpretation. The site plan does not have to be a site plan prepared by a surveyor or a professional engineer, though the Planning Board may request a professionally prepared site plan if they determine it necessary to conduct the review. The plan shall include:

1. Property boundaries, onsite parking areas and access roads.
2. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
3. Existing and proposed structures with maximum capacity of each building where guests have access as required to comply with building code and applicable fire safety requirements.
4. Location of temporary or permanent toilet facilities, which may be required.
5. Location of any existing or proposed wells or Subsurface Wastewater Treatments Systems.
7. Anticipated number of vehicles trips per day.

8. Proposed site lighting or landscaping, if any.

10-G.4 Performance Standards

A. Parking may be located on a grass or gravel area for all uses, and shall allocate at least nine feet in width by eighteen feet in length per space, exclusive of space required for access and maneuvering. All parking areas shall be arranged to eliminate the need for a vehicle to back into the street. Parking areas shall not be located in perimeter front, side, or rear setback areas, or on-street. The applicant shall demonstrate adequate parking for the proposed uses.

B. All activities must adhere to the Town of York Noise Ordinance.

C. There must be adequate temporary or permanent wastewater facilities on site.

D. Any light sources installed in connection with an Agriculture-Related Use shall be directed downwards and shielded to prevent light being directed off the premises.

F. Unless otherwise specified, all uses shall comply with the standards of the underlying zoning district and any applicable overlay districts.

G. Agricultural activities that occur within the Farm Enterprise Overlay District shall not be considered a nuisance if the activity is in compliance with applicable local, state and federal laws, rules and regulations, or if such activities can be shown to conform to established best management practices for Maine agriculture.

10-G.5 Dimensional Standards

A. Internal Setbacks and Buffers. Where there are adjacent lots in the Farm Enterprise Overlay District that are under common ownership, or are leased by a common individual or organization for agricultural uses, the setbacks along lot lines shared by these lots shall be eliminated. To the extent this affects any buffers, requirements for buffers along common Farm Enterprise Overlay District boundaries shall also be eliminated.

B. Perimeter Setbacks. Setbacks around the perimeter of this Overlay District shall satisfy applicable Zoning Ordinance requirements.

ARTICLE TEN-H

OUTDOOR LIGHTING ORDINANCE

10-H.1 Purpose

The purpose of this ordinance is to:

a) Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order to preserve the night sky, increase safety and prevent lighting nuisances on properties and the public right of way;

b) Conserve energy and resources while maintaining nighttime safety, utility, security, and productivity;

c) Preserve the visual and natural character of the Town of York by enhancing the ability to view the night sky.

d) Reduce excessive illumination that can have a detrimental effect on plants and wildlife.

10-H.2 Definitions

- CORRELATED COLOR TEMPERATURE (CCT): The perceived color of the light emitted by a lamp, expressed in kelvin (K) units. The lower the kelvin rating, the "warmer" or more yellow the light; the higher the rating, the "cooler" or bluer the light.

- ESSENTIAL LIGHTING: Light used for a specified period that is necessary for a specific purpose while said purpose is actively being served. This includes lighting that is necessary to promote location identification, public circulation, public safety, and fully shielded security lighting.

- FIXTURE: The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens; also referred to as a "luminaire."

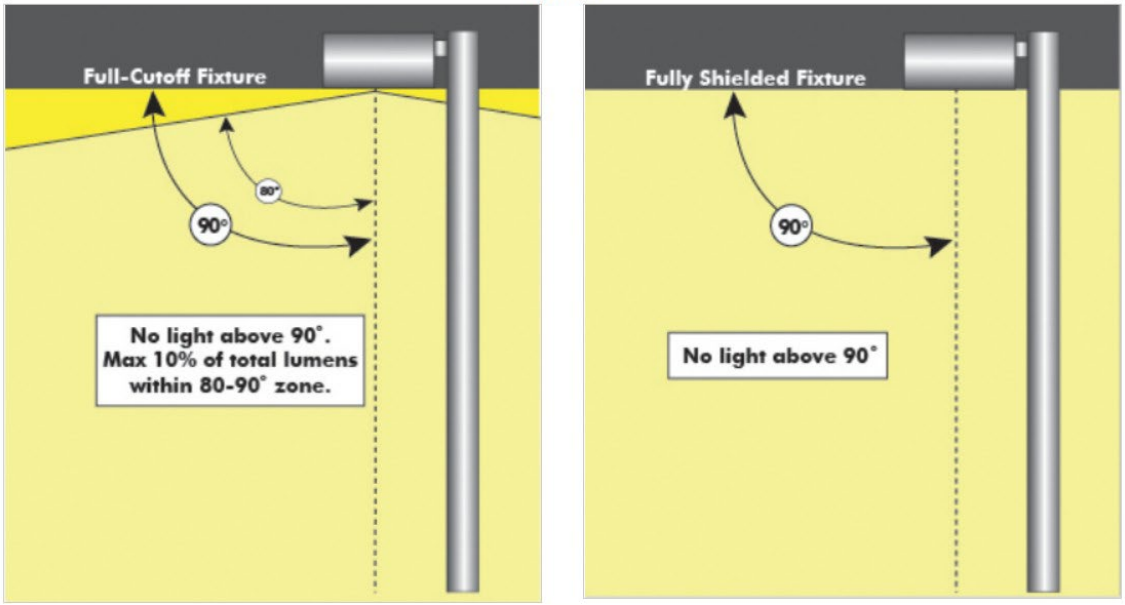
- FOOT-CANDLE: The unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

- FLOOD LIGHT: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

- FULL CUT-OFF: a fixture that delivers 100% of the total lumens within the 0° to 90° zone with a maximum of 10% of total lumens delivered within the 80° to 90° zone. Full-cutoff fixtures are considered fully shielded. See Figure 1.

- FULLY SHIELDED: Constructed in such a manner that all light emitted by the luminaire, either directly or from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° to 90° zone. See Figure 1

Figure 1



- GLARE: A visual effect produced when a light source within the field of view is brighter than the level to which the eyes are adapted. Glare may cause discomfort, loss of visual acuity, or momentary blindness.

- HEIGHT OF LUMINAIRE: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

- IDA: International Dark-Sky Association.

- IES: Illuminating Engineering Society, the trade association of the lighting industry.

- ILLUMINANCE: The amount of light falling on a surface, measured in foot-candles (lumens per square foot).

- LED (Light-Emitting Diode): A semiconductor device that emits visible light when electrical current passes through it.

- LIGHT POLLUTION: Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, visual clutter, excessive or unnecessary lighting, or any artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to the natural environment.

- LIGHT TRESPASS: Light from an artificial light source that falls beyond the property that it is intended to illuminate.

- LUMEN: The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt," which is a measurement of the electrical power). For the purposes of this ordinance, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

- LUMINAIRE: See fixture.

- NONESSENTIAL LIGHTING: Lighting which is unnecessary for pedestrian passage or other tasks and therefore not generally useful (i.e., decorative and landscape lighting). This includes lighting intended for a specific task or purpose when said task or purpose is not being actively performed (e.g., parking lot illumination and wall-mounted perimeter lights after business hours).

- NUISANCE LIGHTING: Outdoor lighting that results in excessive illumination levels on adjoining properties such that:
    a) Illuminance at or beyond a property line abutting a residential parcel, nature preserve, natural resource protection area, or waterway exceeds 0.2 foot-candles as measurable from any orientation of the measuring device.
    b) Illuminance at or beyond a property line abutting a nonresidential property or public right-of-way exceeds 0.5 foot-candles as measurable from any orientation of the measuring device; or
    c) Glare (as defined in this section) light occurs.

- OUTDOOR LIGHTING/LIGHT FIXTURE: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

- SHIELD: An Opaque device that is attached to a light fixture to prevent light from being emitted in certain directions.

- SKYGLOW: The brightening of the night sky or the overhead glow from artificial light that is directed upward or from light reflected upward from the ground or off other surfaces. Skyglow is caused by the reflection of light off moisture and dust particles in the atmosphere, reducing the ability to view the natural night sky.

- RECREATIONAL LIGHTING: Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

- UNSHIELDED FIXTURE: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff.

10-H.3 Applicability

a) Preexisting lighting. All properties with legally existing and operative outdoor lighting as of November 3, 2020 shall be exempt from compliance from this ordinance, subject to the provisions below.

    1) Any outdoor lighting that is replaced, changed, repaired, or relocated in whole or in part, after the effective date of this article shall comply with its provisions.

    2) The Town may require outdoor lighting luminaires on lots that contain non-residential uses or multi-family dwellings to be brought into compliance per this article through the building permit process if substantial alterations or modifications are made to the exterior of a building or site. For the purpose of this section, the following are considered "substantial alterations/modifications" from the effective date of this ordinance:

        i. The cumulative expansion or enlargement of a building footprint, or multiple building footprints on a parcel of land by 25 percent or more.
        ii. The number of parking spaces on a parcel of land is increased by 25 percent or more.
        iii. The modification or replacement of 25 percent or more of installed outdoor lighting luminaires on a parcel of land.

    3) Non-residential and multi-family dwellings that change from an existing use to another use (i.e. office to a restaurant or multi-family to mixed-use) shall ensure all outdoor lighting (as part of that use) is brought into compliance with this article.

    4) When minor corrective action, such as re-aiming of a lighting fixture, can be performed, any nonconforming luminaire shall be brought into compliance.

b) New outdoor lighting installed on a non-residential use/structure and multi-family dwelling. All newly installed outdoor lighting after the effective date of this article shall comply with its provisions.

c) New or revised lighting serving single-family and two-family residential dwellings. All outdoor lighting must be located and designed so that it does not result in excessive illumination levels on adjoining properties such as to amount to a public or private nuisance and must be compatible with the zone requirements in which it is located.

d) Indoor/interior lighting. This article does not regulate indoor/interior lighting. However, light trespass from indoor/interior lighting that causes glare or nuisance lighting on adjacent properties is prohibited.

e) Conflict. In case of conflict between this Article and other local or state ordinances/requirements, the most restrictive shall apply.

10-H.4 Exempt and prohibited outdoor lighting

a) Exempt outdoor lighting. The following are exempt from the provisions of this article:

1) All temporary emergency lighting determined to be necessary by the Police Chief, Fire Chief, Public Works Director, other emergency service providers or their designees.

2) Low wattage or low voltage temporary decorative lighting used for holidays, festivals, and special events, provided they do not pose a safety issue or nuisance due to light trespass or glare.

3) Flag uplighting, provided any such flag is not used for advertising purposes and that the light is a narrow beam aimed and shielded to illuminate only the flag.

4) Underwater lighting used for swimming pools, provided such lighting meets all relevant electrical codes.

5) State or Federal regulated lighting such as airports, towers requiring lighting, highway signage and traffic signals, etc.

6) Lighting installed to illuminate public monuments, provided that the light levels do not exceed 2 foot-candles on any light color monument surface or 4 foot-candles on any dark color monument surface.

b) Prohibited outdoor lighting. The following outdoor lighting shall not be permitted within the Town as of the effective date of this article, except as exempt above:

1) Searchlights, except those used for governmental or emergency purposes.

2) Strobe lights and laser lights, including laser light shows and aerial laser lights unless permitted as part of a special event by the Board of Selectmen.

3) Fixtures that revolve or create blinking, flickering, scrolling, rotating, pulsating or tracing light, including on signs, exclusive of exempt holiday lighting.

4) Flashing lights, unless temporarily triggered by a security system and extinguished at the time of security response.

5) Any type of lighting, except for holiday lighting, used to outline all or part of a building (for example, a window, roof, or gable), except for fully recessed soffit lighting that otherwise complies with this article.

6) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational marker.

7) Outdoor lighting which is illuminated during daylight hours.

8) Nuisance lighting in the form of light trespass or glare that results in excessive illumination levels on adjoining properties.

10-H.5 Standards for residential subdivisions, non-residential uses and multi-family dwellings

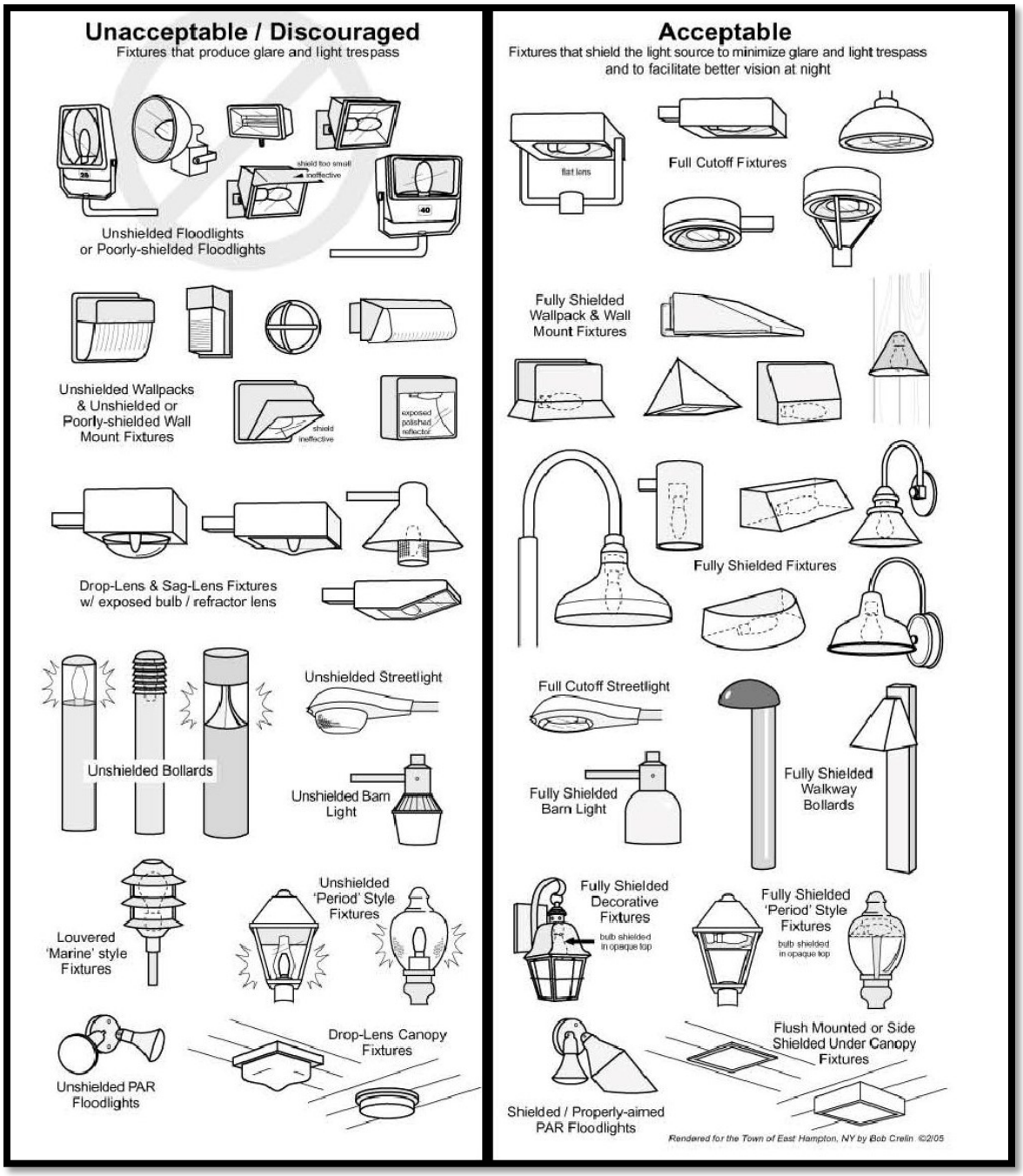
a) Illumination Levels. Luminaires and lighting installations shall not exceed the minimum recommended illuminances, uniformities, and glare control in accordance with the latest edition of the IES Lighting Handbook or current Recommended Practices of the Illuminating Engineering Society of North America (IES) as amended.

b) Luminaire Types. Unless otherwise exempt in this Article, luminaires shall not exceed 3000K Correlated Color Temperature (CCT). LED fixtures and lamps of 2700 CCT are preferred.

c) Shielding. Any luminaire emitting more than 1000 lumens (the approximate output of a 75-watt incandescent bulb) shall be fully shielded in order to not produce light above a horizontal plane through the lowest direct light-emitting part of the luminaire. See Figure 2 for examples of properly shielded fixtures.

d) Flood Light. Flood lighting is discouraged, and if used, must be shielded to prevent glare for drivers or pedestrians, light trespass beyond the property line, or light above a 90-degree, horizontal plane.

Figure 2



e) Mounting height:

1) Building or structure. Outdoor lighting fixtures shall not be installed at a height greater than 12 feet from finished grade to the lowest light-emitting part of the fixture, except for fully recessed soffit lighting that otherwise complies with this article.

2) Free-standing pole. The Planning Board may consider heights of outdoor lighting fixtures up to but no greater than 15 feet from finished grade to the lowest light-emitting part of the fixture, unless it is demonstrated to the Planning Board's satisfaction that a greater mounting height would better accomplish the purposes of this article.

f) Setback: Freestanding lighting poles placed within 10 feet of side and/or rear property lines shall not exceed 10 feet in height to the lowest light emitting part of the fixture and shall have full-cutoff fixtures.

g) Time Limits for Outdoor Lighting:

1) Nonessential outdoor lighting and all outdoor lighting located more than 50 feet from any building or outdoor product display or storage area shall be turned off by 11:00 PM or no later than 30 minutes after the business closes, whichever is later, and remain off for the remainder of the night or until the business reopens. Daylight illumination is prohibited by 10-H.4.b.7. The Planning Board may waive this standard if the need for keeping outdoor lights on later meets the purpose and intent of this article and that public safety considerations are being met. Decorative holiday lights are exempt in accordance with Subsection 10-H.4.a.2.

2) Essential lighting for operation after the business closes should not be brighter than necessary for safety and security purposes and should be controlled by motion sensors wherever practicable.

h) Canopies for Business: Canopies for businesses including, but not limited to, bank drive-throughs and gas stations. Luminaires mounted on a canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy.

i) Outdoor Display Areas: Commercial/industrial outdoor retail display areas, including, but not limited to car dealerships or other vehicle commercial uses:

1) Shielding. All light fixtures used in outdoor display lots shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.

2) Lighting Time Limitations. Outdoor display lot lighting shall conform to the hours of operation as specified in section 10-H.5.g. Display lot lighting shall be reduced after closing to the minimum necessary for safety and security. Rather than leaving security lights on, the use of motion sensors is encouraged.

j) Outdoor Recreation Facilities:

1) Illumination levels for a field/track/arena shall be designed to be no higher than that recommended by the Illuminating Engineering Society of North America publication IESNA RP-06-15 (Sports and Recreational Lighting) as amended.

2) Shielding. Fixtures used for field/track/arena areas shall be fully shielded.

3) Time Limits. No recreation facility shall be illuminated after 10:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.

k) Residential subdivisions (Roads and designated common area lighting):

1) All proposed street lighting shall, at a minimum, meet municipal standards for street lighting.
2) All lighting fixtures shall be fully shielded.
3) Freestanding outdoor lighting fixtures shall not exceed 15 feet in height from finished grade to the lowest light-emitting part of the fixture and shall be full-cutoff fixtures. The Planning Board may consider a height increase to 20 feet from finished grade to the lowest light-emitting part of

the fixture if it is demonstrated to the Planning Board's satisfaction that a greater mounting height would better accomplish the purposes of this article.

l) Hillsides, ridgelines, and special cases: In certain situations such as, but not limited to, properties on or near ridgelines or hillsides, additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process performed by the Planning Board prior to approval of any site plan or subdivision.

m) Submission requirements, photometric plans:

A Lighting Plan shall be included as part of a site plan or subdivision application, indicating the location of each proposed outdoor lighting fixture with projected hours of use. For a residential subdivision, the lighting plan is only required to cover the illumination of subdivision roads and other common areas. The Lighting Plan shall be stamped and certified by a Maine licensed professional, such as an architect or engineer. The Lighting Plan must include a KEY to the proposed lighting that provides the following information:

1) Type and number of luminaire equipment (fixtures), including the "cut off characteristics" and indicating manufacturer and model number(s).
2) Lamp source type (i.e. LED), lumen output, and wattage.
3) Mounting height with distance noted to the nearest property line for each luminaire.
4) Types of timing devices, or other adaptive controls such as a motion sensor, used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.
5) Lighting manufacturer-supplied specifications ("cut sheets") that include images of the fixtures, indicating the certified "cut off characteristics" of the fixture.
6) For all plans of more than three fixtures: A Calculation Summary indicating foot-candle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum and average to minimum levels.
7) The photometric plan shall show the extent of the areas designed and intended for lighting, and within those specific areas, plot the light levels in foot-candles on the ground given the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in foot-candle measurements on a grid of the site showing foot-candle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and streetlights.) The photometric plot shall extend to all lot lines or as necessary to reach 0 (zero) foot-candles.
8) Certification. All lighting systems be designed and certified by a Maine licensed engineer as conforming to all applicable restrictions of this Article before construction commences.

n) Illuminated signs: Illuminated signs must not produce glare and are otherwise governed by Article 16 of the Zoning Ordinance.

o) Planning Board approved site plan or subdivision plan: It shall be noted on the plan that any modifications or revisions to the approved lighting plan shall receive prior approval by the Planning Board except for changes to light fixtures that do not alter the approved photometric plan as determined by the Code Enforcement Officer. - **AMENDED 05/16/2026**

10-H.6 Standards for single-family and two-family dwellings

a) New or revised lighting serving single-family and two-family residential dwellings must be located and designed so that it does not result in excessive illumination levels on adjoining properties such as to amount to a public or private nuisance. Illumination at the property line of more than 0.2 foot-candles is excessive if the lighting level is in dispute. In the case of a class 2 or 3 home occupation per article 7 of the Zoning Ordinance, the application shall include a lighting plan meeting the requirements of this section.

b) Existing or new outdoor lighting that meets the definition of nuisance lighting shall be corrected within 60 days of receiving written notice from the Code Enforcement Officer. The 60-day time period may be extended an additional 30 days if the owner of the property can demonstrate to the Code Enforcement Officer that additional time is needed to correct the nuisance lighting.

c) Good neighbor recommendations. All new or revised outdoor lighting should, to the greatest extent practicable, meet the following standards:

1) Luminaires should make use of energy-efficient LED technology and should exhibit a Correlated Color Temperature (CCT) of 3000K or lower.

2) Any luminaire emitting more than 800 lumens (the approximate output of a 60-watt incandescent bulb) should be fully shielded to produce no light above a horizontal plane through the lowest direct light-emitting part of the luminaire. See figure 2 for examples of properly shielded fixtures.

3) Flood lights that are shielded or aimed downward so not to emit light above a 90-degree, horizontal plane are strongly preferred.

4) Wherever appropriate, outdoor lighting installations should include timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly between 11 p.m. and dawn.

10-H.7 Waivers

The Planning Board may waive any portion of this Article for non-residential uses, multi-family dwellings or subdivisions if the Planning Board determines in so doing, will not jeopardize the purpose and intent of this ordinance.

10-H.8 Procedures, penalties for offenses

All violations of this ordinance shall be subject to Article 19- Enforcement and Violations and are subject to other applicable ordinances and regulations as specified herein.

- **AMENDED 11/03/2020**

ARTICLE TEN-I

YORK BEACH GREENWAY DISTRICT

SEE ATTACHED DOCUMENT THAT IS PART OF THIS ZONING ORDINANCE TITLED

"TOWN OF YORK, MAINE
ZONING ORDINANCE AMENDMENT
YORK BEACH GREENWAY DISTRICT
ARTICLE 10-I
CHARACTER-BASED ZONING"

(DRAFT DOCUMENT DATE MAY 17, 2025)

Amended- 11/5/2024; 5/17/2025

ARTICLE ELEVEN

WETLANDS PROTECTION OVERLAY DISTRICT

11.1 Purpose.

11.1.1 Purpose Statement. Wetlands are critically valuable resource areas that perform essential functions in the environment. A policy of wetland protection is established in York's 1999 Comprehensive Plan. Wetlands act to maintain water quality by reducing the speed of surface water runoff, thus allowing for the deposit of sediments and nutrients and recharging aquifers. Wetlands reduce the impact of wind and waves, protecting shorelands from erosion. Coastal wetlands help prevent saltwater intrusion. In times of flooding, wetlands act to store large amounts of stormwater and reduce flood levels. The biomass of wetlands provides excellent habitat for a diversity of wildlife and plants and is a vital component of the environment. Wetlands contribute to a wide range of recreational opportunities, such as canoeing, fishing, hunting and bird watching. The Town's aesthetic values of open space, natural vistas, landform contrast and autumn foliage are supported by the wetlands. These functions, combined with the fact that wetlands are ill-suited for most development activities, show why long term protection of wetlands is an essential contribution to the welfare of the community. This Article is established to protect all of York's wetlands, primarily by avoiding impacts and secondarily by minimizing and mitigating unavoidable impacts. To fulfill many wetland functions, upland buffers are required and are addressed in the Shoreland Overlay District.

