



**Notice of Public Hearing
Planning Board
Thursday, June 22, 2017
7:00 PM
York Public Library**

The York Planning Board will conduct a Public Hearing regarding proposed zoning ordinance amendments to be potentially considered at the November 7, 2017 General Referendum as follows:

1. Definition of Driveway
2. Route 1 Commercial Building Design Standards
3. Short Term Residential Rental (Definition and Parking Requirements)
4. Non-conforming Structural Expansion in Shoreland Zones (Clarification)

Printed copies of the proposed amendments (draft document dated June 2, 2017) are available with the Town Clerk at the Town Hall, and digital copies are available on the Town's Web page (www.yorkmaine.org).

Proposed Ordinance Amendments

to be considered at a

November 2017 General Referendum

Amendment

1. Definition of Driveway
2. Route 1 Commercial Building Design Standards
3. Short Term Residential Rental (Definition and Parking Requirements)
4. Non-conforming Structural Expansion in Shoreland Zones (Clarification)

Amendment #1

Definition of Driveway

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending: Article 2, Definitions.

Statement of Fact: The purpose of this amendment is to provide a definition of “driveway” in the zoning ordinance.

Amendment: Amend Article 2, Definitions, by adding the following definition:

Driveway: *A route that provides vehicular access to a lot(s) 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.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #2

Route 1 Commercial Building Roof Design Standards

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend section 6.3.13.5 of Article 6 regarding performance standards roof design for new commercial buildings on Route 1.

Statement of Fact: The purpose of this amendment is to encourage variations in roof design for proposed commercial buildings on Route 1.

Amendment: Modify language in section 6.3.13.5 (regarding buildings and site design requirements) as follows:

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. ~~No~~ Long continuous roofs ~~or that are uniform in height shall not be permitted and roof lines shall be broken.~~ *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 a peaked roof.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #3

Short Term Residential Rentals (Definition and Parking Requirements)

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to define Short Term Residential Rentals and clarify parking requirements for that use.

Statement of Fact: The purpose of this ordinance is to define what a Short Term Residential Rental is and establish parking requirements for that particular use.

Amendment: Amend Article 2-Definitions with the following:

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 ~~the~~ a variation of this definition within the Shoreland Overlay District.)

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.

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.*

Amendment: Amend Article 15- Parking specifically section 15.1.1.2 regarding required off-street parking for specific residential and non-residential uses in town:

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.

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.

| <u>USE</u> | <u>NUMBER OF PARKING SPACES</u> |
|--|---|
| a. Single-family dwelling and two-family dwelling | 2 parking spaces for each dwelling unit |
| 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 |
| c. Hotel/motel/ <i>short term residential rentals</i> | 1.25 parking spaces for each rental unit accommodation <i>or each bedroom within a short term residential rental</i> |
| 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 |

Amendment #4
Non-conforming Structural Expansions in Shoreland Zones
(Clarification)

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend section §8.3.11.4 of Article 8- Shoreland Overlay District regarding expansion of structures that do not comply with shoreland setback requirements.

Statement of Fact: The purpose of this amendment is to clarify and refer to existing language for expansions of non-conforming structures in shoreland zones.

Amendment: For clarification, add reference to existing sub-section §8.3.11.4 c-1 below for expansions of structures that do not comply with shoreland setbacks:

- 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.

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- 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.
 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.
 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.