11.1.2 Wetlands and Shorelands. The provisions of the Wetlands Protection Overlay District apply to all wetlands, regardless of size, as recommended in Goal 6.1.2 of the Comprehensive Plan. These provisions apply only to the wetlands themselves and not to the surrounding upland areas. Provisions of the Shoreland Overlay District apply to the larger wetlands and their associated uplands.

11.2 Wetland Permit. A Wetland Permit shall be required for any use, fill or alteration of a wetland, except that a property owner shall not be required to obtain a permit to cut trees for personal use such as firewood. Permitting is addressed in Article 18, and permit fees are addressed in Article One.

11.3 Permitted Uses. There shall be no use, including fill or alteration of any kind (including but not limited to construction, filling, dredging and removal of vegetation) in the Wetlands Protection Overlay District, except as follows:

11.3.1 Access to adjacent surface waters. Where development within the Wetlands Protection Overlay District is required for access to and use of an adjacent surface water, it shall be permissible to construct footbridges and/or docks as would otherwise be permitted. Such structures shall be constructed on posts or pilings where appropriate so as to permit the unobstructed flow of water, and the natural contour of the wetland shall be preserved.

11.3.2 Utility, Driveway and Road Crossings. Crossing of wetlands for utilities, driveways or roads may be permitted provided impacts are minimized and conditions specified in section 11.4 of this ordinance are adhered to. - **AMENDED 11/08/2016**

11.3.3 Vegetation Removal. It is prohibited to cut or disturb vegetation in the Wetlands Protection Overlay District except as follows:

a. harvesting of wild crops without soil disturbance;
b. implementation of wildlife management practices conducted under the supervision of a wildlife biologist;
c. implementation of soil and water conservation practices, including the creation of ponds, conducted under the supervision of the Natural Resources Conservation Service;
d. site clearing incidental to a plan or permit issued by the CEO or Planning Board;
e. individual trees may be cut provided that no vehicles enter the Wetlands Protection Overlay District unless the ground is frozen; and
f. removal of non-native, invasive species with CEO approval.

11.3.4 Existing structures, or portions thereof, in wetlands or on filled wetlands may be enclosed or expanded only in a manner that does not increase the footprint of the building in the wetland or wetland fill area.

11.3.5 Wetland mitigation activities shall be allowed. - **AMENDED 11/07/2000**

11.3.6 Other Uses. In man-made wetlands that are professionally delineated, including drainage ditches, stripped fields, farm ponds and the like, and that have low functional values, uses otherwise permitted in the underlying zone may be permitted in the wetland in certain circumstances. For this to be permissible, the wetland system shall be evaluated

using the NH Method, and, for each functional value index, none of this wetland's values may exceed the average value for that function. The average value for each function shall be based solely on the existing Town inventory of 87 wetlands completed by Woodlot Alternatives. If any functional value exceeds the average, such other uses shall be prohibited. - **AMENDED 11/07/2000, 05/17/2003**

11.4 **Conditions**. The following conditions shall be required for all permits issued in this Overlay District:

11.4.1 If the wetland system to be impacted has not been evaluated as part of the Town's Wetlands Inventory, the applicant shall engage a recognized professional to complete an evaluation for the Town's records. This shall be completed to the standards of the New Hampshire Method (Ammann & Stone 1991).

11.4.2 The project shall be designed and constructed to minimize adverse impact on the wetland system, even if this requires adjustments in design outside the Wetlands Protection Overlay District. The evaluation of potential damage shall be based on the wetland inventory.

11.4.3 The amount of wetland impact shall be calculated as the cumulative amount of all impacts over time, including those actions that pre-date this provision. Not more than 4,300 square feet of wetland shall be impacted on an individual lot.

11.4.4 For subdivision applications, the application shall identify all wetland impacts caused by the project, including impacts that would be caused by development on proposed lots at buildout, to ensure compliance with §11.4.3. The Planning Board shall establish standards in the Subdivision Regulations to limit total wetland impact for a subdivision application.

11.4.5 A Wetland Permit for use, fill or alteration of a wetland shall be issued only to allow for a permitted use of land outside the Wetlands Protection Overlay District. This standard shall not apply to vegetation removal as allowed in §11.3.3.

11.4.6 Ancillary damage to the wetland and adjacent uplands shall be restored as nearly as possible to the original grade and condition. No Certificate of Occupancy or other Town permit shall be issued on a property until compliance with this standard is demonstrated or secured by posting of a performance guarantee.

11.4.7 A Maine-licensed Professional Engineer shall submit evidence that any proposed use, fill or alteration, except for vegetation removal, in the Wetlands Protection Overlay District will not increase the risk of off-site flooding and will not increase stormwater discharge from the property based on the 2 and 50 year storms. The evidence submitted must include delineation of the relevant drainage basins, both upstream and downstream, to the extent sufficient to demonstrate compliance.

11.4.8 No materials of any kind shall be present which, when deteriorated, will contaminate ground waters.

11.4.9 All required State and Federal permits relating to the wetland fill shall be required prior to the issuance of the Wetland Permit.

11.4.10 The Town may impose additional conditions as necessary to fulfill the purposes of this Ordinance, including mitigation in accordance with §18.13.

11.5 **Building Permits**. No building permit for a new principal building shall be issued until the site has been evaluated for the presence of wetlands. It shall be the responsibility of the applicant to provide suitable documentation, prepared by a recognized professional within the past ten years. - **AMENDED 11/07/2000**

ARTICLE TWELVE

HISTORIC AND ARCHEOLOGICAL RESOURCES

AMENDED 05/17/2008

12.1 Definitions

Words and terms used in this chapter are defined as follows. Any word or term not defined below shall take on the meaning found in Article 2 of this Ordinance.

ALTERED: the word altered includes "rebuilt," "reconstructed," "rehabilitated," "restored," "removed," and "demolished."

CONSTRUCTED: the word constructed includes the words "built," "erected," "enlarged," "installed," and "moved."

DEMOLITION: the razing of any exterior architectural feature or structure that is a historic landmark or in a historic district. For buildings not designated as a historic landmark or not in a historic district, demolition shall be defined as the razing of a building. - **AMENDED 05/17/2008**

ERECTED: the word erected includes the words "built," "constructed," "reconstructed," "rehabilitated," "restored," "altered," "enlarged," and "moved."

EXTERIOR ARCHITECTURAL FEATURE: the architectural style and general arrangement of the exterior of a building or structure, including, but not limited to, (a) the kind, roof color, and texture of the building materials, (b) the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc., and (c) the location and treatment of any vehicular access or parking space.

IMPROVEMENT: any place, structure, building, fixture, object, landscape, or topographic feature, which in whole or in part constitutes an exterior betterment, adornment, or enhancement or any real property.

MATERIAL: a substance or substances out of which a building or structure is constructed.

STRUCTURE: a combination of materials other than a building, including, but not limited to walls, fences, walks, parking lots or driveways.

12.2 Creation and Organization of Historic District Commission

12.2.1 Members

12.2.1.1 The Historic District Commission shall consist of five (5) regular members, and as many associates as there are districts. The members shall be York residents. Appointments shall be made by the Selectmen. Members shall be selected on the basis of demonstrated interest, ability, experience, and the desire to promote historic preservation in the Town. As far as possible, the membership shall include a member with architectural design skills and a representative of the Old York Historical Society.

12.2.1.2 All members, regular and associate, shall attend a yearly training seminar in architectural history and preservation standards as prescribed by the Selectmen in conjunction with the Maine Historic Preservation Commission.

12.2.1.3 Regular Members: Two (2) members of the Historic District Commission shall be initially appointed to serve terms of three (3) years; two (2) shall initially be appointed to serve terms of two (2) years, and the remaining member shall be appointed to serve a term of one (1) year. All appointments thereafter, shall be for a term of three (3) years; except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be made for the remainder of the unexpired term. The Selectmen shall act within sixty (60) days to fill a vacancy, including expired terms.

12.2.1.4 Associate Members: Each district shall be represented on the Historic District Commission by a resident of the district who shall be an associate member. Associate members shall serve until replaced or appointed as a regular member. They shall participate in all hearings and discussions. They shall vote only if: a) the application involves property in their district; b) the Chairman appoints an associate to act in place of a regular member who is absent

or had been disqualified from participation because of conflict of interest. Once appointed, the associate shall act as a voting member until the application has been approved or denied.

12.2.1.5 In addition to regular and associate members the Selectmen shall appoint other persons, not necessarily residents of the Town of York, who shall serve in an advisory or consultant basis to assist members of the Historic District Commission in the performance of their function. Advisory or consultant members shall participate in all hearings and discussions, but they shall not be voting members. They shall serve during the pleasure of the Historic District Commission.

12.2.1.6 Any regular or associate member may be removed for cause by the Selectmen upon written charges and after a public hearing.

12.2.1.7 Regular and associate members shall serve without remuneration. Members shall continue in office after the expiration of their terms until their successors are duly appointed and qualified.

12.2.2 Election of Officers

The Historic District Commission shall annually elect a chairman, vice-chairman, and secretary from its membership. The annual organizational meeting shall be the first regular meeting of the calendar year.

12.2.3 Officers

12.2.3.1 The Chairman shall preside at all meetings and hearings of the Historic District Commission, and has the authority to appoint committees, to call work sessions, and to preside over executive sessions.

12.2.3.2 The Vice-Chairman shall act for the Chairman in his absence.

12.2.3.3 The Secretary shall: Keep complete and accurate minutes and records of Historic District Commission meetings; prepare agendas of regular and special meetings with the Chairman; provide notice of meetings to Historic District Commission Members; arrange proper and legal notice of hearings; attend to all correspondence of the Historic District Commission and to other duties normally carried out by a Secretary. The Secretary shall keep a complete and accurate record of all resolutions, transactions, correspondence, findings and determinations of the Historic District Commission and shall maintain attendance records, resumes of Historic District Commission Members, and appointments of Historic District Commission Members. All records shall be deemed public and may be inspected at reasonable times.

12.3 Duties, Functions, and Powers of the Historic District Commission

The Historic District Commission shall have the following duties, functions, powers:

12.3.1 To assist, advise, and educate owners of historic structures, buildings, or sites, and various departments of the Town of York, on physical and financial aspects of preservation, renovation, rehabilitation, and reuse.

12.3.2 To assist and advise, and educate owners in complying with the requirements of this Article to the extent possible under funding available to the Historic District Commission.

12.3.3 To work to provide continuing education on historic preservation issues to local citizens.

12.3.4 To process applications for Certificates of Appropriateness and Certificates of Demolition.

12.3.5 To serve an advisory role to local government officials regarding local and cultural resources, and act as liaison between local government and those persons and organizations connected with historic preservation.

12.3.6 To make recommendations for establishing and/or revising historic districts, historic landmarks, or historic sites, to the Selectmen, in accordance with the procedures detailed in Section 12.5.

12.3.7 To review all proposed National Register nominations for properties within the Town of York.

12.3.8 To conduct or initiate a continuing survey of local historic and cultural resources in accordance with Maine Historic Preservation Commission guidelines.

12.3.9 To establish a schedule of reasonable fees based on notification costs, reviewing costs, and costs of construction.

12.3.10 To receive fees; to accept grants, appropriations and gifts of money and services; and to use its financial resources to employ clerical and technical assistance, publish educational materials, conduct surveys of properties, or carry out any of its duties.

12.3.11 To request reports and recommendations from Town departments and agencies and from other organizations and sources, who may have information or can advise on an application or its impact on the district.

12.3.12 To appoint citizens' committees, and testify before other Town boards whenever appropriate.

12.3.13 To adopt bylaws or additional operating procedures and policy statements consistent with the intention of this Article and State enabling legislation.

12.3.14 To waive any procedural rule adopted by the Historic District Commission by majority vote upon good cause shown.

12.3.15 To administer the provision of the Property Tax Refund Program as established herein. - **AMENDED 11/06/2001**

12.3.16 To take any action necessary or appropriate to implement the purpose and intent of this Article. - **AMENDED 11/06/2001**

12.4 Qualifications

The historic districts, historic landmarks, or historic sites established in accordance with this Article shall have one or more, or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period:

12.4.1 Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of the Town of York and/or the nation, including sites and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

12.4.2 Structures or sites associated with historic personages, great ideas or ideals.

12.4.3 Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction, of community organization and living, or of landscaping; or a notable structure or site representing the work of a master builder, designer, architect or landscape architect.

12.4.4 Structures contributing to the visual continuity of the historic district.

12.4.5 Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

12.5 Establishment of Historic Districts, Historic Sites, or Historic Landmarks

The process for establishment or alteration of historic districts, sites or landmarks is different than the process for review of applications, so the provisions of Article 18-A, Application Review Procedures, shall not apply to the procedures detailed in §12.5. - **AMENDED 11/03/2009**

12.5.1 **Historic Districts** shall be established and enlarged by amendment to Section 12.6. Any application/proposal for the establishment of an historic district shall be in writing, directed to the Chairman of the Historic District Commission, and shall include the following:

12.5.1.1 A statement on the remaining physical elements which make the proposed area an historic district, and a description of building types, architectural styles, and the periods represented.

12.5.1.2 A statement of how the proposed historic district meets the qualifications in Section 12.4.

12.5.1.3 A map showing the proposed boundaries, and a written justification of the boundaries.

12.5.1.4 A map showing all structures within the proposed historic district with identification of structures contributing to the significance of the historic district, and identification of non-contributing structures within the proposed district.

12.5.2 **Historic Landmarks and Historic Sites** shall be established and enlarged by amendment to Section 12.6. Any application/proposal for the designation of an historic landmark or historic site, shall be in writing, directed to the Chairman of the Historic District Commission, and shall include the following:

12.5.2.1 A description of the physical elements, qualities, architectural style, period and historical significance represented by the proposed landmark or site, including a consideration of scale, materials, workmanship and spatial qualities as relevant.

12.5.2.2 A statement of how the proposed landmark or site meets the qualifications in Section 12.4.

12.5.2.3 A map showing the proposed boundaries, and a written justification of the boundaries.

12.5.2.4 Photographs of the proposed landmark or site illustrating the significant detail(s) described in Section 12.5.2.1.

12.5.3 A proposal for the establishment or enlargement of an historic district, historic site, or historic landmark shall be initiated by, the Selectmen, the Planning Board, the local historical society, the Historic District Commission itself, or by petition by one hundred (100) or more residents of the Town of York.

12.5.4 Review of Application for the designation of Historic Districts, Historic Sites, or Historic Landmarks.

The Historic District Commission shall review the applications/proposals for the designation of Historic Districts, historic sites, or historic landmarks. Before making the Historic District Commission's recommendations to the Secretary, the Historic District Commission shall conduct studies and research on the proposal. The Historic District Commission may appoint individuals or organizations to assist in the studies. The Historic District Commission shall forward a draft of the proposal/application to the Planning Board and the Maine Historic Preservation Commission for review and comment.

12.5.5 Public Hearing

12.5.5.1 A public hearing shall be held within sixty (60) days of receipt of the application/proposal. Written notice of the application/proposal shall be given by certified mail, thirty (30) days prior to the hearing date, to the applicant(s), owners of all property to be included within the proposed district(s), and all other persons found by the Historic District Commission to have special interest in the proposal, including the historical organizations in Town.

12.5.5.2 Failure of any property owner to accept or receive notice of the hearing shall not constitute grounds for objections by such petitioner, and shall not invalidate any recommendations made by the Historic District Commission.

12.5.5.3 Notice of the hearing shall be included in a newspaper of general circulation at least ten (10) days prior to the hearing date.

12.5.6 Final Report

Within sixty (60) days after the public hearing, the Historic District Commission shall report its findings on the application/proposal including the views of affected and interested parties, and recommendations, to the Selectmen.

12.5.7 Amendments which include recommendations for Historic Districts, historic sites and historic landmarks shall be enacted by Town Meeting in accordance with State and Municipal laws.

12.6 Historic Districts, Sites, and Landmarks Designated

The following described lands, buildings, structures, or areas of the Town of York are designated historic districts, sites or landmarks as follows:

Historic Landmarks

Contributing Property, 70 Clark Rd.	Map 16/Lot 2	11/4/2003
Contributing Property, 83 Clark Rd.	Map 16/Lot 28	11/4/2003
Contributing Property, 77 Clark Rd.	Map 16/Lot 29	11/4/2003
Cape Neddick Lighthouse, 13 Sohier Park Rd.	Map 29/Lot 21	4/16/86
Joseph Banks House, 112 York St. Also site of Richard Banks House	Map 49/Lot 45	05/19/90
Contributing Property, 31 Long Sands Rd.	Map 50/Lot 111	11/4/2003
Contributing Property, 25 Sentry Hill Rd.	Map 51/Lot 43	11/4/2003
Contributing Property, 17 Sentry Hill Rd.	Map 51/Lot 44	11/4/2003
Contributing Property, 11 Sentry Hill Rd.	Map 51/Lot 45	11/4/2003
Trinity Church, 546 York St.	Map 52/Lot 4	11/7/2006
Contributing Property, 2 Norwood Farms Rd.	Map 52/Lot 10	11/4/2003
Contributing Property, 16 Simpson Ln.	Map 57/Lot 8	11/4/2003
Contributing Property, 416 York St.	Map 57/Lot 74	11/4/2003
Contributing Property, 16 Sentry Hill Rd.	Map 57/Lot 85	11/4/2003
Contributing Property, 450 York St.	Map 57/Lot 100	11/4/2003
Contributing Property, 5 Orchard Ln.	Map 58/Lot 2	11/4/2003
Contributing Property, 200 U.S. Route One (a.k.a. Grant House)	Map 66/Lot 1	11/8/2005
District Nine Schoolhouse, 301A Mtn. Rd. (a.k.a. Agamenticus Schoolhouse)	Map 96/Lot 64	06/05/89

Historic Sites

Town Farm. Consists of two lots of land owned by the Town of York which were part of the Town Farm, consisting of: the cemetery lot near the corner of Ridge Road and Long Sands Road (no street address or tax lot number, but identified as burial ground #192 in the book, Maine Cemetery Inscriptions, York County Volume); and 178 Long Sands Road (0039-0025) as its boundaries exist on May 21, 2011. Use and development of this Historic Site shall be limited to: utility lines; farming, including but not limited to the community gardens; historic/archeological investigation, education and interpretation; and passive recreation, including but not limited to parks and pedestrian paths. Any new use of the site and/or any physical alteration of the site shall require a Certificate of Appropriateness of the Historic District Commission (HDC), except in the following circumstances:
1. gardening in the existing community garden; and
2. municipal trail development or maintenance, including any related buildings or other appurtenances not to exceed 500 square feet. - **AMENDED 05/17/2008, 05/21/2011**

Local Historic Districts

Village Center Local Historic District, as shown on a map entitled, "York Zoning Ordinance: Village Center Local Historic District" dated June 17, 2016.

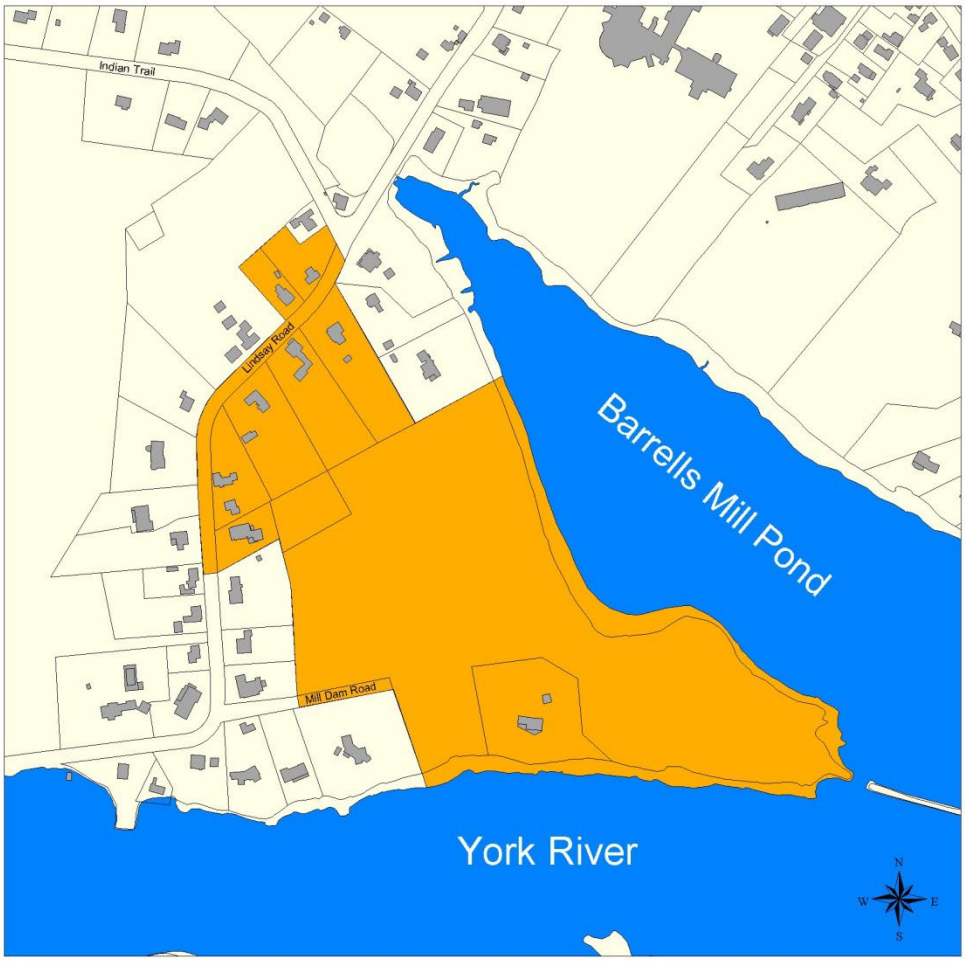
Lindsay Road Local Historic District, as shown on a map entitled, "York Zoning Ordinance: Lindsay Road Local Historic District" dated January 31, 2003.

York Harbor Local Historic District, as shown on a map entitled, "York Zoning Ordinance: York Harbor Local Historic District" dated September 16, 2003. **- AMENDED 11/06/2001, 05/17/2003, 11/04/2003, 11/08/2016**

York Zoning Ordinance:
Village Center Local Historic District

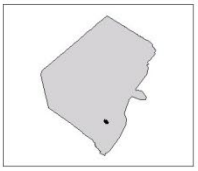


York Zoning Ordinance: Lindsay Road Local Historic District



200 0 200 400 600 Feet

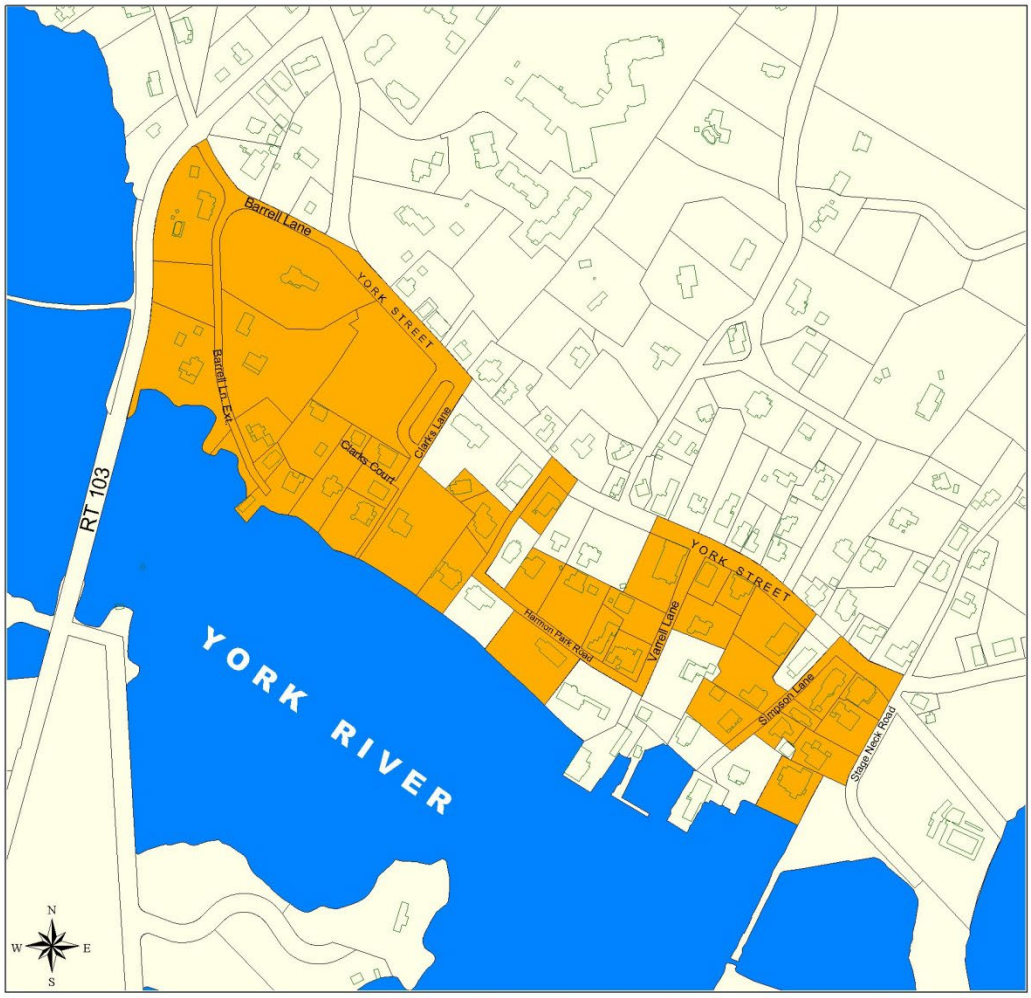
Buildings
Parcel Boundaries
Water
Lindsay Road Local Historic District



LOCUS

Planning Department
York, Maine
January 31, 2003

York Zoning Ordinance:
York Harbor Local Historic District



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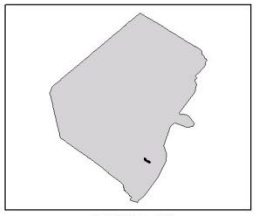
Buildings
Parcels
Water
York Harbor Local Historic District



LOCUS

Planning Department
York, Maine
September 16, 2003

12.7 Application of Zoning Ordinances

Uses permitted in historic district(s), sites, or landmarks, shall be those set forth in the Town of York Zoning Ordinance provisions for the zone in which such district, site, or landmark is located.

12.8 Improvements Not Requiring Historic District Commission Review

12.8.1 Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any building or structure where such repair does not involve a change in design, material, or appearance.

12.8.2 Nothing in this Article shall restrict impermanent or easily reversible alterations such as storm windows, storm doors, window air conditioners, shutters, paint, or signs.

12.8.3 Only changes proposed by the property owner or lessee are subject to review.

12.8.4 Nothing in this Article shall prevent the construction, reconstruction, alteration, or demolition of any building or structure where construction is in accordance with a valid building permit issued prior to 3-2-85 and districts, sites, or landmarks designated by amendment.

12.9 Improvements Requiring Historic District Commission Review

A Certificate of Appropriateness or a Certificate of Demolition issued by the Historic District Commission is required for:

12.9.1 A physical change in the exterior of any building or structure in a designated historic district and with respect to any historic site or landmark, by addition, reconstruction, alteration, or demolition, whether or not a building permit is required.

12.9.2 New construction of any building or structure where such building or structure will be located in whole or in part, within an historic district.

12.9.3 The moving of any building or structure.

12.9.4 Public improvement projects including lighting, sidewalk paving, utility distribution, street beautification, curbing, where such improvement(s) will be located within an historic district and with respect to any historic site or landmark.

12.10 Applications for Certificates of Appropriateness or Demolition

Applications for a Certificate of Appropriateness or Demolition shall be obtained from the Code Enforcement Officer when obtaining a building permit, or when no building permit is required but when such activity must be approved by the Historic District Commission.

12.11 Application Procedure

See Article 18-A, Application Review Procedures. - **AMENDED 11/03/2009**

12.12 Application Contents

12.12.1 Types and kinds of improvements to be considered minor shall be:

12.12.1.1 Application or use of exterior materials of a different kind, type, color or texture than those already in use.

12.12.1.2 All improvements, alterations, and renovations which can be accomplished without obtaining a building permit.

12.12.2 Applications for improvements considered minor shall contain:

12.12.2.1 The applicant's name, mailing address, and interest in the subject property.

12.12.2.2 The owner's name and mailing address, if different from the applicant's.

12.12.2.3 The address or location of the subject property.

12.12.2.4 A location or vicinity map clearly showing the location of the project.

12.12.2.5 A description of the improvement requiring the issuance of a Certificate of Appropriateness.

12.12.2.6 Current photographs of the property showing the property's current condition, which accurately represents the existing materials, textures and colors.

12.12.2.7 Current photographs of all adjacent sites, buildings, structures, and other improvements clearly showing the style and character of the area.

12.12.2.8 The Historic District Commission may request a drawing or drawings of the exterior elevations, drawn to scale, showing complete architectural details, including all exterior equipment and appurtenances located on the roof, in the walls, and on the grounds. All existing and proposed materials and finishes shall be identified and noted on the elevation. Professional drawings are not required.

12.12.3 Types and kinds of improvements to be considered major shall be:

12.12.3.1 Construction of a new building or auxiliary structure.

12.12.3.2 Any addition to or alteration of an existing building or structure which increases the square footage in that building or otherwise alters its size, height, contour, or outline.

12.12.3.3 Alteration of a roof line.

12.12.3.4 Landscaping.

12.12.3.5 Other items defined in this Article.

12.12.4 Applications for improvements considered major shall contain:

12.12.4.1 The applicant's name, mailing address, and interest in the subject property.

12.12.4.2 The owner's name, mailing address, if different from the applicant's.

12.12.4.3 The address, or location of the subject property.

12.12.4.4 A location or vicinity map clearly showing the location of the project.

12.12.4.5 A description of the project which shall include a statement why the structure or building to be demolished does not contribute to the district, site or landmark.

12.12.4.6 Current photographs of the property, showing its condition, and accurately representing the existing materials, textures, and colors. All photographs shall be labeled to indicate the direction of viewing.

12.12.4.7 Current photographs of all adjacent sites, buildings, structures, and other improvements clearly showing the style and character of the area. All photographs shall be labeled to indicate the direction of viewing.

12.12.4.8 A completed application with required exhibits for a Certificate of Appropriateness for any new construction proposed for the site.

12.13 Meetings, Hearings, and Application Review

12.13.1 The Historic District Commission shall hold regular monthly meetings, and may hold special meetings at the call of the Chair, provided that public notice shall be given as required in §18-A.5. In the event of emergency meetings, local representatives of the media shall be notified. Notification shall include the time and location of the meeting. - **AMENDED 11/03/2009**

12.13.2 **Reserved.** - **AMENDED 11/03/2009**

12.13.3 **Reserved.** - **AMENDED 11/03/2009**

12.13.4 **Reserved.** - **AMENDED 11/03/2009**

12.13.5 A quorum shall consist of three (3) voting members.

12.13.6 Certificates must be approved by majority vote. Therefore a tie vote means the application is denied.

12.13.7 The Historic District Commission, in its discretion, and with the owner's consent, may view the premises and obtain additional facts concerning the application before arriving at a decision. - **AMENDED 11/03/2009**

12.13.8 In addition to the requirements of Article 18-A, approval of an application shall be indicated by issuance of a Certificate of Appropriateness or a Certificate of Demolition, to be signed by the Commission Chair. - **AMENDED 11/03/2009**

12.14 Standards of Review

12.14.1 **General**. The standards and requirements contained in this section and in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 Edition or future additions as adopted shall be used in review of applications for Certificates of Appropriateness for major and minor improvements, and Certificates of Demolition for the demolition or moving of any building or structure.

12.14.2 Reconstruction, Renovation, and Alterations.

12.14.2.1 A building or structure classified as an historic landmark or site, or a building or structure located in a designated historic district, or an appurtenance related to such structures, buildings, or sites, including walls, fences, light fixtures, steps, paving, etc. shall not be altered, and no Certificate of Appropriateness shall be issued for such actions, unless these actions will preserve or enhance the historical and architectural character of the building or structure, and are visually compatible with the district.

12.14.2.2 Rehabilitation work shall not destroy distinguishing qualities or character of a building, structure, and its setting. Distinctive stylistic features such as molding, brackets, windows, doorways, porches, etc., which characterize historic structures shall be preserved wherever possible.

12.14.2.3 Alterations that have no historic basis shall be discouraged.

12.14.2.4 Deteriorated architectural features, such as balustrades, brackets, windows, etc., shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new feature shall match the feature being replaced. Replacement of missing architectural features shall be based on physical or pictorial evidence.

12.14.3 Construction of new buildings and structures in Historic Districts.

12.14.3.1 The construction of a new building or structure shall be of such design, form, proportion, mass, configuration, building material, texture, and location on lot, as will be compatible with other buildings and structures in the historic district, and with streets and open spaces to which it is visually related, and in keeping with the area.

12.14.3.2 The Historic District Commission shall review such elements as screening, fencing, off-street parking, entrances, lighting, and landscaping, to protect the district's visual character.

12.14.4 Demolition or removal of an existing structure or building.

12.14.4.1 The Historic District Commission shall initially determine whether the building or structure is historically, architecturally, or culturally significant in accordance with the qualifications outlined in Section 12.4. If it is judged insignificant, the Historic District Commission shall approve the Application for Demolition or Removal.

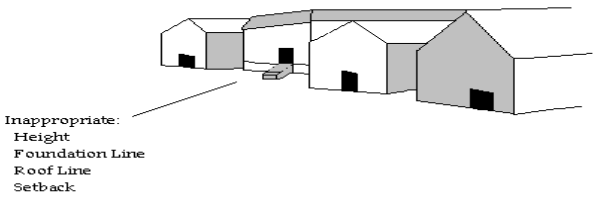
12.14.4.2 If the structure is deemed significant by the Historic District Commission, it shall not be removed or demolished unless the Selectmen shall find that it is a nuisance or dangerous, in accordance with Title 17, M.R.S.A., section 2851, et seq. After a hearing before the Selectmen at which the Historic District Commission is invited to participate, the Selectmen shall order the Historic District Commission to approve the Application for Demolition.

12.14.4.3 When repair or reconstruction of a damaged structure would cost more than 50% of the market value of the structure before the damage occurred, the building may be restored to its original design, or demolished and replaced with new construction which meets the requirements of this Article.

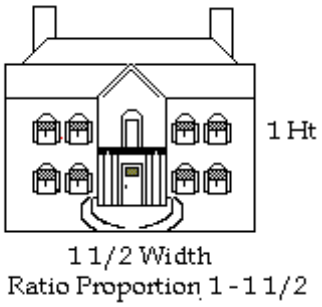
12.15 Visual Compatibility Factors

12.15.1 New construction and the alteration of existing building and structures within historic districts shall be visually compatible with other buildings and structures, and with streets and open spaces within the district. Applications for Certificates of Appropriateness and Demolition shall be reviewed in terms of the following:

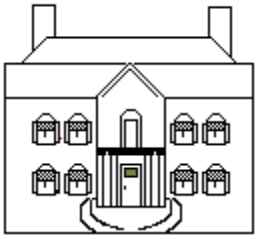
12.15.1.1 Height. The height of proposed buildings or structures shall be compatible with adjacent buildings or structures.



12.15.1.2 Proportion of Buildings Front Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, structures, and open spaces within the Historic District.

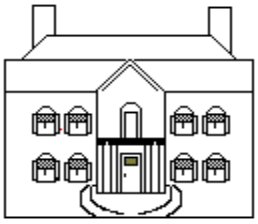


12.15.1.3 Proportion of Opening with the Facade. The relationship of the width of the windows to height of windows and doors in a building shall be visually compatible with those of windows and doors of buildings within the district.



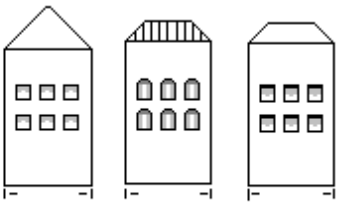
Window Proportion 2-1

12.15.1.4 Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade shall be visually compatible with that of the buildings within the district.



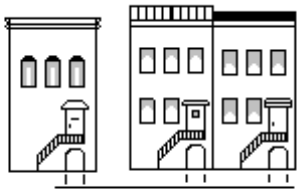
Rhythm 1 1/2-1-1 1/2—13

12.15.1.5 Rhythm of Spacing of Buildings or Structures on Streets. The relationship of buildings or structures to the open space between them and adjoining buildings or structures shall be compatible with those of buildings or structures in the Historic District(s).



Rhythm 4-1-4-1-4

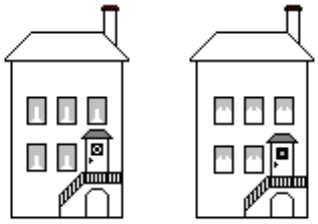
12.15.1.6 Rhythm of Entrance and/or Porch Projection. The relationship of entrance and porch projections to the street shall be compatible with those of buildings in the Historic District(s).



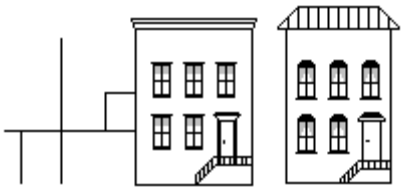
Rhythm 1-6-1-6-1

12.15.1.7 Relationship of Materials, Textures, and Color. The relationship of materials, textures, and color of buildings or structures shall be compatible with those materials used in the buildings or structures to which it is visually related.

12.15.1.8 Roof Shapes. The roof shape of a building shall be compatible with that of buildings to which it is visually related.

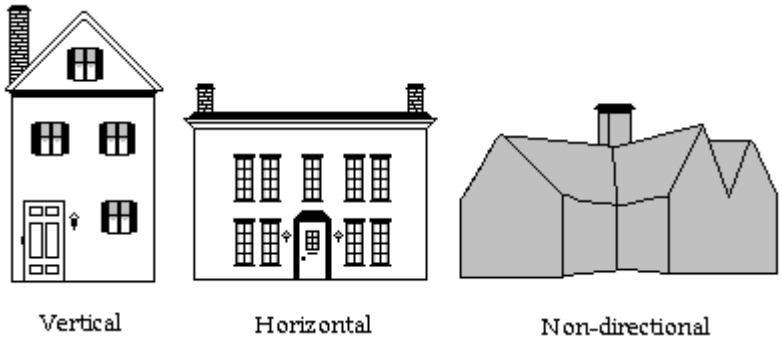


12.15.1.9 Scale of Buildings. The size of the building, the building mass in relation to open spaces, the window and door openings, porches and balconies shall be compatible with those characteristics of buildings or structures, and spaces to which it is related.



Units of Scale

12.15.1.10 Orientation. A building or structure shall be compatible with the building or structure to which it is visually related in its directional character, whether this be vertical, horizontal or non-directional in character.



12.16 Property Tax Refund Policy

A. Purpose. Historic resources are an integral component of the character of the Town, and the continued presence of the extensive, well maintained concentration of historic buildings in York is vital. Few of these properties are regulated under this Article, but this does not indicate a diminished value to the community. The purpose of offering a property tax refund for appropriate maintenance work is to provide an incentive for the owners of historic buildings to invest in upkeep and rehabilitation, thereby discouraging the loss of significant resources.

B. Eligibility

1. Property. The building is a contributing structure within a National Register Historic District, individually listed in the National Register of Historic Places, a contributing structure within a local historic district, or is determined by the Maine Historic Preservation Commission to be eligible for listing on the National Register of Historic Places.
2. Owner. There shall be no delinquent property taxes on any property in York owned by the applicant at the time of application.
3. Activity. Eligible work includes maintenance of the historic fabric by rehabilitation, restoration or preservation of the building. All work shall meet or exceed the standards adopted by reference in Article 12.14.1.

C. Refund Amount. The amount of refund shall be equal to the lesser of the following:

1. 10% of the actual cost of eligible work completed; or
2. the value of the total property tax paid on the property for the fiscal year in which the application is made.

D. Application Requirements

1. Meeting with the Commission. Prior to submittal of an application, the applicant shall be required to attend a Commission meeting and present the project at a conceptual level. This shall be an opportunity for the Commission to offer non-binding guidance, advice and assistance to the applicant.
2. Application form. The applicant shall complete an application form available from the Commission.
3. Supplemental Application Materials. The applicant shall prepare materials as necessary to supplement the application form. These materials shall include:
   a. Work Plan. This shall document the scope, method and extent of work to be performed, in sufficient detail to demonstrate compliance with requirements of this program.
   b. Maintenance Plan. This shall document activities to be performed and a schedule for performance of maintenance of the building for at least five years following the completion of the project.

4. General Timeline. The general timeline for this process is outlined herein to enhance understanding of the program. The Commission may vary the schedule by voting to adopt a different timeline.
   a. Advance meeting with the applicant per Article 12.16.D.1: any time.
   b. Submittal of application materials: July 1 through September 15.
   c. Application review and ranking: September 16 through November 30.
   d. Budget process: December through to the May budget Referendum.
   e. Time period for work, and fund availability: after July 1 through June 30 (the next fiscal year), subject to possible carry-forward to later fiscal years.

E. Application Review and Ranking

1. Ranking. The Commission shall review all applications received to verify eligibility, refund amount and conformance with application requirements. The Commission shall rank all suitable applications. Rank shall determine the order in which funds will be allocated to projects in the event the program is not fully funded. Rank shall be based on the following criteria:
   a. The first ranking shall be based on location (creating three priority classes), as follows:
      1. Buildings on property listed in Article 12.6 shall receive the highest ranks.
      2. Buildings on property in the National Register Historic District, or individually listed in the National Register of Historic Places, but not listed in Article 1`2.6 shall receive the next highest ranks.
      3. Other buildings shall receive the lowest ranks.
   b. Within each of these priority classes, rank shall be further refined based on two criteria. These shall be evaluated sequentially, as follows:
      1. First, buildings that have never received a refund under this program shall be ranked ahead of those that have (creating six priority classes).
      2. The final ranking within each of the priority classes shall be a first-come, first-served rank based on the date of receipt of the complete application.
2. Public Hearing. A draft of the ranking of applications shall be posed and a public hearing shall be conducted to allow public comment on the draft list of ranked applications.

F. Program Funding

1. Funding Request. The Commission shall annually request funds from the Town's operating budget for this program. The request shall include the ranked list of applications to be funded with the dollar amount for each project.
2. Allocation of Funds. In the event that insufficient money is approved to fund this program, money shall be allocated based on the ranking of applications. Applications shall be funded fully starting with the highest ranked project and proceeding in order of rank until the funding is exhausted.
3. Disbursement of Funds. The Commission shall forward a recommendation to the Board of Selectmen regarding completion of work and compliance with the provisions of this program. The Board of Selectmen shall be authorized to order the disbursement of funds following receipt of the recommendation of the Commission.
4. Policy on Unspent Funds. If a project for which funds are allocated is not completed, is completed but fails to meet the requirements of this Article, or is completed for less money than budgeted, the unspent portion of the refund shall be returned to the Town's General Fund. The Commission may request that funds for active projects be carried forward to future fiscal years.

G. Program Requirements. The following program requirements shall apply:

1. Covenant. For a property that is not subject to regulation under this Article, as listed in Article 12.6, a protective covenant shall be required prior to payment of the refund. The property owner shall execute and record in the York County Registry of Deeds a protective covenant that requires any physical work on the building to conform to the requirements of Article 12.14.1 for a period not less than five years from the date of execution of the covenant.
2. Inspections. All recipients of refunds shall be required to permit the Commission to inspect the building in accordance with the following:
   a. during the work, as frequently as deemed necessary by the Commission, to ensure compliance with the work plan;
   b. at completion of work to ensure compliance with the work plan; and
   c. for any property subject to the covenant under Article 12.16.G.1, annually thereafter for the duration of the covenant to ensure compliance with the covenant requirements.
   - **AMENDED 11/06/2001**

12.17 **Demolition Delay**
No applications for the act of demolition as allowed by a building permit for a structure 75 years or older shall be approved by the Code Enforcement Officer (CEO) until the Historic District Commission (HDC) makes a determination as to its historic or architectural significance, and has the opportunity to pursue alternatives to demolition that will preserve, rehabilitate, or restore it. Alternatives must be mutually agreeable to the Commission and to the applicant. The Demolition Delay shall apply to all structures in the Town, not limited to those previously landmarked or included in a Historic District. Demolition delay applications are unique, and in the event the procedures of this section conflict with the procedures outlined in Article 18-A, the provisions of this section shall prevail. - **AMENDED 11/03/2009**

12.17.1 Upon receiving a request to demolish a structure 75 years old or older, the CEO shall date the application and promptly forward a copy of the application to the Chairman of the HDC. - **AMENDED 11/03/2009**

12.17.2 The HDC will conduct a Public Hearing within 60 days of the HDC's receipt of the applicant's request to demolish, unless an extension is agreed to by both the Commission and the applicant. The purpose of the Public Hearing shall be to determine whether the structure is of sufficient historical or architectural significance for the HDC to pursue alternatives to demolition. Written notice of the public hearing shall be given by first class mail to the applicant and to owners of any properties within 200' of the applicant's lot at least 7 days prior to the hearing date. The CEO and any consultants or professional advisors of the HDC shall also be notified. The HDC shall post the meeting notice in Town Hall and publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least 7 days prior to the Hearing. - **AMENDED 11/02/2010**

12.17.4 Should the HDC make a determination of historical or architectural significance, they shall seek alternatives to demolition. The period for pursuing alternatives to demolition shall not be more than 60 days beyond the determination of significance, or a total of 120 from the date of the HDC's receipt of request for demolition, unless an extension is agreed to by both the HDC and the applicant.

12.17.5 There shall be a notice posted of the intent to demolish visible on the property throughout the period of HDC review in order to encourage public awareness and input into the review process.

12.17.6 Following the Public Hearing, and at the same meeting, the HDC shall determine if the structure is significant enough to warrant pursuit of alternatives to demolition. The following actions may be taken following the Public Hearing:

A. If it is determined to be not significant, the HDC shall transmit this decision to the CEO, who shall be authorized to issue the permit to demolish immediately.

B. If it is determined to be significant, the HDC shall transmit this decision to the CEO, who shall be prohibited from issuing the permit to demolish until the 120 delay is fulfilled. Criteria for determining structure significance shall be based upon §12.4.3.

C. Failure to make a determination of significance within 60 days shall also constitute Commission approval of the application for demolition.

12.17.7 Any alternative to structure demolition must be mutually agreed upon in writing by the applicant and the HDC.

12.17.8 The HDC shall be authorized to obtain photographic or professional documentation of a structure determined to be significant, in conjunction with Old York Historical Society if they so desire, at no expense to the applicant.

12.17.9 In the event a structure is demolished before the review process is complete, no building permits shall be issued to the applicant, or for construction on the lot the demolished building occupied, for two years, not including any delays incurred due to the Growth Ordinance, and be subject to §19 of this ordinance. Any permits current for the applicant shall be revoked. In the event a structure is deemed a danger to life or property by the CEO, the CEO may allow demolition before the review deadline.

- **AMENDED 05/17/2008**

12.18 **Solar Energy Systems**

Solar energy system installations proposed for properties located within a historic district, historic site or historic landmark must receive a certificate of appropriateness ("COA") from the Historic District Commission ("HDC"). The HDC may issue a COA for a Solar Energy System installation that meets the criteria specified herein as permitted within the underlying zoning district.

A. Criteria for Certificate of Appropriateness--General:

1. Solar Energy System should be sited so they will not substantially alter, obscure, or add to the exterior features of the historic resource or visually intrude on the overall historic character of the historic resource.
2. Solar Energy System should, if possible, be installed on new additions or non-historic structures on the site.
3. Multiple placement options and site locations should be considered for Solar Energy System installation(s) including using a ground-mounted system instead of a roof-mounted, building integrated or building-mounted system.
4. Existing trees of twenty four inches (24") or greater in DBH shall not be eliminated in order to install a ground mounted Solar Energy System.

B. Criteria for Certificate of Appropriateness--Specific Types of Solar Energy

1. For Ground-Mounted Solar Energy Systems:
   a. Solar Energy Systems shall be installed in a location that is not highly visible from public streets, and screening may be required to further limit visibility.
   b. Solar Energy Systems shall not detract from any character defining features of the site, which may include both natural and designed features.
2. For Building-Integrated Solar Energy Systems:
   a. Solar Energy Systems shall be unobtrusive and shall not impair the historic integrity of a building by removing, altering, or obscuring historically significant architectural features of the building or adding historically contrasting features to the building.
   b. Solar Energy Systems shall not be highly visible from a public street, or if visible, the system shall not be distinguishable from the building.
3. For building mounted photovoltaic and roof-mounted Solar Energy Systems:
   a. Solar Energy Systems shall be unobtrusive and shall not impair the historic integrity of the building by removing, altering, or obscuring historically significant architectural features of the building or adding historically contrasting features to the building.
   b. Roof-mounted Solar Energy Systems shall be placed on a non-character-defining roof plane or a non-primary elevation, shall not alter a roof plane or character defining feature such as a dormer or chimney, shall run parallel to the original roof plane, shall not extend more than nine inches above the roof plane, and shall not extend above the roof ridge line.
   c. Building mounted photovoltaic and roof-mounted Solar Energy Systems shall not contrast with the color of the roof or the building surface on which they are mounted.
   d. Character defining elements such as historic windows, walls, siding, or shutters which face public streets and contribute to the character of the building shall not be altered, removed, or obscured in connection with the installation of a Solar Energy System
4. The HDC has the discretion to waive any of the above criteria which, if strictly applied would significantly decrease the efficiency, specified performance, or conservation benefits of the proposed Solar Energy System.

- AMENDED 11/06/2018

ARTICLE THIRTEEN

MODULAR HOMES, MANUFACTURED HOUSING, AND MANUFACTURED HOUSING PARKS

(NOTE: This Article was revised in its entirety on May 19, 2012. Any revisions noted in the text below will have been made subsequent to this date. For earlier legislative history, see the November 8, 2011 version of the Zoning Ordinance.)

Modular homes and manufactured housing are construction types for dwellings and therefore are not listed as principal uses in Article 4. Standards pertaining to modular homes, manufactured housing and manufactured housing parks are established in this Article.

13.1 Modular Homes

Modular homes shall be allowed in all places and subject to all requirements and restrictions as apply to a conventionally-constructed dwelling, subject to the following requirements:

A. If less than 28 feet in width, the long side of the modular home shall be generally parallel to the street.

B. The unit shall be placed on a permanent foundation which complies with building codes.

C. The unit shall have a pitched roof, with a pitch not less than 2 inches of rise per 12 inches of run.

D. The unit shall meet or exceed the minimum floor area required for dwelling units in the zone in which it is located, in zones where this is regulated.

E. A building permit shall be required prior to moving or locating a modular home, and compliance with the administrative provisions of §13.4 shall be required prior to issuance of this permit.

13.2 Manufactured Housing

Outside a Manufactured Housing Park, manufactured housing shall be allowed in all places and subject to all requirements and restrictions as apply to a conventionally-constructed dwelling, subject to the following requirements for any unit moved into or within York:

A. Size. The minimum width of the unit shall be 14' and the minimum floor area of the unit shall be 750 square feet.

B. Width-Based Standards. If less than 28 feet in width:

1. The unit shall be permitted only in those areas where Manufactured Housing Parks are permitted (see §13.3, below), and the long side of the unit shall be generally parallel to the street; and

2. If located on a corner lot at the intersection of 2 streets, the unit shall have attached side construction such as a garage, breezeway or other room, that results in a minimum width of 28 feet of structure facing each street.

C. Foundation. The unit shall be placed on a permanent foundation which complies with building codes.

D. Roof. The unit shall have a pitched roof, with a pitch not less than 2 inches of rise per 12 inches of run.

E. Construction Standard. Manufactured housing units which are being moved into the Town of York shall comply with one of the following standards:

1. the unit was constructed after June 15, 1976 and its construction is certified by the US Department of Housing and Urban Development; or

2. the unit fully complies with State and Town residential construction, insulation, plumbing, electrical, and other codes as applicable to residential construction at the time the unit is moved into York.

Existing manufactured housing units which are lawfully located within York as of August 4, 1988, shall be permitted to remain, and may be moved to other locations within the Town.

F. Permit Required. A building permit shall be required prior to moving or locating a manufactured housing unit, and compliance with the administrative provisions of §13.4 shall be required prior to issuance of this permit.

13.3 Manufactured Housing Parks

Manufactured housing parks shall be allowed subject to the following:

A. Location. Manufactured housing parks shall be located in accordance with the following criteria:

1. Base Zoning Districts. Any manufactured housing park shall be permitted within the GEN-2 zone, and those parks with 15 or less units of manufactured housing parks shall be permitted within that portion of the GEN-3 zone not located southeasterly of Ridge Road nor westerly of Old Post Road.

2. Overlay Districts. No manufactured housing parks shall be permitted within the Watershed Protection Overlay District or within the Shoreland Overlay District.

B. Density. The minimum size of the park shall be the sum of the following areas:

1. 5,000 square feet per manufactured housing unit if served by public sewer, or 12,000 square feet per unit if served by a central on-site controlled septic system or systems, or 20,000 square feet per unit otherwise; plus
1. required road rights-of-way; plus
2. required buffer strips; plus
3. required open space; plus
4. any setbacks required for the Shoreland Overlay District.

C. Required Open Space. For a manufactured housing park served by public sewer, 10% of the total land area shall be reserved for recreational use of the park occupants. Such area shall generally be useful for the intended purpose (relatively flat and dry, and accessible to park occupants).

D. Required Perimeter Setbacks. Minimum lot setbacks applicable in the base zoning district shall apply around the perimeter of the lot on which the park is located. These standards shall not be applied to sites within the park.

E. Required Perimeter Buffers. A manufactured housing park shall establish and maintain a vegetated buffer strip of at least 50 feet in width along each portion of the external property boundary if density in the park is at least twice that of existing residential density on the adjacent lot, or if undeveloped is at least twice that of the maximum permitted residential density on that lot. No structures, streets or utilities shall be permitted within this buffer, except as necessary to gain access or provide service to the park and to maintain safe sight distances. The half of the buffer closest to the property boundary may be required to have additional plantings only to the extent required of other residential development.

F. Utilities. Above-ground utilities shall be allowed in parks.

G. Road and Traffic Issues.

1. Streets within a park shall be designed by a Maine-licensed Professional Engineer.
2. All manufactured housing units within a park shall have direct access only to internal streets, not onto adjacent roads outside the park.
3. Street design shall conform to all design and construction standards of the Site Plan and Subdivision Regulations and other Town codes, except as expressly superseded by Title 30-A MRSA §4358(3)(G).

H. Groundwater Impacts. The party developing or expanding a manufactured housing park shall have the burden of proof that the development will not pollute a public water supply or aquifer.

I. Miscellaneous Standards.

1. No dwelling units other than manufactured housing shall be permitted within a manufactured housing park.
2. Each unit of manufactured housing shall comply with the standard of §13.2.E regarding HUD certification and construction standards.
2. Conversion of a manufactured housing park to another use, or change of use of the units within the park shall require full compliance to all applicable regulatory standards such as lot size, density, and setbacks, and shall require prior approval of the Planning Board.
3. The land within a manufactured housing park shall remain a single lot and shall remain under unified management, provided park occupants shall have the right to establish some form of joint ownership and management of the park.

4. Establishment, expansion or modification of a manufactured housing park shall require approval of the Planning Board under the Site Plan and Subdivision Regulations.
5. A building permit from the CEO shall be required for installation, relocation, or modification of each unit of manufactured housing within a park.

13.4 Documentation of Tax Payment

Prior to issuance of a building permit for the location or relocation of any modular home or manufactured housing unit within the Town of York, the CEO shall require certification of payment of sales tax to the State of Maine in accordance with 30-A MRSA §4358(4).

13.5 State Preemption

State law establishes certain standards for manufactured housing parks which are less restrictive than and supersede local standards. See §21.3 for treatment of conflicting provisions.

ARTICLE FOURTEEN

CONVERSION OF SEASONAL DWELLINGs

14.1 Restrictions

No seasonal dwelling may be converted to a year-round dwelling unless the owner or the person so converting the seasonal dwelling shall have first obtained from the Code Enforcement Officer a seasonal dwelling conversion permit. Before issuing such a permit, the Code Enforcement Officer shall issue a written determination that the application meets the standards pertaining to the dwelling unit and the lot, as follows:

A. Regarding the dwelling, the following is met:

1. It is a contributing structure in a Local Historic District or is a designated historic landmark; or
2. After conversion, the structure shall conform to minimum egress requirements, specifically Section R310, Emergency Escape and Rescue Openings, and R311, Means of Egress, under the version of the International Residential Code (IRC) that is current at the time of application.
3. All new construction, whether renovations or additions, will conform to requirements for residential construction under all applicable local and state codes, and be subject to all local building permit requirements.

B. Lots containing more than one seasonal dwelling may have one dwelling unit converted to year round in accordance with the standards in 14.1.A; for conversion of multiple seasonal dwellings to year round dwellings, the density standards must be met for the lot, as required for the base zone and any applicable overlay zones. Lots that contain a year round dwelling at the time of an application for conversion of a seasonal dwelling to a year round dwelling must be able to meet current density standards for the application to be permitted. - **AMENDED 11/06/2007, 11/05/2013**

14.2 Administration

See §18-A.4. - **AMENDED 11/03/2009**

ARTICLE FIFTEEN

PARKING

15.1 Provisions Applicable to All Zoning Districts

15.1.1 Amount of Parking.

15.1.1.1 Off-street parking, either by means of open air spaces or by garage space (open or enclosed), in addition to being a permitted use, shall be considered an accessory use when required or provided to serve conforming uses located in any district. **– AMENDED 11/07/2017**

15.1.1.2 The following minimum off-street parking requirements shall be provided and maintained for any new construction, alteration and change of use.

	USE	NUMBER OF PARKING SPACES
a.	Single-family dwelling and two-family dwelling	2 parking spaces for each dwelling unit if the development is located outside a designated Growth Area (see York's Comprehensive Plan). 1 parking space per dwelling unit if the development is located within a designated Growth Area. **-AMENDED 05/16/2026**
b.	Multi-family dwelling	2 parking spaces per dwelling with 3 or more bedrooms and 1.5 spaces per dwelling unit with less than 3 bedrooms if the development is located outside a designated Growth Area (see York's Comprehensive Plan). 1 parking space per dwelling unit if the development is located within a designated Growth Area. **-AMENDED 05/16/2026**
c.	Hote/motel/Short- Term Residential Rental	1.25 parking spaces for each rental unit accommodation or each bedroom within a short-term residential rental. **– AMENDED 11/07/2017**
d.	Tourist home, lodging home, inn and bed and breakfast	1 parking space for each rental room accommodation and 1 parking space for each employee on the work shift with the maximum number of employees, and 2 parking spaces for the owner/manager of the business.
e.	Boarding/Rooming House	1 parking space for each room rented and 2 parking spaces for the owner/manager of the boarding/rooming house.
f.	Retail, Wholesale or Service Establishment	1 parking space for each 200 sq. ft. of gross floor area.
g.	Offices, professional and public buildings	1 parking space for each 200 sq. ft. of gross leasable area, exclusive of cellar and bulk storage areas.
h.	Industrial	0.6 parking space per 1 employee or fraction thereof. - **AMENDED 11/08/1994**
i.	Restaurants, and other places serving food and beverage	1 parking space for every 3 seats, permanent or otherwise, and 1 parking space per employee for the work shift with the maximum number of employees.

j.	Theatres, auditoriums, and other amusement or assembly	1 parking space for each 3 people or for places of each 3 seats.
k.	Elderly congregate housing, dwelling units, as defined within the term elderly congregate housing or elderly housing units as defined within the term elderly housing	1 space per each unit.
l.	Elderly congregate housing, residential care units, as defined within the term elderly congregate housing	1 space per 3 units.
m.	Nursing homes	1 space per 6 beds, plus 1 space per employee on the maximum shift.
n.	Campgrounds	1 parking space shall be provided for each recreational vehicle, tent or shelter in a campground and an additional parking space shall be provided for each 8 camp sites or fraction thereof.
o.	Cultural Facility	1 space for each residential unit, .5 space per Artist Studio, and 1 visitor parking space per 1,000 feet of common area.

- **AMENDED 05/22/2010**

15.1.1.3 For any structure or use for which a parking standard is not specifically provided in 15.1.1.2, the Planning Board shall determine the number of off-street parking spaces required to both eliminate the need for on-street parking and provide adequate parking. The Board shall consult the Institute of Transportation Engineers standards and other professional publications as a guideline for the amount of parking required.

15.1.1.4 Where adequate parking cannot be provided on-site per §15.1.1.2 and §15.1.1.3, or by shared parking per §15.1.1.5, or by private off-site parking per §15.1.1.6, the Planning Board shall have the authority to permit a reduction in the provision of parking in accordance with the following:

a. Reductions in parking shall be addressed only as part of a comprehensive development plan for the property.

b. The Planning Board may require the applicant to engage a qualified professional to assess traffic and parking. The assessment shall include, at a minimum, the following:
   1. Projected trip generation and parking generation associated with the development.
   2. Evaluation of the potential impacts on public safety and on convenience of site-users and the general public.
   3. Identification of potential problems and solution options for each.
   4. Opinion regarding the overall reasonableness of the proposed reduction in parking.

c. The Planning Board may grant the parking reduction when it finds the proposal:
   1. will not adversely impact adjacent properties;
   2. will not adversely impact existing uses in the district in which it is located;
   3. will not adversely impact public health, safety, and welfare; and
   4. is consistent with York's Comprehensive Plan.

- **AMENDED 11/04/2003**

15.1.1.5 For developments that require Planning Board approval per sections 15.1.1.6 and 15.4 in this Zoning Article, the Planning Board may approve the joint use of a parking facility.

15.1.1.6 Required off-street parking spaces shall be located on the same lot as the principal use, except when the CEO or Planning Board approves the use of an off-site parking facility to satisfy all or a portion of the parking requirements identified in 15.1.1.2, and 15.4. For developments that require Planning Board approval the Board shall consider the following concerns in rendering a decision to allow off-site parking: the character and traffic impact of the area where the proposal to use off-site parking is requested; the size of the proposed structure or use and the amount of parking it may require; the availability and location of off-site parking to support the proposed structure or use; the reasons why the proposed structure or use cannot provide adequate on-site parking; measures performed by the applicant, such as but not limited to the applicant paying the cost to construct an off-site parking facility and allowing this facility to serve an identified public need for parking.

-**AMENDED 05/16/2026**

15.1.1.7 The amount of handicap parking spaces required by federal and state law for each use shall be provided and shall be located to allow easy and safe use by handicap persons.

15.1.1.8. For affordable apartments created pursuant to §7.13, only one parking space per affordable apartment unit shall be required. Where this standard is less restrictive than other parking standards, it shall prevail as provided by §21.2. - **AMENDED 11/03/2009**

15.1.2 Dimensions for parking areas and parking spaces.

15.1.2.1 A parking space shall measure at least nine (9) feet in width by eighteen (18) feet in length, exclusive of space required for access and maneuvering.

15.1.2.2 All required on-site parking spaces shall be located within three hundred (300) feet of the primary building or use which the parking is designed to serve.

15.1.2.3 All parking areas with more than two parking spaces shall be arranged to provide adequate and safe maneuvering area, and to eliminate the need for a vehicle to back into the street. The design of the parking area shall provide for safe pedestrian movement within the parking area and provide access to the use the parking areas has been designed to serve.

15.1.2.4 All parking areas shall be set back a minimum of ten (10) feet from the nearest property line. Unlicensed and un-inspected vehicles, or component parts of vehicles, shall not be parked or stored closer to any property line than would be required for a newly constructed building within the base and any applicable overlay districts in which it is to be located. - **AMENDED 11/08/1994, 11/08/2005**

15.2 Alternative Parking Standards in the YBVC Zoning District

The parking standards of §15.1.1.2 are national standards based on suburban-style development, where people drive rather than walk from one use to the next. Such standards are completely unsuitable in a village area which is focused on pedestrian movement, and will in fact result in designs which are completely out of character with the Town's design goals for this village. Within a comfortable walking distance, there are more than 500 public and another 1,300 private parking spaces in and around the village. Despite this large number of spaces, on-site parking is deficient or non-existent on many properties. There is a high degree of shared parking by default – people tend to park only once for their entire stay in the village, and they walk to a variety of destinations. Though finding parking is not always easy, the village remains quite functional. With this as background, the following standards shall apply in the YBVC base zone.

A. Alternative Standard for Required Parking in YBVC. Parking requirements in the YBVC base zone shall be 50% of that specified in §15.1.1.2, except that dwellings (§15.1.1.2.a & b) and non-residential uses that provide

overnight accommodations (§15.1.1.2.c, d, e & n) shall comply in full with §15.1.1.2. Note that the following section (§15.2.B) nullifies the parking standards for certain changes or expansions of use.

B. Change or Expansion of Non-Residential Use in YBVC. A change of use from one non-residential use to another non-residential use without building enlargement, or an expansion of a non-residential use without building enlargement, shall not trigger parking analysis nor require the provision of additional parking spaces beyond that which exist at the time of application, subject to the following requirements:

1. if the new or expanded use provides overnight accommodations (as described in §15.2.A), each unit of overnight accommodation other than workforce affordable housing shall have one dedicated parking space available for use of the occupants; and
2. the number of on-site parking spaces shall not decline.

C. Parking Non-Conformity in YBVC. The provisions of 17.4.B, which require lessening of non-conformity, shall not apply to parking in the YBVC base zone. - **AMENDED 05/19/2012**

15.3 Parking Performance Standards in the YVC-1 & YVC-2 Zoning Districts

The parking standards of §15.1.1.2 shall not apply in the YVC-1 and YVC-2 districts. Said standards are national standards based on suburban-style development, where people drive rather than walk or bike from one use to the next. Such standards are completely unsuitable in a village area which is focused on pedestrian movement, and will in fact result in designs which may completely be out of character with the Town's design goals for this village. Parking spaces shall be provided to conform to the number required in this section. Where a proposed use does not fall clearly into one of the listed activities, the Board shall determine the activity which most closely resembles the proposed use, and the proposed use shall comply with the parking standards of that category.

A. Alternative Standard for Required Parking in YVC-1 & YVC-2. Parking requirements in the YVC-1 and YVC-2 base zones shall be 50% of that specified in §15.1.1.2.

B. Change or Expansion of Non-Residential Use without Building Enlargement in YVC-1 & YVC-2. A change of use from one non-residential use to another or an expansion of a non-residential use shall meet the parking performance standards required in this section.

C. Parking Non-Conformity in YVC-1 & YVC-2. The provisions of §17.4.B, which require decreasing non-conformity, shall not apply to parking in the YVC-1 & YVC-2 base zones.

D. Parking in the Front Yard. Whenever possible, no portion of any lot which is used to satisfy the front yard requirements of this ordinance shall be used for parking. Parking shall be located in the rear of the lot (behind the building), unless the applicant can demonstrate to the Planning Board the need for parking to be located on the side of the building using pertinent standards located in §15.3-E and §15.3-F below.

E. Parking Requirement Reduction. The Planning Board may reduce off-street parking requirements for proposals in the YVC-1 & YVC-2 districts greater than what is specified in this section provided the Board considers the following:

1. Where legal on-street parking is located within 1,000 feet of a non-residential use and the Board determines that this parking will be available to meet some or all of the parking demand for the particular use(s).
2. Where publicly supplied off-street parking is located within 1,000 feet of a nonresidential use and the Board determines that this parking will be safe, convenient, and available to meet some or all of the parking demand.
3. Where it is clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience to the public, or increase congestion on adjacent streets.
4. For the reuse or redevelopment of a parcel, if the Planning Board determines that the new use will not significantly increase the demand for parking compared to the former use.

5. If the Planning Board determines that the demand for parking will be less than the required standard because some customers/users will walk or take alternative transportation to the site. In these cases, the owner of the property seeking the reduction or their representative, shall be responsible for providing documentation to the Planning Board substantiating the reduced parking demand or alternative supply.

F. Additional Modified Parking Standards. In applying or modifying the parking standards for any proposed use in the YVC-1 & YVC-2 districts, the Planning Board shall consider:

1. Parking spaces shall be sufficient to accommodate the normal day-to-day residential or non-residential use.
2. The likelihood of people walking or bicycling to the proposed use and the number of bicycle racks proposed. The Board shall consider any plan by the applicant to make the site more appealing for pedestrians and bicyclists.
3. The size of the structure and the site.
4. The environmental, scenic, or historic sensitivity of the site (including applicable limitations on impermeable surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the board may require a reduction in the size of the structure so that the available parking will be sufficient.
5. The availability of on-street parking.
6. Availability of off-site off-street parking that is open to the public, the owner, controlled by the applicant, or available on a shared unit basis. Availability of accessible satellite parking shall also be considered.
7. Accessibility to public transit facilities such as public bus stations or routes, or scheduled bus services to the site.
8. Other standards used in generally accepted traffic engineering and planning manuals.

G. Parking requirements for residential dwellings and related uses. The requirements of §15.3-A above may be waived for applications that involve dwelling units with less than 1,000 square feet of floor area and elderly or workforce housing as defined in this ordinance. These requirements may also be waived if the applicant can demonstrate that all required parking can be accommodated through mixed use development, shared parking or other situations deemed acceptable by the Planning Board as prescribed in §15.3-E and §15.3-F above.

- AMENDED 05/21/2016

15.4 Legalization of Off-Site Parking Agreements

A developer may satisfy parking requirements in this article through an off-site legally binding parking agreement with an existing parking facility located within .25 miles of a development site. A developer engaged in an off-site parking agreement shall provide documentation demonstrating the availability of sufficient capacity at the off-site parking facility, as determined by a professional parking study or similar evidence acceptable to, and verified by, the CEO or Planning Board, whomever has jurisdictional review authority. **- AMENDED 05/16/2026**

ARTICLE 15-A

TRAFFIC SAFETY

15-A.1. Purpose. The purpose of this section is to ensure that increases in traffic resulting from locally-approved development activities are safely accommodated, and that new development is required to provide for transportation improvements required as a result of that development. The application of these standards is not limited to those projects reviewed by the Planning Board, but applies equally to all development generating significant volumes of traffic. Most development activities shall be required to perform a simple, "initial assessment," and projects generating significant new trips shall be required to prepare a more in-depth evaluation and provide mitigation of their impacts.

15-A.2. Overview of Process. An applicant seeking local approvals shall be required to provide an Initial Assessment of traffic impacts. This is a quick professional evaluation of anticipated traffic impacts. For those applications where significant traffic impacts are anticipated, a Full Traffic Study is required. In all cases, safe sight distances are required. Where a Full Traffic Study is required, the applicant shall be responsible for mitigating their impacts.

15-A.3. Initial Assessment. The following shall apply.

A. Applicability. Before Town permits or approvals are issued for any application relating to establishment, expansion, or change-of-use for any non-residential use, or relating to any division or subdivision of land or buildings for residential use (including but not limited to site plan approval, subdivision approval, use permit, or road opening permit) the applicant shall provide to the Director of Public Works an initial assessment of the expected trip generation.

B. Qualified Professional. This Initial Assessment shall be a statement, prepared and certified by a Maine-licensed Professional Engineer, describing the expected peak hour trip generation associated with the proposal.

C. Trip Generation Rates. Trip generation shall be based on the ITE's Trip Generation Manual (most recent edition). In the event this source does not contain suitable information regarding the proposal, the engineer preparing this initial assessment shall meet with the Director of Public Works, or their designee, to determine an appropriate means of completing this evaluation.

D. Peak Hour. This Initial Assessment shall be based on expected trip generation at highest peak hour, based on an evaluation of the AM peak hour for the use, the PM peak hour for the use, and the peak hour for the generator, in each case for weekday, Saturday and Sunday conditions.

E. Threshold for Full Traffic Study. A Full Traffic Study shall be required in consultation with the Director of Public Works if any of the following conditions are met:

1. Peak hour trip generation of the development will be 35 or more vehicle trips.
2. Traffic generated by the development will cause an existing access to have more than 35 peak hour trips, assuming that access has less than 35 peak hour trips as an existing condition.
3. For applications to the Planning Board, the Board may require a full traffic study in any case if it finds this to be reasonably necessary to ensure the protection of the public health, safety and welfare.

15-A.4. Full Traffic Study. The following shall apply.

A. Qualified Professional. A Full Traffic Study shall be prepared by a Maine-licensed Professional Engineer having a minimum of 3 years experience in transportation engineering.

B. Scope of Study. The applicant's engineer shall have a pre-application meeting with the Director of Public Works, or their designee, to determine the required scope of the study. The requirements for the study shall be based on standard transportation engineering practices.

15-A.5. Performance Standards. The following shall apply.

A. Sight Distances. In all cases, whether a Full Traffic Study is required or not, adequate sight distance shall be provided at all new intersections and driveways. The standards against which this shall be judged are the Maine Department of Transportation Driveway and Entrance Rules.

B. Mitigation of Adverse Impacts. In the event the Full Traffic Study identifies traffic flow or safety problems that will be created by the proposed development, the applicant shall be responsible for mitigating the impacts.

- **ARTICLE ADDED 05/22/2004**

ARTICLE SIXTEEN

SIGN STANDARDS

(Entire Article Amended 11/08/2011)

16.1 Purpose

Because a proliferation of advertising signs could create a hazard to the motoring public, and diminish the natural scenic and historic beauty of York, it is the purpose of this section to reduce the possible negative effects of signs while providing reasonable opportunities for the advertisement of goods, services and other attractions in York while minimizing visual clutter and contributing to York's aesthetic coherence. These standards regulate on-premise business advertising signs, and temporary off-premise advertising signs.

16.2 Sign Types

16.2.1 A-frame sign: An advertising sign located on the ground, not permanently attached and easily movable, and usually two-sided. Also called a "sandwich board."

16.2.2 Banner. A sign composed of light weight cloth, plastic material, or other non-rigid material, affixed to a structure either by ropes, pins, cables, etc. or by framing, in such a way that it moves in the wind.

16.2.3 Billboard. See Article Two, Definitions.

16.2.4 Blade Sign. Hanging or placard style signs which project from the front façade of the building over the sidewalk, fixed at an angle or perpendicular to the wall on which it is mounted. These signs are typically two sided and either square, rectangular or oval in form.

16.2.5 Business Directional Signs. Off-Premise Business Directional Signs are governed by the Town of York's Directional Sign Ordinance.

16.2.6 Changeable Signs. An on-premise sign created, designed, manufactured, or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another. Signs that contain changeable copy that can only be altered by manual means shall not be considered changeable signs.

16.2.7 Directory Sign. A directory of the business establishments occupying a building affixed to the exterior wall of a building containing multiple businesses.

16.2.8 Freestanding Sign. A sign that is permanently erected in a fixed location and supported by 1 or more columns, upright poles or braces extended from the ground or from an object on the ground, and not attached to or dependent for support upon any building.

16.2.9 Gateway Signs: A gateway sign is a freestanding sign, constructed within a public right-of-way, or adjacent lot, which communicates the name of the Town or village area. - **AMENDED 05/16/2015**

16.2.10 Information Sign. A sign, without commercial speech or advertising material, designed and intended to convey information about a permitted use, whether it be a business, institution, school, church, public building, fraternal or service clubs, to convey regulations or restrictions, or otherwise to provide needed guidance to the general public; for example, "no trespassing", "exit", hours of operation, and other useful information.

16.2.11 Open Flag. A flag placed outside a business, during business hours, indicating a business is open.

16.2.12 Window Sign: A sign printed on, affixed to, in contact with or etched on a window and intended for viewing from the exterior of the building.

16.2.13 Wall Sign: A sign attached to, erected against or hanging from the wall of a building, with the face in a parallel plane to the plane of the building wall. Signs on awnings shall be considered wall signs. Wall signs shall include only letters, background, and an optional logo. Information shall consist only of the name and/or logo of the business. Wall signs shall not list products, sales, other promotional messages, or contact information.

16.3 Performance Standards

16.3.1 No new, additional or enlarged commercial sign shall be erected or placed within the Town of York except as provided below. No person, firm, corporation or organization shall erect, enlarge, or replace any sign described above without first obtaining a permit from the Code Enforcement Officer, except as exempted by this Ordinance. All permit applications shall include a drawing showing all dimensions, types of materials, and illumination proposals. An application for a "Gateway Sign," as permitted in this ordinance, shall obtain written approval from the Board of Selectmen after receiving comment by the Code Enforcement Officer and Public Works Director. - **AMENDED 05/16/2015**

16.3.2 Signs shall not cause any traffic hazard, or any nuisance, as defined by state statute.

16.3.3 Sign color or format shall not resemble traffic signals or safety signs.

16.3.4 Signs adjacent to any public way shall not: a) obstruct clear and free vision of vehicle operators; b) interfere with, obstruct the view of or be confused with any authorized sign, by reason of its position, shape, color, illumination or wording; c) otherwise constitute a hazard to pedestrian or vehicle traffic.

16.3.5 Signs shall not be attached or affixed to any tree or to any public utility pole.

16.3.6 Signs are prohibited on roofs, and shall not project above the eave lines or parapet walls of buildings to which they are attached. For flat roofed buildings that employ roof fronts that give the appearance of a pitched roof, signs are prohibited on the roof front.

16.3.7 Signs shall not be placed so as to interfere with free ingress to or egress from any door, window or fire escape, or parking lot.

16.3.8 Signs shall not be placed so as to adversely impair vehicular or pedestrian safety or circulation.

16.3.9 All signs, including any supporting posts or structural elements, shall be appropriately maintained. Appropriate maintenance consists of the sign remaining in the same condition as when it was installed. Missing lettering, cracked or broken glass or plastic, insecure or broken signs, or any other sign condition that may cause unsafe or unsightly conditions shall be repaired or removed.

16.3.10 Any sign which advertises a business no longer being conducted shall be removed within 6 months of the business closing.

16.3.11 All signs, except where otherwise specified in §16.6. and §16.7, shall be on the property of the business being advertised, or within that business's access easement. In the event a sign is placed on an access easement, it shall be calculated towards the maximum sign area allowed per business and/or per lot for the business being advertised.

16.4 Illumination of Signs

16.4.1 Illuminated Signs. Illuminated signs shall be illuminated externally only, from sources that are shielded, steady and stationary, with no exposed source of illumination. The intensity of light shall remain constant in color, location, and brightness and meet the light levels specified below. Externally illuminated signs shall also meet the following standards:

a. All externally illuminated signs shall only be lighted by top-mounted shielded lights pointed downward directly on the sign. Signs shall not be illuminated from upward transmission of light.
b. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare (as defined in Article Ten-H) hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
c. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.

16.4.2 Light levels shall be deemed acceptable if they do not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

a. The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.
b. With the sign turned off, the same measurement is repeated.
c. The ratio of the measurement in (1) to that in (2) shall not exceed 3.

It shall be the responsibility of the applicant to provide documentation that proposed sign lighting meets the above maximums.

16.4.3 Except in the case of permitted and/or grandfathered neon signs, LED lights shall be the source of sign illumination, unless it can be demonstrated that another bulb type is equal or greater in energy efficiency.

- AMENDED 05/16/2015, 11/03/2020

16.5 Dimensional Standards

16.5.1 Measurement of Sign Area

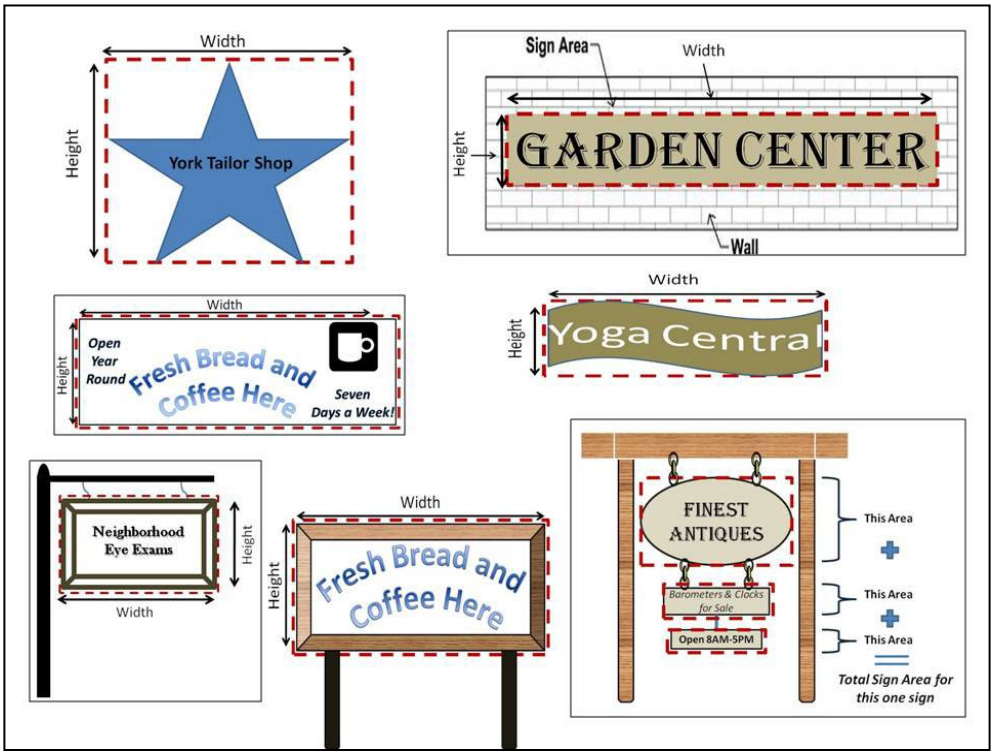
16.5.1.1 Measurement of signs include the area of all boards, panels, frames, or sheets of material but does not include supporting posts or any structural elements outside the limits of such perimeter which do not form an integral part of the display.

16.5.1.2 In determining the area of wall signs or window signs, the entire area with a continuous perimeter enclosing the extreme limits of the actual letters, characters, background surface, and any associated graphics shall be measured. For a sign consisting of individual letters or symbols without a distinguishable background, the area shall be that of the smallest rectangle which encompasses all of the letters and symbols.

16.5.1.3 Sign area shall be determined as the product of the maximum width and maximum height of the sign unit, excluding the supporting structure. However, if the supporting structure is built in the shape of a corporate symbol, its area shall also be counted.

16.5.1.4 Maximum Dimension shall mean the longer of either height or width.

Sample Illustrations of how to calculate sign area. Dashed line indicates where measurements are taken.



16.5.2 Dimensional Standards by Sign Type

16.5.2.1 A-Frame Signs

a. A-Frame signs may be double sided with the identical sign face displayed on both sides; a double-sided a-frame sign shall constitute one sign and only one side shall contribute towards total sign area. One A-frame sign is permitted per business. An A-frame sign shall not exceed 8 square feet, and may not exceed a maximum height of 4 feet from the ground to the top of the sign.

b. An A-frame sign must be placed within fifteen feet of the primary entrance of the business it is advertising, and must not interfere with pedestrian traffic or violate standards of accessibility as required by the American with Disabilities Act. Placement of A-frame signs must maintain a five foot sidewalk clearance at all times.

c. A-frame signs may only be displayed during business hours, and must not be left out overnight.

16.5.2.2 Blade Signs

a. Blade signs may be double sided with the identical sign face displayed on both sides; a double-sided blade shall constitute one sign and only one side shall contribute towards total sign area.

b. Blade Signs shall be permitted only for businesses that have a principal entrance on the first story.

c. Blade Signs may encroach over a sidewalk or public way up to four feet and must have a minimum clearance from existing grade of at least eight feet, with a maximum height of twelve feet to the top of the sign. Blade Signs shall not encroach above the roof line nor above the bottom of the second story window.

e. The maximum permitted sign area for a blade sign is 8 square feet.

f. For buildings with multiple businesses, a blade sign is allowed for each first floor business located there, except that businesses which front on two streets and have an entrance for the public on each frontage, may have one blade sign on each frontage.

g. A business may have either a freestanding sign or a blade sign, but not both, except that a business located on a lot which fronts on two streets may choose to have two freestanding signs, or two blade signs, or one of each.

16.5.2.3 Directory Sign

a. One directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each public entrance to the building.

b. Each business directory sign may be no larger than 4 square feet.

16.5.2.4 Freestanding Signs

a. Freestanding signs may be double-sided with the identical sign face displayed on both sides; a double-sided sign shall constitute one sign and only one side shall contribute towards total sign area.

b. Not more than one freestanding sign shall be permitted per lot, except that on a lot which fronts on two streets, in which case the lot may have one freestanding sign along each road on which the lot fronts. All freestanding signs shall be placed perpendicular to the road frontage they are meant for. In the case of lots with multiple frontages, the frontage which constitutes the front lot line shall be allowed the maximum area and longest dimension allowed for freestanding signs in that zone. For lots which front on two streets in the Route One zones, a freestanding sign on the secondary frontage shall be allowed a maximum of 20 square feet of area, with the longest dimension not over 6 feet. For lots which front on two streets in all other zones except for RES-1A, RES-1B, RES-2, and RES-3, a freestanding sign on the secondary frontage shall not exceed 12 square feet of area.

c. In the Route One zones, freestanding signs shall not exceed 48 sq. ft. of area in total, with the longest dimension not over 12 feet. However, such signs may be larger in area when they advertise a group of multiple businesses located in a single building, mall, plaza or office park. In such cases, an additional 12 square feet per additional business may be added, for up to a maximum total of 100 square feet, with the longest dimension not over 12 feet. Allocation of sign area for each business is at the discretion of the applicant as long as no business is allocated more than 48 square feet of sign area. Sign area devoted to the name of the building, mall, plaza or office park shall be included in calculation of sign area.

d. Freestanding signs shall not be placed closer than twelve feet from any lot line, unless after an on-site inspection, the Code Enforcement Officer waives or partially waives this setback on a finding that no sign could be properly set back and provide reasonable advertising exposure in both directions.

e. Maximum height of freestanding signs in the Route One zones shall be fifteen feet from adjacent ground grade to top of sign.

f. In all other zones except for RES-1A, RES-1B, RES-2, and RES-3, freestanding signs shall not exceed 20 square feet of area, with the longest dimension not over 6 feet. However, signs may be larger in area when they advertise a group of businesses located in a single building, mall, plaza or office park. In such cases an additional twelve square feet per business may be added for up to a maximum total of 64 square feet, with the longest dimension not over 6 feet. Allocation of sign area for each business is at the discretion of the applicant as long as no business is allocated more than 20 square feet of sign area. Sign area devoted to the name of the building, mall, plaza or office park shall be included in calculation of sign area.

g. Freestanding signs not in the Route 1 zones, RES-1A, RES-1B, RES-2, and RES-3 zones, maximum height shall be twelve feet from adjacent ground grade to top of sign.

h. A business may have either a freestanding sign or a blade sign, but not both, except that a business located on a lot which fronts on two streets may choose to have two freestanding signs, or two blade signs, or one of each.

16.5.2.5 Gateway Signs

Gateway Signs shall not have a sign area greater than 12 square feet or be greater than 8' from the adjacent ground grade to the top of the sign.

16.5.2.6 Home Occupation Signs

See 7.4.5.B

16.5.2.7 Information Sign

Display area of Information Signs shall not exceed three square feet or extend higher than seven feet above ground level.

16.5.2.8 Open Flags

Open Flags shall not exceed 3'x5'; no more than one per business shall be displayed; it shall be displayed only when the business is open; it shall only be displayed on the business premises; it shall not be illuminated; and it shall not obstruct free and clear vision of vehicle operators; interfere with, obstruct the view of or be confused with any authorized sign; or otherwise constitute a hazard to pedestrian or vehicle traffic.

16.5.2.9 Wall Signs

Wall signs shall not exceed a total of 25 sq. ft. or 10 percent of the wall area to which they are attached, whichever is less. Not more than one wall sign shall be permitted per building, with the following exceptions: buildings with multiple businesses shall be permitted one wall sign per business. Where there are two or more wall signs per building, their total area shall not exceed the above maximum per wall. No part of a wall sign shall extend more than twelve inches from the building wall unless the sign is part of an awning, or be located more than 15 feet above the ground to the top of the sign. Wall signs shall not be wider than 90% of the width of the building façade.

16.5.2.10 Window Signs

Permanent window signs affixed to or painted on the inside of a window shall occupy no more than 25% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

16.5.2.11 Signs within the RES-1A, RES-1B, RES-2 and RES-3 Zoning Districts

Any permitted principal use within the RES-1A, RES-1B, RES-2, and RES-3 districts shall allow no more than one blade or freestanding sign located on the premises, or single lot. Signs shall be solid wood or metal. The total area of such signs shall not exceed four square feet and shall have no artificial illumination. Maximum height shall not exceed 12 feet from the ground to the top of the sign.

16.6 Temporary Signs

16.6.1 In the event of conflict with the Performance Standards of section 16.3, the specific standards for Temporary Signs shall prevail.

16.6.2 Temporary signs giving notice or relaying information such as political posters, advertisements of charitable functions, civic, educational, or non-profit organization notices of meetings and signs of a similar nature are allowed for a period of time as specified by state law or a maximum of thirty days if not specified by state law, without a permit, provided no such sign shall exceed 48 square feet in total area.

16.6.3 Temporary real estate signs advertising the sale, lease or rental of the premises upon which the sign is located are allowed without a permit and shall be removed by the owner or agent within thirty days of sale, lease or rent. Not more than one temporary real estate sign shall be permitted per lot, with the following exceptions: properties with multiple units for sale, whether commercial or residential, shall be permitted one temporary real estate sign per unit for sale; lots with two frontages may have one sign per unit for sale for each street frontage. The sign area of each sign shall not exceed 12 square feet in the Route 1 Zones, and the sign shall not exceed 5 square feet in all other zones. In no case shall temporary real estate signs constitute more than 48 square feet in aggregate in the Route 1 Zones, or 20 square feet in all other zones, if more than one such sign is on the property.

16.6.4 Temporary development or construction site signs are allowed without a permit provided such signs do not exceed sixteen square feet in area, or thirty two square feet in aggregate if more than one such sign is on the property, and are limited to a general identification of the project, building, owner, contractor, or other indication of the business conducting the site work, and shall be removed upon completion of the project. No more than one sign is permitted for each project, building, owner, contractor, or other indication of the business conducting the site work. If the project work is intermittent, the sign is only permitted while the work is underway.

16.6.5 Open House Signs. For an open house, a real estate seller or their agent may place up to four temporary signs at one time announcing the open house and indicating directions to the property. No signs shall be posted more than 48 hours before the start of the Open House. The sign area of each sign shall not exceed 5 square feet.

16.6.6 Yard Sale Signs. For a yard sale with a permit from the York Police Department, yard sale signs shall be allowed without a permit from Code Enforcement, subject to the following requirements:

A. Not more than 4 signs shall be located off-premise;
B. Off-premise signs shall not be larger than 5 square feet;
C. All signs shall be posted not more than 24 hours before the start of the yard sale, and shall be removed within 1 hour of the end of the yard sale; and
D. No sign shall be placed such that, in the opinion of the York Police Department, it constitutes a traffic or other hazard.

16.6.7 New Business Openings. When a new business opens for the first time, it has a unique need to inform the public that the business is now open. This event warrants additional signage for a limited period, beyond the signage which it will have on a permanent basis. For this reason, temporary banners or other temporary signs for the opening of a new business shall be permitted with a permit from Code Enforcement, subject to the following limitations:

A. The business has all required Town permits, approvals and licenses.
B. One sign or banner shall be permitted facing each street adjoining the lot.
C. The size of each sign or banner shall not exceed:
    1. In all Route One zones 32 square feet;
    2. In all other zones, 20 square feet.
D. Each sign or banner shall be legible, and shall be maintained in good condition and appearance.
E. No sign or banner shall be illuminated.
F. No such sign or banner shall be located in a manner which would obstruct sight distance for drivers, bicyclists and pedestrians, and any sign shall be moved upon request if the York Police Department finds this standard is not adequately met.
G. Temporary sign display shall begin within 7 days (before or after) of the initial opening of the business to customers, and all such temporary signage shall be removed within 30 days of its first display.

16.6.8 Temporary Event Signs. Businesses advertising sales or special events shall be permitted to have temporary signs for limited time periods. A Temporary Event sign shall be allowed with a permit from Code Enforcement, subject to the following limitations:

A. The new business has all required Town permits, approvals and licenses.

B. The temporary event sign may take the form of a freestanding sign, an a-frame sign, or a banner.
C. For signs on lots with two frontages, one sign shall be permitted facing each frontage.
D. The size of each freestanding sign or banner shall not exceed:
    1. In all Route 1 zones 32 square feet;
    2. In all other zones, 20 square feet.
E. A-frame signs shall not exceed eight square feet regardless of zone.
F. Each a-frame sign, freestanding sign or banner shall be legible, and shall be maintained in good condition and appearance.
G. No a-frame sign, freestanding sign or banner shall be illuminated.
H. No sign or banner shall be located in a manner which would obstruct sight distance for drivers, bicyclists, and pedestrians, and any sign shall be moved upon request if the York Police Department finds this standard is not adequately met.
I. Temporary event sign display shall begin no earlier than 48 hours before the special event, and all such temporary event signage shall be removed within 24 hours of the special event ending.
J. Special Events shall be permitted for a maximum duration of one week, and the dates of the event shall be indicated in the permit application.
K. A business may utilize temporary event signs for a maximum of twelve days per calendar year.

16.7 Exemptions

The following signs do not require a permit from the Town, though they are subject to the performance standards of this article. The following signs are not included in total number of signs allowed, or total sign area allowed for a business or property.

16.7.1 Signs erected for public safety and welfare or pursuant to any governmental function.

16.7.2 Information signs.

16.7.3 Signs relating to trespassing and hunting, not exceeding two square feet in area.

16.7.4 Signs announcing an event, or activity, or information of a civic, philanthropic, educational or non-profit organization may be erected and maintained on residential properties for a period not to exceed 30 days prior to the event and removed within three days after the event.

16.7.5 Open Flags.

16.7.6 Temporary signs giving notice or relaying information, such as political posters, announcements of charitable functions, civic, educational, or non-profit organization notices of meetings and signs of a similar nature.

16.7.7 Temporary real estate signs.

16.7.8 Temporary development or construction site signs.

16.7.9 Open House Signs.

16.7.10 A-Frame Signs.

16.7.11 Window Signs.

16.8 Non-Conforming Signs

16.8.1 Continuance: A non-conforming sign that does not conform to the provisions of this Section, but which did meet such provisions when the sign was installed, may continue.

16.8.2 Maintenance: Any lawfully existing sign may be maintained, repaired or repainted, but shall not be enlarged, except in conformance with the provisions of this Section.

16.8.3 Replacement: Any new sign of different size and shape replacing a non-conforming sign shall conform to the provisions of this Section, and the non-conforming sign shall not thereafter be displayed. Any application to replace a non-conforming sign shall demonstrate that the replacement sign is no more non-conforming than the existing sign, or the application will be denied. After-the-fact permitting to replace a nonconforming sign shall not be permitted.

16.9 Prohibited Signs and Displays

16.9.1 Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be displayed.

16.9.2 Banners, except as specified under Temporary Signs, or as permitted by the Selectmen's Policy on Banner Placement.

16.9.3 Flashing, moving or animated signs, movable electric signs, changeable signs, intermittently lit signs, digital, and signs with variable color lighting or signs that display electronic images or video are not permitted. Signs indicating fuel prices, time and/or temperature are permitted provided they meet the other provisions of this Section. **AMENDED 5/16/2015**

16.9.4 Neon or gas filled tubular signs are prohibited in all areas of Town except in the YBVC Zoning District where they are permitted as window signs, blade signs, or wall signs.

16.9.5 A string of lights shall not be used for the purpose of advertising or attracting attention on non-residential properties, except that holiday lighting shall be permitted on non-residential properties from November 1 through January 10 of each year, and low intensity landscape lighting shall be permitted year-round. Residential lighting is not governed by this lighting standard.

16.9.6 No signs shall be erected in Districts BUS-1, BUS-2, and RES-4 without written permission of the Code Enforcement Officer and shall be in accordance with the following standards:

A. The size, location, design, color texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties;
B. Individual off-premises signs shall not exceed three (3) square feet in area;
C. On-premises signs shall, in aggregate, not total over one hundred (100) square feet in area, with no single sign exceeding fifty (50) square feet in area;
D. No sign shall exceed ten (10) feet in any dimension; and
E. Illuminated signs shall be indirectly lit

AMENDED 11/07/2023

16.9.7 Along any State or State-Aid Highway, Title 23 MRSA §1401-A specifies additional setback requirements which may be more restrictive than Town Requirements.

Summary Table of Dimensional Standards

Type of Sign	Zoning District	Maximum Sign Area	Total Number Allowed	Min. Setback	Maximum Height
A-Frame Signs	All Zones	8 sq. ft.	1 per business	n/a	4 ft.
Blade Signs	All except RES-1-A, RES 1-B, RES-2, RES-3	8 sq. ft.	1 per 1st floor business	n/a	12 ft.
	RES-1-A, RES 1-B, RES-2, RES-3	4 sq. ft.	1 per principal use	n/a	12 ft.
Directory Sign	All Zones	4 Sq. ft .	1 per public entrance	n/a	n/a
Freestanding Signs *Multiple Business Signs*	Route 1 Zones	100 sq. ft.	1 per lot, unless lot fronts on more than one road	12 ft.	15 ft.
	BUS-1, BUS-2, GEN-1, GEN-2, GEN-3, RES-4, RES-5, RES-6, RES-7, YBVC, YVC-1 & YVC-2	64 sq. ft.	1 per lot, unless lot fronts on more than one road	12 ft.	12 ft.
Freestanding Signs	Route 1 zones	48 sq. ft.	1 per lot, unless lot fronts on more than one road	12 ft.	15 ft.
	BUS-1, BUS-2, GEN-1, GEN-2, GEN-3, RES-4, RES-5, RES-6, RES-7, YBVC, YVC-1 & YVC-2	20 sq. ft.	1 per lot, unless lot fronts on more than one road	12 ft.	12 ft.
	RES-1-A, RES 1-B, RES-2, RES-3	4 sq. ft.	1 per principal use	n/a	12 ft.
Identification Sign	All Zones	3 sq. ft.	n/a	n/a	7 ft.
New Business Openings	Route 1 Zones	32 sq. ft.	1 per business	n/a	n/a
	All Other Zones	20 sq. ft.	1 per business	n/a	n/a
Open Flags	All Zones	15 sq. ft (3ft. X 5ft.)	1 per business	n/a	n/a
Open House	All Zones	5 sq. ft.	4 per open house	n/a	n/a
Temporary Development	All Zones	16 sq. ft. each/32 sq. ft. total	n/a	n/a	n/a
Temporary Event Signs	Route 1 Zones	32 sq. ft.	1 per business, unless lot fronts on more than one road	n/a	n/a
	All Other Zones	20 sq. ft.	1 per business, unless lot fronts on more than one road	n/a	n/a
Temporary Real Estate Signs	Route 1 Zones	12 sq. ft.	1 per unit for sale for each street frontage	n/a	n/a
	All Other Zones	5 sq. ft.	1 per unit for sale for each street frontage	n/a	n/a
Wall Signs	All Zones	25 sq. ft or 10% of wall area	1 per business	n/a	15 ft.
Window Signs	All Zones	25% of window surface	n/a	n/a	n/a
Yard Sale Signs	All Zones	5 sq. ft. each	4 signs off premise	n/a	n/a

Summary Table of Permitting Authority by Sign Type

Sign Type	Permitted By:
A-Frame Sign	CEO
Banner	Select Board
Blade Sign	CEO
Business Directional Sign	Select Board
Directory sign	CEO
Freestanding Sign	CEO
Home Occupation Sign	CEO
Identification Sign	No Permit Required
New Business Openings	CEO
Open Flag	No Permit Required
Open House	No Permit Required
Temporary Development/Construction	No Permit Required
Temporary Event Sign	CEO
Temporary Political Sign	No Permit Required
Temporary Real Estate Sign	No Permit Required
Wall Sign	CEO
Window Sign	No Permit Required
Yard Sale Sign	Police Department

ARTICLE SEVENTEEN

NON-CONFORMING SITUATIONS

17.1 Non-Conforming Uses

17.1.1 Continuance

A non-conforming use which is otherwise lawful according to all applicable regulations may continue in accordance with this Article and other applicable regulations.

17.1.2 Resumption of Use Prohibited

A lot or structure in or on which a non-conforming use is discontinued for a period exceeding 24 months, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, except as allowed by this ordinance. This applies even if the owner has not intended to abandon such use.

17.1.3 A Structure Occupied by a Non-Conforming Use

17.1.3.1 A structure in which a non-conforming use occurs may be maintained and repaired, but may not be altered so as to expand the non-conforming use, except as provided by Section 17.1.6. When a single family dwelling is a non-conforming use, the dwelling may be expanded provided it remains a single family dwelling. - **AMENDED 05/09/1992**

17.1.3.2 No structure which is occupied solely by a non-conforming use may be enlarged, except as provided by Section 17.1.6. In the case of a structure in which both a non-conforming use and a conforming use occur, only that part of the structure which is occupied by the conforming use may be enlarged, except as provided by Section 17.1.6. - **AMENDED 11/07/2006**

17.1.3.3 A non-conforming use which occupies part of a structure may not be expanded into other parts of the structure, except as provided by Section 17.1.6.

17.1.4 Change of Use

17.1.4.1 An existing non-conforming use may be changed to another non-conforming use provided that the new use is equally or more appropriate to the zoning district than is the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use, as determined upon review by the Planning Board, using the criteria in Section 17.1.4.3. The Code Enforcement Officer shall issue a permit to allow this change of use only when an approval is granted by the Planning Board. - **AMENDED 11/04/1997, 11/03/2009**

17.1.4.2 Reserved. - **AMENDED 11/03/2009**

17.1.4.3 The determination of appropriateness requires the issuance or denial of a change of non-conforming use permit based upon written findings on the changes in traffic (volume and type), pedestrian circulation and amenities, parking, lighting, noise, stormwater run-off, impact on municipal facilities and services, character of the area, fumes, odors and potential for litter, wastes or by-products, likely to result from such change of use. The performance standards contained in the zoning ordinance applicable to the zone and the new use must be met. - **AMENDED 11/04/1997**

17.1.4.4 An applicant requesting a change of use must submit an application that identifies the location and condition of the existing property, including a site plan, and a narrative description of how the applicant believes the project satisfies the standards of 17.1.4.3. - **AMENDED 11/03/2009**

17.1.5 Reserved. - AMENDED 11/07/2006

17.1.6 Non-Conforming Use of Land or Structures in all Base Zones

A non-conforming use of land or a structure in which a non-conforming use occurs, may continue to exist and may expand within the lot boundaries, existing as of March 13, 1982 in the Route One base zones or existing as of November 7, 2006 in other base zones, provided the expanded use or structure meets the setback requirements, to the greatest extend practical as determined by the Planning Board, of the zone in which it is located. All such expansions must conform, to the greatest extend practical as determined by the Planning Board, to the applicable performance standards. Such expansion shall be permitted within an overlay district only if the expansion is in full conformance with the overlay district. All such expansions of a non-conforming use or structure are subject to review and approval by the Planning Board. - **AMENDED 11/07/2006**

17.2 Non-Conforming Structures

17.2.1 Repair, Enlargement

17.2.1.1 Maintenance, Repair and Improvement Without Enlargement. A non-conforming structure may be maintained, repaired and improved, provided there is no enlargement of the structure with respect to its footprint and/or its volume. - **AMENDED 04/10/1993, 11/07/2006**

17.2.1.2 Enlargement. The standards applicable to Enlargement of Non-Conforming structures, as amended by the voters on November 4, 2008, shall retroactively apply to any application accepted by the Planning Board or Code Enforcement Officer on or after June 26, 2008, the date on which the first public hearing was posted for the amendments. The former Enlargement of Non-Conforming Structures provisions shall apply to applications accepted prior to this date. A non-conforming structure may be enlarged only in conformance with the provisions of this Section. A Code Enforcement Officer shall review the application to determine conformance with these standards, and may impose conditions on an approval to ensure conformance. Criteria for approval include each of the following: - **AMENDED 11/04/2008, 11/03/2009**

A. The expansion is not within the 100-year floodplain or on a Coastal Dune;

B. Expansion within the Shoreland Overlay District conforms to the requirements of §8.3.11.4;

C. The expansion satisfies all applicable non-dimensional requirements of the zoning district in which the structure is located;

D. The expansion results in neither expansion of other legal non-conformities nor the creation of any new non-conformities;

E. A one-time vertical expansion of a non-conforming principal structure shall be permitted, provided that:

1. the expansion does not exceed the structure height limits specified in this Ordinance and,
2. in no case may the rear and side yard setbacks be less than five feet, and
3. in no case may the front yard setback be less than 15 feet.
4. in no case may the vertical expansion result in a structure height greater than that of the average height of adjacent principal structures. Adjacency shall be considered the facing, rear, and side lots within a radius of 125' from the lot boundary;

F. A one-time horizontal expansion shall be permitted, provided that:

1. the expansion shall extend no farther into the setback than the existing non-conforming structure, and
2. the area of the non-conforming structure shall not be more double the area of the original non-conforming structure;
3. in no case may the lot exceed maximum lot coverage.

G. Expansion does not cause or worsen any safety problems, such as but not limited to reduction of sight distances from driveways or intersections; and

H. Reserved. **AMENDED 5/17/2025**

I. An approved plan for expansion of a non-conforming structure shall be recorded by the applicant with the York County Registry of Deeds before final occupancy is granted. The approved plan must be embossed, sealed or both, with the seal of a State of Maine architect, professional engineer or professional land surveyor. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority. - **AMENDED 03/18/1992, 11/07/2006, 11/04/2008, 05/20/2017, 5/17/2025**

J. In order to verify compliance with an approved plan for expansion of a non-conforming structure, an as-built plan shall be provided to the Code Enforcement Department prior to issuance of a final occupancy permit. - **AMENDED 11/05/2019**

17.2.1.3 Concerning Manufactured Housing: Manufactured housing units which fail to meet the standards set forth in Section 13.5, which were lawfully established prior to 12/13/84, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved, and expanded only if the expansion results in bringing the manufactured housing unit more in compliance with the standards of Article 13. No such non-conforming structure may be replaced by another non-conforming structure, but may be replaced by a manufactured home that meets the requirements of Article 13. A non-conforming structure may be moved to a different location on the same lot or parcel of land as long as all applicable standards of the particular zoning district are met.

17.2.2 Patios, Steps, Decks

17.2.2.1 The addition of an open patio with no structures elevated above ground level does not constitute the enlargement of a non-conforming structure.

17.2.2.2 The addition of a deck or steps constitutes an enlargement of a structure and must meet all the applicable requirements of the zoning district in which the structure is located.

17.2.2.3 The addition of a fire escape required by any state or local fire regulation does not constitute the enlargement of the structure.

17.2.3 Foundations

17.2.3.1 The replacing of a foundation below a structure which increases the height of that structure, constitutes the enlargement of that structure and must meet the provisions of Section 17.2.1. However, a structure in the Flood Hazard Area may be raised, if done to meet the requirements of the Floodplain Management Regulations. - **AMENDED 05/18/2002**

17.2.3.2 Construction of a foundation under an existing dwelling which expands the habitable space (any space for living, sleeping, bathing, eating, cooking, or dining purposes) constitutes the enlargement of that structure and must meet all applicable requirements of the zoning district in which it is located.

17.2.4 Reconstruction

17.2.4.1 Any non-conforming structure which is hereafter damaged or destroyed by fire, or by any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 24 months of the date of said damage or destruction, provided that such restoration does not enlarge the size so that the structure becomes more non-conforming than the prior non-conforming structure. Nothing in this Section prevents the demolition of the remains of any structure so damaged or destroyed. For properties located in the Shoreland Overlay District, see more restrictive requirements of §8.3.11.4.g.

17.2.4.2 Designated Historic Structures under the jurisdiction of the Local Historic District Regulations shall be reconstructed in conformance with the guidelines in Article 12.

17.2.5 Except for buildings which are non-conforming with respect to required Shoreland setbacks, a non-conforming building can be demolished and replaced with another building so long as the new building is no more non-conforming than the building that is removed. To qualify under this provision, the property owner or applicant

shall have a Maine-licensed land surveyor locate the existing building on the lot and show it on a stamped plot plan. The new building shall be constructed within two years. Once the new building is in place and prior to the issuance of an occupancy permit, the surveyor must evaluate and certify that the new building is not more non-conforming than the prior building in any respect. For a building which is non-conforming with respect to required Shoreland setbacks, reconstruction or replacement is controlled by the standards of §8.3.11.4.

17.3 Non-Conforming Lots of Record

17.3.1 Contiguous Lots - Vacant or Partially Built

Adjacent lots that are or that come under common ownership shall comply with the following standards. However, this section (§17.3.1) shall not apply to lots in a subdivision approved by the Planning Board of the Town of York, by the York Harbor Village Corporation, or by the York Beach Village Corporation after September 23, 1971, provided that the subdivision has vested its approval and the lots are still owned by the original subdivider.

A. Lots in the Shoreland Overlay District. When one or more of the adjacent lots lie partially or entirely in the Shoreland overlay district, lot consolidation shall be controlled by the following requirements.

1. A lot without a principal structure which is or becomes under the same ownership as an adjoining lot shall be merged with the adjoining lot to form a single lot when at least one of the lots is a non-conforming lot of record. This provision shall not apply if the lots are served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and:
   a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
   b. Any lots that do not meet the shore frontage and lot size requirements of subparagraph "a" above are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

2. No lot consolidated under this section shall be subdivided without approval of the Planning Board, and shall be subject to the regulations in effect at the time of the new application.

B. Lots Not in the Shoreland Overlay District. When no part of any of the adjacent lots lies in the Shoreland Overlay District, then the following controls apply.

1. Consolidation Criteria. Two or more adjacent lots that are or that become under the same ownership shall be merged to form a single lot, provided that both of the following apply.
   a. At least one of the lots shall be a nonconforming lot with an area smaller than:
      1. 12,000 square feet in the RES-4, RES-5, RES-6 or YBVC zone if served by public water and public sewer; or
      2. 20,000 square feet in all other circumstances.
   b. At least one of the lots shall not have a principal structure.

2. Consolidation Sequence. In situations involving more than two lots, consolidations shall be sequenced in a manner that maximizes the number of lots remaining while ensuring compliance with §17.3.1.B.1, above.

3. Previously Consolidated Lots. Lots that were consolidated under prior standards may be re-established, or transferable development rights obtained, as follows:

   a. Lots that were consolidated under prior lot consolidation provisions may be redivided if both of the following conditions are satisfied:
      1. As a result of the re-division, none of the resulting redivided lots shall become smaller than:
         a. 12,000 square feet in the RES-4, RES-5, RES-6 or YBVC zone if served by public water and public sewer; or
         b. 20,000 square feet in all other circumstances.
      2. The applicant shall demonstrate that the lots are suitable for the proposed uses, without requiring any variances.

      The authority to regulate and standards for approval of re-divisions shall be determined by the State Subdivision Law (M.R.S.A. Title 30-A §4401-4407) and the Town's Site Plan and Subdivision Regulations.

   b. Lots that were consolidated under prior lot consolidation provisions which cannot be redivided in accordance with the criteria in §17.3.1.B.3.a, above, shall be entitled to certain development rights which

may be transferred to another property in accordance with the standards of this section. This is a simple form of Transfer of Development Rights (TDR). The following shall apply:

1. The TDR shall only be established for any undeveloped lot which was required by the Town to be merged with another lot. Lots, in their pre-merged condition, with any building development shall not be eligible.
2. The area of the former lot from which TDR is to occur shall be permanently restricted to prevent the construction of any new building, by means such as a deed restriction, prior to or concurrent with approval of the TDR.
3. The TDR shall be available to the developer of any subdivision located within the Growth Area as designated in the Comprehensive Plan.
4. The net buildable area of the receiving subdivision shall be increased by the net buildable area of the sending lot, but no subdivision shall use TDR credits to increase its density by more than 20% above that otherwise permitted.
5. This option requires approval of the Planning Board.

- **AMENDED 05/20/2000, 11/07/2006**

17.3.2 Vacant Lots

A vacant non-conforming lot not contiguous to another lot owned by the same person or corporation, may be built upon. A vacant non-conforming lot which has been re-divided pursuant to §17.3.1.B.3.a or which is not required to be consolidated per §17.3.1 may be built upon even if held in common ownership with the adjacent lot. In any case, the structure must conform to all applicable dimensional standards. - **AMENDED 11/06/2007**

17.3.3 Built Lots

A non-conforming lot on which a conforming structure is located is subject to the following restrictions:

17.3.3.1 The structure may be repaired, maintained, and improved, and may be enlarged provided that all dimensional requirements of the zoning district in which the lot is located, with the exception of lot size and/or lot frontage, can be met.

17.3.3.2 Accessory structures may be constructed on such non-conforming lots, provided that all dimensional requirements of the zoning district in which it is located, with the exception of lot size and lot frontage, can be met.

17.3.4 Dimensional Requirements for Non-Conforming Lots of Record

The following dimensional requirements shall apply to all non-conforming lots of record.

17.3.4.1 The width of irregularly (non-rectangular) shaped non-conforming lots shall be measured at the zoning ordinance-established minimum front yard setback line.

17.3.4.2 In Districts GEN-1, GEN-2, GEN-3, YVC-1, YVC-2 RES-1, RES-2, and RES-3 side yard setbacks must be at least 12% of the width, and the rear yard setback must be at least 12% of the average depth, but in no case may the side yard or rear yard setback be less than 5 ft., and in no case shall setbacks for non-conforming lots of record be made to be greater than that required for conforming lots in that base zone unless prescribed elsewhere in this ordinance. - **AMENDED 05/21/2016**

17.3.4.3 Districts YBVC, RES-5, RES-6, and RES-7: Side yard setback must be at least 12% of the width, and the rear yard setback must be at least 12% of the average depth, but in no case may the side yard or rear yard setback be less than 5 ft., and in no case shall setbacks for non-conforming lots of record be made to be greater than that required for conforming lots in that base zone. - **AMENDED 05/17/2008, 11/04/2008, 11/06/2012**

17.3.4.4 Districts BUS-1, BUS-2, and RES-4: The dimensional requirements of the zone shall apply. There are no exceptions for non-conforming lots of record.

17.3.5 Contiguous Built Lots

If two or more contiguous lots are owned by the same person or corporation, if all or part of the lots do not meet the dimensional requirements of this ordinance, and if a principal use exists on each lot, the non-conforming lots may be conveyed separately or together.

17.3.6 Uses Requiring Lots Larger Than the Zoning District Minimum

No use that requires a lot area or frontage which is greater than the established minimum lot area or frontage for the zoning district in which it is located is permissible on a non-conforming lot.

17.3.7 Vested Rights

Vested rights to maintain a non-conforming use do not arise from the mere filing of a notice of intent to build, an application for a building permit, or an application for required state permits and approvals. Such rights arise only when substantial construction of a structure is begun prior to the enactment or amendment of this ordinance. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both state and local.

17.4. Non-Conforming Design

A. A non-conforming design may continue indefinitely without change.

B. A building or use on a property with non-conforming design shall be permitted to expand or change provided the property after the expansion is closer to conformity than it was prior to the expansion. Where there are multiple aspects of non-conformity, each aspect must be improved in some manner. The burden shall be on the applicant to establish the baseline of non-conforming conditions and to show how the required reductions in each aspect of non-conformity will be met. - **AMENDED 11/07/2006**

ARTICLE EIGHTEEN

ADMINISTRATION

This Ordinance shall be enforced by the Code Enforcement Officer, who shall sign and issue all permits and notices required of the Officer by this Ordinance. The Officer shall not issue any permit that will be a violation of this ordinance. - **AMENDED 11/08/1994**

18.1 Route One Use Permits - Applicable to Route One-1, Route One-2, Route One-3, Route One-4, Route One-5 and Route One-6 Zoning Districts - AMENDED 11/04/1997

18.1.1 Route One Use Permit

As used throughout this Ordinance, a Route One Use Permit is a permit issued by the CEO or an approval issued by the Planning Board for the establishment, modification or expansion of a use within any of the Route One base zones. - **AMENDED 11/05/1996, 05/19/2012**

18.1.2 Jurisdiction

The Code Enforcement Officer shall process and approve or deny all applications for Route One Use Permits on which the Officer is empowered to act pursuant to Article 4, Use Regulations. The Code Enforcement Officer is also empowered to administratively review and approve applications to establish a new non-residential use or to change from one non-residential use to another, provided: the use occupies not more than 2,500 square feet of floor area of an existing building; the use does not have outside storage or display; the use does not involve the sale or lease of vehicles; the change does not create or worsen any non-conformity; impervious surfaces remain unchanged or are reduced; and the applicant is subject to the same performance standards which would apply for an application to the Planning Board. The Planning Board shall hear and approve, approve with modifications or conditions, or deny all applications for Route One Use Permits on which it is empowered to act pursuant to Article 4, Use Regulations, except as noted above. No Route One Use Permit shall be issued unless authorization for it is made in this Ordinance. - **AMENDED 11/07/2000, 11/07/2006, 05/19/2012**

18.1.3 Activities Requiring Use Permits

A Route One Use Permit shall be required for any proposed land use or activity so indicated in Article 4, Use Regulations. A Route One Use Permit shall also be required for any proposed change in land-use and for the resumption of any conforming use which has been discontinued for 2 years or more. - **AMENDED 11/05/1996, 05/19/2012**

18.1.4 Application Procedure

18.1.4.1 Permit Issued by the Code Enforcement Officer

See §18-A.4. - **AMENDED 11/05/1996, 11/07/2006, 11/03/2009**

18.1.4.2 Permit Issued by the Planning Board

Applications submitted to the Planning Board shall be reviewed under the Site Plan and Subdivision Regulations. If the design and/or performance standards of the Zoning Ordinance are in conflict with those of the Site Plan & Subdivision Regulations, the standards of the Zoning Ordinance shall apply. - **AMENDED 11/05/1996, 11/04/1997, 11/07/2006**

18.2 Shoreland Permits

NOTE: The Town, on May 9, 1992, adopted comprehensive revisions to Section 18.2, Shoreland Permits, from the March 18, 1992 consolidated Zoning Ordinance adopted by the Town. This Section reflects amendments made subsequent to the May 9, 1992 vote. - **AMENDED 11/04/2008**

18.2.1 Permits Required

No person shall engage in any activity or use of land or structure, or expand, change, or replace an existing use or structure, or renew a discontinued non-conforming use without first obtaining a Shoreland permit, when such a permit is required. - **AMENDED 11/04/2008**

18.2.2 Permit Application

An application for permit shall be submitted in writing to the Code Enforcement Officer. The Code Enforcement Officer shall determine if the application is subject to review procedures identified in 18.2.3 or 18.2.4. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with provisions of the Shoreland Overlay District. - **AMENDED 11/08/1994, 11/05/1996, 05/18/2002**

18.2.3 Reserved

18.2.4 Procedure for Permits Issued by Code Enforcement Officer

Permits subject solely to Code Enforcement Office review are identified in the Schedule of Use Regulations, Section 8.2.1. - **AMENDED 05/18/2002, 11/08/2011**

The Code Enforcement Officer shall determine if the application is complete and contains all information necessary to enable the Officer to make a determination.

The Code Enforcement Officer shall review the application to determine conformance with provisions of the Shoreland Overlay District and Article 18.2.6, and may impose conditions on a permit to ensure conformance. - **AMENDED 11/05/1996, 05/18/2002, 11/04/2008, 11/03/2009**

18.2.5 Procedure for Permits subject to Planning Board review.

18.2.5.1. Certain minor uses or construction that are otherwise subject to Planning Board approval may be issued administratively by the Code Enforcement Officer. These shall be limited to the following circumstances:

a. An applicant that proposes internal changes only to an existing structure located in the Limited Residential, Mixed Use or Stream Protection Subdistrict, provided no footprint, volumetric or height expansion is proposed, and there is no adverse impact on the adequacy of an existing subsurface wastewater disposal system.

b. An applicant that proposes to construct a deck or alter an existing deck attached to a structure located in the Limited Residential or Mixed Use Subdistrict, provided the new construction complies with shoreland setbacks.

- **AMENDED 11/03/1998, 05/18/2002, 11/04/2008**

18.2.5.2 An application for a Shoreland Permit must be made to the Community Development Department. If the application appears to be complete it shall be forwarded to the Planning Board for its consideration. - **AMENDED 11/04/1997, 05/18/2002, 11/04/2008, 11/03/2009**

18.2.5.3 Shoreland Permits normally issued by a Code Enforcement Officer may be issued by the Planning Board concurrently with processing of related applications. - **AMENDED 11/04/2008**

18.2.5.4 Reserved. - **AMENDED 11/03/2009**

18.2.5.5 The Board shall use the standards identified in Article 8 and §18.2.6 to make its decision, and shall follow the procedural requirements of Article 18-A. The Board may establish reasonable conditions to ensure conformity with the purposes of the Shoreland Overlay District. The conditions of approval may include requirements for mitigation to lessen impacts to resource values projected to occur from the proposed use or activity. - **AMENDED 05/18/2002, 11/04/2008, 11/03/2009**

18.2.6 Standards for Review of Shoreland Permits

The following standards shall be applied in making a determination to approve or deny and application for a Shoreland Permit. - **AMENDED 05/18/2002**

a. Will not result in unsafe or unhealthful conditions;
b. Will not result in erosion or sedimentation;
c. Will not result in water pollution;
d. Will not adversely impact spawning grounds, fish, aquatic life, bird and other wildlife habitat;
e. Will conserve shoreland vegetation;
f. Will conserve visual points of access to inland and coastal waters, and shoreland scenes and vistas as viewed from public facilities and public (Town and State) roads; - **AMENDED 11/04/1997**
g. Will conserve actual points of public access to waters;
h. Will conserve natural beauty;
i. Will avoid problems associated with floodplain development and use; and
j. Will not interfere with existing navigational uses; and
k. Will not unreasonably alter the natural flow or storage capacity of any waterbody; and
l. Will adequately provide for the disposal of all wastewater;
m. Will conserve protective buffers from the normal high water mark of adjacent wetlands; and
n. Will conserve the amount of pervious surface. - **AMENDED 11/04/1997**

18.2.7 Special Use Permit for the Resource Protection District

The Planning Board following the process outlined in Article 18.2.5 may issue a special use permit to allow construction of one (1) single family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met:

a. The lot on which the single family residence is proposed has no existing conforming or non-conforming structures and was established and recorded in the
York County Registry of Deeds prior to the lot being designated Resource Protection and located in the Resource Protection Subdistrict on the Official Shoreland Overlay District Map.
b. There is no location on the property, other than a location within the Resource Protection Subdistrict, where the single family residence can be built.
c. The proposed location of all buildings, sewage disposal system and other improvements are subject to Septic Standards 8.3.9 and the Town Supplemental Subsurface Disposal Rules. Other location requirements are:
    1. Located on natural slopes of less than 20% and,
    2. Located outside the floodway of the 100 year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps: all buildings including basements, are elevated at least three feet above the 100 year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance (Septic Standards 8.3.9 and Town Supplemental

Subsurface Wastewater Disposal Rules). If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100 year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

d. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance. - **AMENDED 11/04/2008, 11/06/2018**

e. All structures, except functionally water dependent structures, are set back from the normal high water line of a waterbody or upland edge of a wetland to the greatest practical extent, but not less than 100 feet horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate value and high value wetlands. - **AMENDED 11/04/2008**

f. The Board of Appeals can grant an administrative appeal, but cannot grant a variance to the terms of Special Use Permit. - **AMENDED 05/18/2002**

18.2.8 Expiration of Permit

18.2.8.1 A Shoreland Permit issued after May 9, 1992 shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. - **AMENDED 11/04/2008**

18.2.8.2 For all residential Shoreland Permits issued on or prior to May 9, 1992, all improvements identified in the approved Shoreland Permit must be completed by November 5, 1998 or the Permit shall lapse and become void on November 6, 1998.

18.2.8.3 For all non-residential Shoreland Permits issued on or prior to May 9, 1992:

a. If a substantial start was not made in construction of required improvements and structures identified in the approved Shoreland Permit by November 5, 1998, then the Permit shall have lapsed and become void on November 6, 1998.

b. If a substantial start was made in construction of all required improvements and structures identified in the approved Shoreland Permit by November 5, 1998, then all improvements identified in the approved Permit must be completed by November 5, 2002 or the Permit shall lapse and become void on November 6, 2002.

c. Any permits or approvals other than the Shoreland Permit that have lapsed must be obtained prior to resumption of work. All other permits and approvals shall comply with standards in effect at the time of the issuance of the permit.

d. For purposes of this section, "substantial start" shall mean the applicant has completed at least 50% (based on cost of construction) of all required improvements and new structures.

e. This section (§18.2.8.3) shall be retroactive to April 1, 1997. - **AMENDED 11/07/2000**

18.3 Delegation of Small Windmill Review Authority

The Planning Board is empowered to review and permit Small Windmills.

18.3.1 Application Procedure

Any application to the Planning Board for a Small Windmill shall follow the public notice process for a one-step Minor Site Plan.

18.3.2 Submission Requirements:

a. A complete Planning Board Application form.

b. A plan of the proposed Small Windmill, showing the general arrangement of adjacent streets, buildings, utilities and other structures; the plan shall indicate the location of existing trees and other significant site features; the type and location of plants proposed in any screening plan for the facility and the method of fencing, if any; the proposed extent of site clearing shall be delineated;

c. A copy of the most recent deed for the property, and the source deed if the current deed differs from the source deed;

d. Proof of ownership or evidence of the applicant's right, title or interest to the property shall be submitted; a copy of all easements, rights-of-way, or other encumbrances currently affecting the property shall be submitted;

e. Location of the proposed Small Windmill in relation to designated Scenic Resources superimposed on a USGS 7.5 minute topographical map.

f. The application shall include a visual impact analysis of the Small Windmill as installed, which shall include:
   1. a statement addressing steps that have been taken to mitigate any potential adverse visual impacts;
   2. any visual screening incorporated into the development that is intended to lessen the system's visual prominence;
   3. the color of the system's components;
   4. elevations showing the proposed Small Windmill in relation to its surroundings; and
   5. a Small Windmill within the viewshed of a Scenic Resource shall include photo simulations from affected public rights of way.

g. The applicant shall submit Small Windmill specifications, including manufacturer and model, rotor diameter, and evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine; and

h. The applicant shall provide documentation from the manufacturer or a Maine-licensed Professional Engineer (PE) that the Small Windmill will not produce noise levels in excess of 50 dBA at the closest neighboring property line.

- **AMENDED 05/29/2009**

18.4 **Watershed Protection Overlay District Permits** -- The application and administrative procedures for both permitted uses and conditional uses within the Watershed Protection Overlay District can be found in Sections 10.5 and 10.6.

18.5 **Wetland Permits –** Wetland Permits may be issued by the Code Enforcement Officer, or may be issued by the Planning Board concurrently with processing of related applications. - **AMENDED 11/07/2000, 11/04/2008**

18.6 **Historic Overlay District** -- The application and administrative procedures for this overlay district can be found in Article 12.

18.7 **Conversion of Seasonal Dwellings** -- The application and administrative procedures for the conversion of a seasonal dwelling can be found in Article 14.

18.8 Appeals and Board of Appeals

18.8.1 Board of Appeals

18.8.1.1 A Board of Appeals is hereby established. The Board shall consist of five Members and three Associate Members who shall be residents of the Town of York and who shall be appointed by the Board of Selectmen. The term of office of the members of the Board of Appeals shall be three years. The term of office of the Associate Members shall be three years. No business of the Board shall be transacted unless a total of five members and associate members are present and able to act. A vacancy in the office of Member or Associate Member shall be filled for the unexpired term only. Any Member or Associate Member of the Board of Appeals may be removed for cause by the Board of Selectmen upon written charges and after Public Hearing for which at least ten days notice shall be given. The members and Associate Members of the Board of Appeals shall receive no compensation for their

services. The Board of Appeals shall annually select a Chairman and Secretary from its own membership. The Board of Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry out the duties conferred on it by this ordinance. - **AMENDED 05/09/1992**

18.8.1.2 The Board shall keep minutes of its proceedings, recording the vote of each Member or Associate Member on each matter coming before the Board. The minutes of the Board's proceedings and all the writings required by this ordinance made by the Board shall be a public record.

18.8.2 Powers and Duties

The powers and duties of the Board of Appeals shall be in all respects as prescribed by Title 30-A M.R.S.A., Section 4353. Among the powers granted, the Board shall have the following powers:

18.8.2.1 To hear and decide administrative appeals of decisions by the Code Enforcement Officer, Historic District Commission, and Planning Board.

A. When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

B. When the Board of Appeals hears a decision of the Historic District Commission or Planning Board, it shall hold an appellate hearing and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding. - **AMENDED 11/05/2024**

18.8.2.2 To hear and decide special exceptions to the terms of this Ordinance upon which the Board is specifically authorized by this Ordinance.

A. The Board of Appeals, after the submission and review of all information requested, may grant a special exception for those uses identified in Article Four, as requiring a special exception.

1. For non-residential uses, the special exception shall be issued if the following criteria are met:
   a. The proposed use will not adversely impact adjacent properties.
   b. The proposed use will not adversely impact allowable uses in the district where the proposed use is to be located.
   c. The proposed use and its location will not adversely impact the health, safety, and welfare of the Town.
   d. The proposed use shall be in harmony with and promote the general purposes and intent of the Town of York Zoning Ordinance.
   e. All requirements of Subsection 2, below, are also met.

2. The approval of each special exception shall be subject to meeting all other requirements of the zoning district in which the special exception is located. The Board of Appeals may subject approvals of special exceptions to conditions more restrictive than the minimum requirements of the zoning ordinance. To be approved, the following conditions must be met:

   a. Will not adversely impact traffic congestion and safety.
   b. Will not result in noise, odor, or glare that adversely impact adjacent properties.
   c. Will not result in dust, fumes, vapors, or gasses that adversely impact adjacent properties.

d. Will minimize and detain on site all stormwater run-off such that it will not adversely impact adjacent properties.
e. Will be in compliance with Town of York Erosion and Sedimentation Control Standards and as such will not result in erosion and sedimentation.
f. Will provide adequate buffers and screening from adjacent properties.
g. Will provide adequate and environmentally safe storage of any explosive materials, chemicals, or fuels.
h. Will provide adequate landscaping and grading to preserve the natural terrain.
i. Will provide a harmonious relationship of any proposed building to the surrounding environment.
j. Will provide for removal of solid waste generated on site in a timely and environmentally safe manner.
k. Will provide adequate off -street parking.
l. Will not adversely impact property values of adjacent or nearby properties.

B. The Board of Appeals, after the submission and review of all information requested, may grant a special exception for those provisions as specified in this Ordinance other than Article 4. The criteria for approval shall be those cited in the text which establishes the special exception (see, as an example: §7.9.A).
- **AMENDED 11/06/2007**

18.8.2.3 To authorize a variance from the terms of the ordinance, as provided herein. A variance is authorized only for lot area, lot coverage by structures, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited. Variances shall not be granted to reduce the setback from the normal high water mark of a public water supply as required in Article 10. A variance shall only be granted where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in undue hardship and where the spirit of the ordinance is observed. The term "undue hardship" as used in this subsection means:

a. The land in question cannot yield a reasonable return unless a variance is granted;
b. The need for a variance is due to the unique circumstances of the property and not to the general condition in the neighborhood;
c. The granting of a variance will not alter the essential character of the locality; and
d. The hardship is not the result of action taken by the applicant or a prior owner.

The Board of Appeals shall limit any variances granted as strictly as possible in order to preserve the terms of the ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary.

18.8.2.4 Before granting a variance on property located in the Shoreland Overlay District, the following additional standards and procedures shall be required:

a. The Board shall notify the York Conservation Commission at the time it notifies abutters of the pending application, and the Commission shall have a right to be heard at the public hearing; - **AMENDED 11/04/2008**
b. The Board must make written findings which shall describe how the proposal would meet all remaining standards of the Shoreland Overlay District; - **AMENDED 11/04/2008**
c. Where setbacks from a protected resource are to be varied, the Board shall protect the remaining buffer to the maximum extent possible, and may require enhancements of the buffer where this is necessary to adequately protect the shoreland resourced. If the variance pertains to a single family residence or its accessory buildings, the construction or expansion may be allowed if either of the following two conditions is met:
    1. there is no expansion of the footprint of the existing buildings; or
    2. the total area of the footprint of the house and all accessory buildings is no greater than 1,000 square feet. - **AMENDED 11/04/2003, 05/22/2004, 11/04/2008**
d. If the variance pertains to a single family residence or its accessory buildings, the construction or expansion may be allowed if either of the following two conditions is met:
    1. there is no expansion of the footprint of the existing buildings; or
    2. the total area of the footprint of the house and all accessory buildings is no greater than 1,000 square feet. - **AMENDED 11/07/2006**
e. Before granting a variance on property located in the Floodplain Management Overlay District the Board must make a determination that the applicant has demonstrated good and sufficient

cause for the variance, and the existence of the variance will not cause a conflict with other state, federal or local laws or ordinances.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipality to the Commissioner of Maine DEP at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals. - **AMENDED 05/20/2000, 11/04/2008**

18.8.2.5 Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result. The Board of Appeals must make a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threat to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances. Any variance granted in a floodplain management area shall be the minimum necessary, considering the flood hazard, to afford relief.

18.8.2.6 Reserved

18.8.2.7 Reserved

18.8.2.8 Appeals involving Route One Use Permits. If the Code Enforcement Officer or the Planning Board disapproves an application for a Route One Use Permit, or grants a Use Permit approval with conditions that are objectionable to the applicant or to any abutting land owner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply to a Route One Use Permit, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision as follows:

a. When errors of administrative procedure are found, the Board of Appeals shall refer the case back to the Code Enforcement Officer or the Planning Board for rectification.

b. When errors of interpretation are found, the Town's Board of Appeals may modify or reverse the order or action but may not alter the conditions attached by the Code Enforcement Officer or the Planning Board. All changes in conditions, other than changes made by the granting of a variance, shall be made by the Code Enforcement Officer or the Planning Board in accordance with the Board of Appeals' interpretation.

c. Appeals involving conditions imposed by the Code Enforcement Officer or the Planning Board, or a decision to deny approval, shall be from the Code Enforcement Officer or Planning Board to the Superior Court, according to State Law, when such appeals do not involve administrative procedures and interpretation.

18.8.2.9 Disability Variance. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 4553 and the term "structures necessary for access to
or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety and effectiveness of the structure. - **AMENDED 11/07/1995**

18.8.2.10 Minor Variance from Dimensional Standards

A. Purpose. Consistent with MRSA Title 30-A §4353.4-C, this section provides the Appeals Board with a limited degree of flexibility to help property owners better utilize their property for building purposes.

B. Standards. A minor variance from dimensional standards shall be issued only when the petitioner demonstrates that all of the following standards are met:

1. Strict application of the Ordinance to the petitioner and the petitioners property would cause a practical difficulty ("Practical Difficulty" is defined here to mean that the strict application of the Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner);
2. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
3. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
4. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
5. No other feasible alternative to a variance is available to the petitioner;
6. The granting of a variance will not unreasonably adversely affect the natural environment; and
7. The property is not located in whole or in part within the Shoreland Overlay District.

C. Limitations. The following limitations shall apply.
1. A variance under this section may only be granted for setbacks from property boundaries, and street frontage. - **AMENDED 05/22/2004, 05/29/2009**
2. In no case may a variance reduce the dimensional requirement to less than 80% of the originally required measure.

D. Variance Recorded. A minor variance from dimensional requirements must be recorded consistent with §18.8.3.7. - **AMENDED 11/07/2000**

18.8.3 Appeals Procedure and Board Decisions

18.8.3.1 An administrative appeal or variance shall be filed within 30 days of action taken by the Code Enforcement Officer, Historic District Commission or Planning Board. Thirty (30) days shall be calculated from the date the official written notification of decision is issued by the Code Enforcement Officer or the Planning Board/Historic District Commission. If the 30th day occurs on a non-work day for the Town, the final date for filing of an appeal shall be the next regular work day for the Town. A special exception may be filed at any time by an applicant, provided the Board of Appeals has not denied an application for the same property and use within one year of the date of the new application for a special exception. An administrative appeal, special exception or variance shall be filed with the Board of Appeals or its designee on forms provided by the Town. - **AMENDED 11/07/1995, 11/05/1996, 11/03/2009, 11/05/2024**

18.8.3.2 Reserved. - **AMENDED 11/08/2005**

18.8.3.3 The Board of Appeals shall schedule a Public Hearing on all appeal applications within 60 days of the filing of a completed appeal application. Notice of the Public Hearing shall be published at least once in a newspaper of general circulation in the Town of York and mailed by certified mail to the parties involved and all abutters not less than 7 days prior to such hearing. - **AMENDED 05/22/2004**

18.8.3.4 The Board of Appeals shall render a decision on an application not later than 30 days from the date of the final Hearing. The final decision on any matter before the Board shall be made by written order signed by the Chair and shall include all materials identified as the public record. The public record shall include: a transcript or tape recording of the testimony; the exhibits, together with all papers and requests filed in the proceeding; (or in the case of an appeal of a Planning Board or Historic District Commission decision, the record of proceedings before the Planning Board or Historic District Commission and any written arguments submitted) a statement of findings and conclusions, as well as the basis for these findings and conclusions, upon all the material issues of fact, law or discretion presented; and the appropriate order, relief or denial of relief. Notice of any decision shall be mailed or hand delivered to the appellant, the appellant's representative or agent, the Planning Board and the municipal officers within 7 days of the Board's decision. - **AMENDED 11/07/1995, 11/05/2024**

18.8.3.5 The Board of Appeals may reconsider any decision reached under this Section within 45 days of its prior decision. A request to the Board to reconsider must be filed within 10 days of the decision to be reconsidered. A

reconsideration vote and the action taken on that reconsideration must be completed within 45 days of the date of the vote on the original decision. The Board may conduct additional Hearings and receive additional evidence and testimony regarding the reconsideration during this time period. - **AMENDED 11/08/2005**

18.8.3.6 Any party may take an appeal within 45 days of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The Hearing before the Superior Court must be without a jury.

18.8.3.7 A variance granted by the Board of Appeals must be filed with the York County Registry of Deeds with 90 days of the vote of the Board to grant the variance. A variance not filed within 90 days shall expire. - **AMENDED 11/07/1995**

18.9 Reserved.

18.10 York Beach Village Center Design Standards

The document entitled, York Beach Village Center Design Standards, with an effective date of November 2, 2010, is hereby incorporated into the Town of York Zoning Ordinance by reference. - **AMENDED 11/08/2005, 11/02/2010**

18.11 Wireless Communications Facilities. Wireless communications facilities, as defined and regulated in the Town's Wireless Communications Facilities Ordinance, shall be exempt from this Ordinance. For wireless communications facilities owned and utilized exclusively by a water or sewer utility district, and which are exempt from permitting under the WCF Ordinance, the structure height limits of this ordinance shall not apply. - **AMENDED 11/05/1996, 05/22/2004, 05/29/2009**

18.12 Community Facilities Impact Fee Program

18.12.1 Purpose of Program

The Town of York finds that new development places demands on municipal government to provide new services and expand and improve public facilities. In order to provide an equitable source of funding for these new services and facilities, the Town of York has established a municipal infrastructure improvement program which charges a proportionate share of the costs of facilities improvements to those who are creating the demand for these improvements.

18.12.2 Use of Impact Fees

18.12.2.1. Impact fees may only be used for financing facility improvements needed due to demand caused by new growth.

18.12.2.2. Impact fees may not be used for any of the following.

a. Operations and maintenance costs, such as but not limited to paying salaries, day-to-day operational costs or replacement of existing equipment;

b. The cost to improve facilities to meet existing deficiencies, such as but not limited to relieving existing congestion or overcrowding; or

c. The cost to construct or improve facilities that are not needed to serve new development or which do not benefit new development. There must be a reasonable connection between the need for additional facilities and growth due to new development and between spending the fees collected and benefits received by the development paying the fee.

18.12.3 Applicability

18.12.3.1 The Code Enforcement Officer shall require the applicant for a Building Permit to participate in the municipal infrastructure improvement program and pay a development impact fee at the rate currently in effect for schools. The total impact fee shall be paid separately from any other fees required by this Ordinance and shall be paid at the time the Occupancy Permit is issued.

18.12.3.2 The Board of Selectmen shall establish the initial impact fee schedule and shall review and revise, if necessary, the impact fee schedule at least annually to reflect changes in planned improvements, current budget levels and compliance with the Town of York Comprehensive Plan and the Town's Capital Improvement Program. Prior to the establishment or revision of the impact fee schedule, the Board of Selectmen shall hold two public hearings on the proposed fee schedule. Notice of the public hearings shall be published in a newspaper of general circulation in the Town at least twice. The first notice shall be published no more than 30 days in advance of the first hearing and the second no less than seven days in advance of the first hearing.

18.12.3.3 The impact fee schedule shall indicate the improvements to be financed; the anticipated schedule for construction; and the characteristic of new development by which the fee shall be calculated such as, but not limited to:

a. number of bedrooms,
b. square footage of floor area, or
c. traffic generated

18.12.3.4 The amount of the fee shall be reasonably related to the development's share of the cost of the facilities improvements made necessary by the development or, if the improvements were previously constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the improvement used by the development.

18.12.4 Segregation of Impact Fees From General Fund

18.12.4.1 The Code Enforcement Officer shall record the name of the individual paying the impact fee, the Tax Assessor's map and lot numbers for the property for which the impact fee is being paid, the amount of the fee paid for each facility for which fees are collected, and the date the impact fee was paid.

18.12.4.2 Upon collection of an impact fee, the Code Enforcement Officer shall transfer the funds to the Municipal Treasurer who shall deposit the impact fees in special non-lapsing accounts dedicated for funding the improvements for which the fee is collected.

18.12.4.3 Impact fee funds shall be maintained separately from and shall not be combined with other municipal revenues.

18.12.4.4 Funds collected as impact fees shall be expended only for the infrastructure improvement for which the fee was collected.

18.12.5 Refund of Impact Fees

The Town shall refund impact fees, or that portion of impact fees, actually paid that exceed the Town's actual costs or that were not expended within ten years of the date they were collected. The Board of Selectmen shall establish the procedure for refunding impact fees or portions of impact fees not expended. Unexpended fees shall be returned to the owner of record at the time a refund is warranted.

18.12.6 Effective Date

Authorization to impose and collect impact fees pursuant to this section shall begin retroactively on December 1, 2002, and shall continue permanently. There shall be no lapse in authorization between the end of the former sunset date and the beginning of this new authorization. - **AMENDED 11/04/1997, 05/17/2003**

18.13 The Board of Selectmen is empowered to adopt a Shoreland and Wetland Mitigation Policy. The process and standards for adoption or modification of this policy shall be that used for adoption or modification of the Site Plan and Subdivision Regulations. The policy shall:

a. define the types of allowable mitigation activities, consistent with the definition of wetland mitigation in Article Two of this Ordinance;
b. establish guidelines for administration; and
c. establish fiscal procedures, including at a minimum a provision that any money collected and not used within six years shall be returned.

- **AMENDED 05/20/2000**

18.14 In conjunction with the Town of York's Zoning Ordinance, the standards and process for permitting Short-Term Residential Rentals are included in a Short-Term Residential Rental Ordinance that is administered by the Code Enforcement Officer**.** - **AMENDED 11/03/2009, 5/18/2024**

18.15 Delegation of Site Plan Review Authority

A. Purpose. The general purpose of this authorization is to protect the health, safety and welfare of the community, and to implement the policies of the Comprehensive Plan, recognizing the need to balance growth, development and change with the preservation and enhancement of those qualities and resources that make York a safe, beautiful and desirable place to live, work and visit.

B. Authorization. The Planning Board is hereby empowered to regulate sites in accordance with the following:

1. Jurisdiction.

A. For any use within the Commercial, Office, Industrial, Public/Semi-Public/Institutional, Vehicular, Recreation/Amusement, or Miscellaneous use categories in Article Four of this Ordinance, the following shall be subject to review under the Site Plan and Subdivision Regulations if the building for the use has 5,000 square feet or more of gross floor area, or the use requires 25 or more parking spaces:
   1. establishment of a new use where no use subject to this jurisdiction exists at the time of application;
   2. alteration of an existing site on which a use within this jurisdiction already exists; or
   3. expansion, exterior alteration or construction of a new building in which a use within this jurisdiction is conducted.

B. Regarding multi-family housing, the following shall be subject to review under the Site Plan and Subdivision Regulations:
   1. establishment of the use;
   2. increase in the number of dwelling units;
   3. alteration of the site; or
   4. expansion, exterior alteration or construction of a new building associated with the use.

C. Regarding a hospital use in the York Village Hospital Overlay District, any application to alter the site, enlarge a hospital building, or alter the exterior of a hospital building shall be subject to review under the Site Plan and Subdivision Regulations regardless of the size or extent of the change.

D. Any change which amends a site plan previously approved by the Planning Board shall require approval of the Planning Board.

E. Regarding non-residential development in the YVC-1 and YVC-2 districts. In addition to applicable Planning Board authorization to regulate sites; any non-residential development that results in the alteration of more than 50% of the exterior façade, any expansion of 1,500 square feet of gross floor area or more, or a proposal for a new principle non-residential or mixed-use building shall be subject to applicable Site Plan and Subdivision Regulations. - **AMENDED 05/21/2016**

F. Any application to install medium or large-scale ground-mounted Solar Energy Systems shall be subject to review under the Site Plan and Subdivision regulations. - **AMENDED 11/06/2018**

2. Limitations. On a site that is otherwise subject to Site Plan Review, a temporary event or special event which requires no permanent alterations to the site and which has been approved by the Board of Selectmen or their designee shall be exempt from Site Plan Review.

3. Regulations. The Planning Board may adopt, amend or repeal its Site Plan and Subdivision Regulations after holding 2 public hearings. Prior notice of the hearings shall be provided to the public at least 7 days prior to the hearing. At a minimum, notice shall be posted in Town Hall and published in a newspaper that has general circulation in the community.

- **AMENDED 11/06/2001, 05/17/2003, 05/22/2004, 11/08/2005, 11/07/2006**

18.16 Condominium Conversion

In addition to the Maine Condominium Act (Title 33 §1601-101 et seq), the Town of York requires approval of the condominium conversion of property.

1. Approval shall be granted when the following conditions are met:
   a. Conversion of units that have been used for transient rental accommodations (rental occupancy by the same person or people for a period of less than 31 consecutive days), including but not limited to a motel, hotel, lodging home, tourist home, inn, rental cottages or similar facilities, shall not be converted to condominium-owned dwellings unless the density requirement of §5.4.9 is met.
   b. For a site not in full compliance with the standards of Article 15, available parking spaces shall be proportionately allocated among all proposed condominium units to the extent possible.
   c. Based on an inspection by the CEO, no buildings on the property are found to be dangerous buildings as defined by M.R.S.A. Title 17 §2851.
   d. There are no unresolved prior code violations on the property.
2. A Code Enforcement Officer shall make written findings of fact for the Town's building file regarding compliance with this Section to signify approval of a proposed condominium conversion.
3. Where condominium ownership is proposed as part of an application being reviewed by the Planning Board, a Code Enforcement Officer's approval shall be required as a Condition Precedent to final approval by the Planning Board. - **AMENDED 11/08/2005, 05/20/2006**

18.17 Professional Certification of Project Compliance

The purpose of this section is to help ensure projects are built in full compliance with design plans approved pursuant to this Ordinance, and to identify non-compliance issues as a way to enhance and simplify enforcement.

A. During the application review process, the CEO, Planning Board, Historic District Commission, or Design Review Board may require each State-licensed design professional (limited to professional engineers, architects, and landscape architects) responsible for design elements of an approved plan to provide a written evaluation with regard to the finished project prior to the issuance of an occupancy permit. This evaluation shall be based on periodic on-site inspections by the professional(s) during the construction of the project, and shall explicitly state whether or not the project is built in full compliance with the approved design plans. Each design professional shall attest only to those aspects of the plan for which they are responsible. The evaluation shall be certified by stamp and signature of the professional.

B. If a temporary occupancy permit is requested prior to project completion, the CEO shall require an interim written evaluation. The interim written evaluation shall evaluate compliance of work performed to date, and shall list remaining work necessary to complete the project in accordance with the approved plans.

C. This provision shall be in addition to other inspection requirements authorized by the Town codes. The cost of compliance with work required pursuant to this Section shall be the responsibility of the applicant.

- **AMENDED 05/20/2006**

18.18 Planned Growth Ordinance

At any time when there is in effect in the Town of York a growth limiting ordinance which delays the substantive review of applications for building permits or other development approvals from any agency of the Town of York, any person who has filed a complete application for a growth permit and complete applications for all other development approvals required at the time of the application for the growth permit for that particular development proposal shall be exempt from any amendments to any land use regulations of the Town of York enacted after the last of such complete applications was filed, even if those applications have not received substantive review.

- **AMENDED 11/07/2006**

ARTICLE EIGHTEEN-A

APPLICATION REVIEW PROCEDURES

18-A.1 Definitions

As used in this Article, the following definitions shall apply:

APPROVAL: A decision by a board that authorizes an applicant to undertaken specified activities. See also: "Conditional Approval," "Permit" and "Denial."

CONDITIONAL APPROVAL: A decision by a board that becomes an approval when the board determines the applicant has satisfied all conditions precedent.

DENIAL: A decision by a Code Enforcement Officer or board which rejects issuance of an approval or permit.

DENIAL WITHOUT PREJUDICE: A denial which results solely from procedural defects by the applicant, such as but not limited to failure to meet deadlines or provide needed information. (Also includes, "denied without prejudice," "deny without prejudice," and so forth.)

PERMIT: An administrative decision by a Code Enforcement Officer that authorizes an applicant to undertake specified activities. See also: "Approval" and "Denial."

18-A.2 General Provisions

For permits and approvals issued pursuant to this Ordinance, and other Town Ordinances as applicable, the following provisions shall apply.

A. Goal of Transparency

It shall be the goal of this Ordinance that the process of deciding on an application shall be fully transparent to all parties, and that the public record shall be complete in order to demonstrate and document the understanding of circumstances and reasons for actions. In interpreting and applying this section, err to the side of greater transparency. (NOTE: Compliance with the State's Public Right to Know Law is required. See Title 1 MRSA §401 et seq.)

B. Permits and Approvals Run with the Land

Permits and approvals run with the land, regardless of changes in ownership, unless otherwise specified.

C. Owner Authorization Required

No application shall be considered by the Code Enforcement Officer or a board unless the application is authorized in writing by the property owner.

D. Technical Assistance

The board and code enforcement officer shall be authorized to secure independent professional assistance to ensure proper and thorough review of applications and construction inspection of approved projects. The applicant shall pay the full cost of this professional service. Such costs shall be in addition to the application fee (see §1.5). All money received shall be deposited in a Town account. Any funds not spent on such services shall be returned to the applicant. Failure to reimburse the Town for the full cost of such assistance shall constitute a violation of this Ordinance shall be grounds for suspending application review, issuance of a Stop Work Order, or other necessary action as provided for in this Ordinance.

E. Expiration of Permits and Approvals

Except as provided elsewhere in this Ordinance, a permit or approval shall expire two years from the date of issuance. The following shall also apply: **AMENDED 5/17/2025**

1. Date of Issuance is defined as follows:

   a. With respect to a permit, the date of issuance shall be the date upon which the Code Enforcement Officer issues the written permit to the applicant.

   b. With respect to an approval, the date of issuance shall be the date upon which the board votes to approve the findings of fact associated with the approval.

- **AMENDED 05/21/2011**

c. With respect to a conditional approval, the date of issuance shall be the date upon which the board votes to find the conditions precedent have been satisfied by the applicant (see §18-A.5.E.4.b.3).

2. When a zoning approval is issued in conjunction with another permit, such as a subdivision approval, the expiration deadline shall be the least restrictive of the applicable codes.

3. Reserved. **-AMENDED 5/17/2025**

F. Professional Certification of Plans

Every drawing plan, specification, and report prepared by a Maine-licensed professional which is submitted to a code enforcement officer or a board with respect to an application shall be certified as indicated by the professional's stamp and signature. In this context, Maine-licensed professionals shall include professional land surveyors, professional engineers, architects, and landscape architects.

G. Burden of Proof

With respect to application review processes, it is the applicant's burden to demonstrate compliance with requirements.

18-A.3 Application Fees

See §1.5.

18-A.4 Application Process for a Permit Issued by the Code Enforcement Officer

The Code Enforcement Officer shall decide on all permit applications using the following process.

A. Submittal of Application

The applicant for a permit shall complete a Town permit application form, shall include all necessary supplemental materials and information required to demonstrate compliance with the Ordinance, and shall deliver the application package to the Code Enforcement Officer at times specified by the Town. Unless otherwise requested by the Code Enforcement Officer for good reason, one copy of the application package shall be provided by the applicant. The application fee shall be paid at the time of application, and is non-refundable.

B. Advanced Abutter Notification

For building construction less than 125' from the normal high water mark or upland edge of a Shoreland resource, the Code Enforcement Officer shall send notice by first class mail to abutters at least 7 days prior to issuing a Shoreland Permit. The purpose of this action is to put abutters on notice of a pending action, and to allow abutters to comment on or provide relevant information about the application prior to a decision being made.

C. Decision

The Code Enforcement Officer shall make a decision, without undue delay, as follows:

1. Permit. The Code Enforcement Officer shall issue a permit when the decision is within her/his jurisdiction and the applicant demonstrates full compliance with all applicable requirements of this Ordinance and all other applicable Town codes. Conditions subsequent may be imposed on the permit to ensure compliance with this Ordinance or to ensure commitments made by the applicant during the review process are honored.

2. Denial. The Code Enforcement Officer shall deny an application that has not demonstrated full compliance with the substantive requirements of this Ordinance and all other applicable Town codes. An application that has been denied shall not be resubmitted unless the defects have been corrected or the prohibiting language has been changed.

D. Findings of Fact

The Code Enforcement Officer shall make findings of fact regarding the permit or denial at the time the decision is made. To the extent all relevant information is documented on the application form, stand-alone findings of fact may not be necessary.

E. Voluntary Notification of Abutters

Abutters could potentially appeal the issuance of a permit, so it is in the applicant's interest to mail notification to abutters when a permit has been issued. There are cases in Maine where abutters have

successfully appealed long after the 30 day appeal deadline specified in the code has expired simply because an abutter had no way of knowing a permit had been issued. To minimize the risk of such late appeals, applicants are encouraged to formally notify abutters soon after obtaining a permit, and to keep a record of such action.

F. Posting Permit at the Property

Within 7 days of obtaining a permit, and before starting any work, a copy of the permit shall be posted in a location on the property which is most visible to the public and neighbors. If the permit is a Building Permit, the Building Code requires this to remain posted until the final inspection and sign-off by the Code Enforcement Officer. For all other types of permits, the copy shall remain posted until the appeal period has expired.

G. Appeal

See §18.8.3.

18-A.5 Application Process for Board Approval

The provisions of this section (§18-A.5) shall apply to each board in its administration of its responsibilities under this Ordinance, except for: the Board of Appeals which follows the provisions of §18.8; the Board of Selectmen; and the Legislative Body of the Town.

A. Conceptual Discussion

Before a complete application is submitted, an applicant may choose to request a conceptual discussion with the board having jurisdiction. The applicant shall be required to complete an application form, and shall identify specific questions or issues on which it seeks direction. The board shall conduct a public hearing, with required public notice, as a part of this meeting. The conceptual discussion shall be non-binding on all parties, and shall not be considered a part of the substantive review of an application. If an application fee is required for a conceptual meeting, it shall be paid at the time of the request, and is non-refundable.

B. Submittal of Application

The applicant shall complete an application form provided by the board, and shall submit to the board all information necessary for the board to make an informed decision. Application submittals shall be delivered to Town Hall during normal business hours. Each board shall adopt a policy which specifies the number of copies of application materials required. The application fee shall be paid at the time of application, and is non-refundable.

C. Scheduling

The application shall be placed on the next regular meeting agenda on which time is available for the application review. All applications shall be scheduled on a first-come, first-served basis.

D. Public Notice

It shall be the responsibility of the board to provide public notice in accordance with the following requirements:

1. Public Meeting for Application Review. Prior to discussion of an application at any public meeting, the following public notice shall be required:

    a. Agenda. The board shall make a written agenda available to the public at least 7 days in advance of the meeting. This agenda shall indicate the date, time and place at which the meeting will occur. It shall also identify the name of the applicant, the name of the property owner (if different than the applicant), the street address and the tax map/lot number of the property, along with a brief statement about the nature of the business to be conducted.
    b. Agenda Posted in Town Hall. The agenda for the meeting shall be posted in Town Hall a minimum of 7 days in advance of the meeting.
    c. Agenda Published in Newspaper. The agenda for the meeting shall be published in a newspaper with general circulation in the Town. The date of publication shall be a minimum of 7 days in advance of the meeting.
    d. Supplemental Postings. In the name of transparency and full disclosure, it is recommended, though not required, that the agenda be posted at other locations such as post offices, on the Town's web page, and on the Town's public access cable television station. Failure to post in such ways shall not invalidate any action of the board.

2. Public Hearing for Application Review, or Site Visit. Prior to opening a public hearing or conducting a site visit, the following public notice shall be required:

a. Agenda Requirements. All requirements for the agenda, its posting and publication as specified for a public meeting (see §18-A.5.D.1) shall also be required for a public hearing or site visit, except that the agenda shall specifically indicate that a public hearing or site visit is to be conducted.

b. Notice Mailed to Abutters. Notice of the pending public hearing or site visit shall be mailed to the applicant, the applicant's representative, and abutters by first class mail at least 7 days in advance of the public hearing or site visit.

c. Continuation of a Public Hearing. During consideration of an application, a board may decide to extend its public hearing to a later meeting, or to reschedule a site visit. If the board specifies the date, time and place as part of a vote to continue the public hearing or reschedule the site visit, then additional notice mailed to abutters shall not be required. In all other circumstances, mailed notice to abutters shall be required per §18-A.5.D.2.b. Publication of the agenda in a newspaper shall be required only if the timeframe permits.

3. Calculation of Deadlines. When calculating requirements for advanced notice, start with the date of the meeting and count the required number of days backwards. Example: with requirements for 7 day advance notice, a meeting on a Monday would require the agenda to be prepare, posted and published no later than the prior Monday, and any necessary mailed notices to be postmarked by the prior Monday as well.

4. Failure to Provide Complete or Accurate Public Notice. In the event that any of the above requirements regarding the agenda or mailed notices are not met for any reason, no discussion of the application shall occur at the meeting. (NOTE: this section shall not be interpreted to mandate the Supplemental Postings per §18-A.5.D.1.d, which are expressly optional.)

5. Conflicting Provisions
In the event there is a conflicting requirement in state statute or another ordinance, the standard which imposes the higher standard for public notification shall apply.

E. Decision-Making

Upon receiving an application, the board shall follow this sequence in reaching a decision. Each board may develop its own procedures for processing applications, and this may include additional steps such as presentations by staff and applicants, and preliminary and final review phases, but in no case shall those procedures contradict these requirements. Any such procedures shall be made available to the public to ensure everyone knows the ground rules.

1. Application Acceptance. A board has jurisdiction to consider an application only if it finds the application submittal to be complete and, by majority vote at a public meeting, accepts the application for review. Where this Ordinance provides a list of required submittal materials for an application, the board shall vote to accept an application as complete when it finds the application includes all specified materials. Where the Ordinance provides no such list, the board shall vote to accept the application as complete if it finds the information submitted is sufficient, in the opinion of the board, to render an informed decision about compliance of the application with the requirements of this Ordinance.

a. Except at a scheduled conceptual discussion, no discussion of the merits of an application shall occur prior to application acceptance.

b. The public hearing shall not begin prior to application acceptance.

c. Upon acceptance of an application, the board may proceed with a public hearing at the same meeting, or may schedule the public hearing to occur within 30 days of its vote to accept.

d. If the board finds an application is not complete, it shall identify all required information which is missing and shall inform the applicant, in writing, of such deficiencies.

e. After the board votes to accept an application, additional information shall be requested only if the board later determines some key piece of information is not included in the application and is necessary to render an informed decision.

f. After the board votes to accept an application, it may decide to conduct a site visit. The site visit shall be considered a public meeting, and shall be subject to the public notice requirements of §18-A.5.D.2.

g. The vote to accept an application for review locks in the version of this Ordinance for the duration of the application review, unless the voters enact an amendment with a retroactive effective date.

2. Public Hearing. The board shall conduct a public hearing. The public hearing is the only time during the process where the public has a right to offer input during the application review process. The purpose of the public hearing is to ensure the public has the opportunity to be aware of, and comment on, all aspects of the application, and the board has the opportunity to hear all points of view before rendering a decision. The public hearing may occur during one or more meetings depending upon circumstances. The public hearing should be preceded by a description of the application, and should be re-opened when new material is submitted by the applicant so there is an opportunity to comment on the new material.

   The public has several means of participating in the public hearing. The most obvious means of participating is to attend the public hearing and speak when provided this opportunity. Please direct all comments and questions to the chair of the board. It is the responsibility of the chair to re-direct the question to the applicant, staff, or others when applicable. Someone wishing to provide input regarding the application, but unwilling or unable to attend the public hearing in person, has the option of providing written testimony. A letter or e-mail, addressed to the chair of the board, may be submitted in advance of the public hearing. Any such correspondence received shall be read into the record at the meeting so that all parties are aware of it. If time permits, copies may be distributed to all board members and the applicant.

   Because board members are prohibited from speaking individually with applicants or abutters regarding a specific application, it is important that communication outside the public hearing be in writing and submitted either through Town Hall (staff) or the chair.

3. Deliberation. The board shall not begin its deliberation on the merits of the application until the public hearing has been opened. In this way, the board is made aware of the range of issues before it begins its decision-making process. The board may temporarily suspend the public hearing to deliberate on certain aspects of the application, so it is not required that the public hearing be completed before deliberation begins and some initial decisions are made.

4. Decision. The board shall vote to grant approval, conditional approval or denial of the application within 60 days of voting to accept the application as complete, unless the applicant and board agree to extend this timeframe. The public hearing shall be closed before this decision is reached.

   a. Approval. The board shall grant approval of an application when the applicant demonstrates full compliance with all applicable requirements of this Ordinance and all other applicable Town codes within the jurisdiction of the board. Conditions subsequent may be imposed on the approval to ensure compliance with this Ordinance or to ensure commitments made by the applicant during the review process are honored. If applicable, the board shall sign plans to indicate this approval after the chair signs the adopted findings of fact.

   b. Conditional Approval. The board may grant conditional approval of an application when the applicant demonstrates the application will be in full compliance with all applicable requirements of this Ordinance and all other applicable Town codes within the jurisdiction of the board when certain conditions precedent are met. Findings of fact shall be required for a conditional approval.

      1. Each condition precedent shall be established by the board such that compliance can be determined without discretion – a yes/no decision. For instance, an acceptable condition precedent would be a requirement for the applicant to obtain a state permit – it is either obtained or it isn't. An unacceptable condition precedent would be a vague requirement to revise the landscape plan to improve buffering for the neighbors – this could be done in a wide variety of ways, and it is not clear on its face what specifically

is required of the applicant to satisfy the condition. Each condition precedent shall be listed in the findings of fact.

2. The conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact.

3. When an applicant satisfies the terms of a conditional approval, the board shall vote to either: sign the plans to indicate the full approval; or shall issue a written notice indicating its determination that all conditions precedent have been satisfied. The date of this action shall not extend the date on which an appeal may be filed pertaining to the original conditional approval, but an appeal may be filed on issues regarding the applicant's satisfaction of conditions precedent.

c. Denial. The board shall deny an application that has not demonstrated compliance with the requirements of this Ordinance and all other applicable Town codes within the jurisdiction of the board. An application so denied shall not be resubmitted unless the defects have been corrected or the prohibiting language has been changed.

d. Denial Without Prejudice. The board may vote to deny without prejudice an application which fails to meet procedural requirements. An application denied without prejudice may be resubmitted and reheard with or without substantive design changes.

F. Findings of Fact

The board shall vote to adopt findings of fact regarding its final decision. The board may prepare these findings itself, or may require the applicant to provide a draft for the board's consideration. If a draft is to be submitted by the applicant, the draft must be provided within 30 days of the decision vote. In all cases, the board shall adopt the findings of fact within 60 days of its vote. Approval of the findings of fact shall be indicated by the signature of the Chair. The findings of fact shall be filed at Town Hall and mailed or hand-delivered to the applicant within 7 days of approval by the board. In no case shall a plan be signed by the board before it has approved the findings of fact. (NOTE: see §18-A.5.E.4.b.2 for specific language which must be included in the findings of fact.) If the applicant is required to submit draft findings of fact and fails to do so within the required timeframe, the board may vote to deny without prejudice.

G. Plans for Board Signature

If plans are to be signed by the board to indicate its approval, these plans shall be submitted by the applicant within 30 days of the relevant vote (§15-A.5.E.4.a for an approval, or §15-A.5.E.4.b.3 for a conditional approval), and shall be signed by the board within 30 days of receipt. Plans shall always be signed after the chair signs the adopted findings of fact. The board may vote to deny without prejudice if the applicant fails to meet this submittal deadline.

H. Reconsideration

All decisions of boards made pursuant to §18-A.5.E.4 shall be final, and may be altered only by appeal.

I. Appeal

See §18.8.3.

J. Number of Active Applications

There shall be no more than one active application per property before a particular board at any given time. An application shall be considered active beginning at the time of initial submittal of application materials per §18-A.5.B, and ending when the board reaches its final decision on the application and either: 1) if no appeal is filed, when the appeal deadline expires, or 2) if an appeal is filed, when all activity relating to the appeal is completed and the matter is resolved.

This provision is not intended to prohibit one applicant from having applications on a single property before multiple boards. For example, approval of the Historic District Commission and Planning Board may each be required, and these processes can run concurrently.

- **AMENDED 11/03/2009**

ARTICLE NINETEEN

ENFORCEMENT AND VIOLATIONS

19.1 Any violation of this Ordinance shall be deemed to be a nuisance.

19.2 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

19.3 Upon finding a violation the CEO shall speak with or notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A summary of each warning and a copy of such written notices shall be maintained as a permanent record. - **AMENDED 05/18/2013**

19.4 The Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. - **AMENDED 05/18/2013**

19.5 Any person, included but not limited to a property owner, tenant, contractor or agent, who violates this Ordinance shall be subject to a minimum fine of $100.00 for each violation, plus legal expenses associated with prosecution. Each day such a violation is continued is a separate offense, beginning at the earliest time evidence shows the violation existed. - **AMENDED 05/18/2013**

19.6 When a violation of a Town ordinance or regulation is identified and the Code Enforcement Officer has issued a written notice of violation, the following shall apply:

A. for a lot with a single principle tenant or unit, such as but not limited to a single house or a single business, no permits or approvals shall be issued for that lot until the violation is resolved; or

B. for a lot with multiple tenants or units, such as but not limited to apartment buildings or malls, one of the following two options shall apply:

1. if the violation relates solely to a single tenant or unit, no permits or approvals shall be issued for that tenant or unit until the violation is resolved (the tenants and units which were not cited shall not be adversely affected); or
2. if the violation relates to the site in general, no permits or approvals shall be issued for any tenant, unit or that lot until the violation is resolved.

- **AMENDED 05/29/2009**

ARTICLE TWENTY

AMENDMENTS

20.1 This Ordinance may be amended by a majority of a regular or special meeting of the Town of York legally warned, called, and conducted, provided that the procedures of Title 30-A M.R.S.A., Sections 3002 and 4352 are followed.

20.2 Per MRSA Title 38 §438A.3, amendments of any shoreland-related provisions of this Ordinance require approval of the Commissioner of the Maine Department of Environmental Protection. A copy of any shoreland-related amendments approved by Town vote and certified by the Town Clerk shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on the amendment within 45 days of receipt, it shall be automatically approved. The date of Commissioner approval, whether explicit or by default, shall be the effective date of the amendment. During the period between the Town vote and the Commissioner's decision, no action shall be taken on permit applications unless the permit could be granted under both the current and proposed standards.

- **AMENDED 5/20/2000**

ARTICLE TWENTY-ONE

SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

21.1 This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

21.2 Whenever two provisions in this Ordinance are in conflict, the provision which imposes the greatest restriction on the use of property shall prevail, except in those areas where this ordinance contains specific statements to the contrary.

21.3 Exception to Sections 21.1 and 21.2 above: modular homes, manufactured housing and manufactured housing parks governed by Article 13 shall comply with all ordinances and regulations in the Town of York. Where specific provisions of Article 13 conflict with other parts of this Ordinance, or with other Ordinances, the provisions of Article 13 shall prevail.

21.4 Should any Section, or part thereof, of this Ordinance be held by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.