

**GENERAL REFERENDUM WARRANT**  
**ARTICLES TO BE ACTED UPON AT THE GENERAL REFERENDUM**  
**YORK, MAINE**  
**NOVEMBER 3, 2009**

TO: Douglas Bracy, Constable of the Town of York, York, Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of York, in said County, qualified by law to vote in Town affairs, to meet at the **York High School Robert E. Butler Gymnasium in said Town on Tuesday, the 3<sup>rd</sup> day of November, 2009**, between the hours of 8:00 in the forenoon and 8:00 o'clock in the afternoon, then and there to act on Articles 1 through 18, said Articles being set out below to wit:

**ONE:** The Town hereby ordains amendments to the **Zoning Ordinance** to allow existing buildings to be converted into affordable apartments, specifically amending: Article 2, Definitions; Article 7, Special Provisions, and Article 15, Parking.

**Statement of Fact:** The purpose of this amendment is to provide an incentive to convert existing principal buildings into affordable year-round rental apartments. Half of the apartment units created must be affordable, and the remaining market-rate units are allowed to help subsidize the affordable units. Conversions range from 2 to 4 units per building depending on availability of public water and sewer, but conversions are permitted Town-wide. Not more than 6 affordable apartments and 6 market-rate apartments can be created per year. Any property owner can create and manage affordable apartments. When it moves in, the household must qualify as being low income, and these occupants may remain only as long as they continue to meet the eligibility requirements. This amendment is consistent with Comprehensive Plan policy #4.2.12, which calls for 10% of all new housing to be affordable. It is also consistent with proposed amendments to the Comprehensive Plan which would establish a policy to encourage affordable rental units. Further, it is consistent with state mandates to address affordable housing. It is anticipated this amendment will not have an impact on administrative costs to the Town, but could result in undefined long-term costs associated with residential growth.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

**4513 YES**

**NO 1234**

**TWO:** The Town hereby ordains amendments to the **Zoning Ordinance** to remove lot size-based density limits for apartments over businesses in York Village and in 2 of the Route One zoning districts, specifically amending: Article 5, Dimensional Regulations.

**Statement of Fact:** The purpose of this amendment is to provide an opportunity to create apartment housing above businesses in York Village and along portions of the Route One corridor by altering the density standards in the Route One-2 and Route One-3 zones and a portion of the GEN-3 zone. This amendment will make it more feasible to create mixed-use development with apartments above businesses, and will provide an incentive for multi-story development as an alternative to one-story, single-use commercial buildings. The primary density control for apartments in these areas will be lot coverage limits. This amendment is generally consistent with state

mandates and Comprehensive Plan goals to address affordable housing. With respect to the Route One-2 zone, the policy is expressly consistent with Comprehensive Plan Policy #4.2.6. It is anticipated this amendment will not have an impact on administrative costs to the Town, but could result in undefined long-term costs associated with residential growth.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

**4382 YES**

**NO 1308**

**THREE:** The Town hereby ordains amendments to the **Zoning Ordinance** to amend the use, dimensional and design standards of the Workforce Affordable Housing provisions, specifically amending: Article 10-F, Workforce Affordable Housing Overlay District.

**Statement of Fact:** The purpose of this amendment is to improve the controls imposed on Workforce Affordable Housing to achieve better project design and to reduce the potential for adverse impacts to the surrounding neighborhood. To allow for better design, projects with 10 or more units are permitted to add limited, compatible non-residential uses, and may be required to have a more walkable design focused on pedestrians rather than cars. For new construction, architectural design standards are strengthened. Finally, maximum lot coverage standards are changed to a more appropriate standard for new construction. This amendment is generally consistent with the Comprehensive Plan as currently written. It is also consistent with proposed amendment to the Comprehensive Plan which specifically recommends improvements to these standards. Further, it remains consistent with state mandates to address affordable housing. It is anticipated this amendment will not have an impact on administrative costs to the Town, but could result in undefined long-term costs associated with residential growth.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

**4533 YES**

**NO 1069**

**FOUR:** The Town hereby ordains amendments to the **Zoning Ordinance** to insert an affordability requirement into the York Village Affordable Elderly Housing Overlay District, specifically amending: Article 10-C, York Village Affordable Elderly Housing Overlay District.

**Statement of Fact:** The purpose of this amendment is to insert a requirement that occupants in affordable elderly housing units be of low or moderate income and the rents are affordable to them. These requirements were inadvertently left out of these standards when originally adopted in May 2003. It is important to add the standards because significantly higher density is allowed in this overlay district, with the intent was to provide an incentive for affordable housing. The proposed standard is consistent with the housing already developed by York Housing within this District, so no conflict is

created. This amendment is consistent with Comprehensive Plan policy #4.2.1, which calls for zoning provisions to accommodate elderly housing. It is anticipated this amendment will have no fiscal impact to the Town.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

5132 YES NO 513

**FIVE:** The Town hereby ordains amendments to the **Zoning Ordinance** to alter the manner in which seasonal dwellings are regulated, specifically amending: Article 2, Definitions; and Article 7, Special Provisions.

**Statement of Fact:** The purpose of this amendment is to improve the definition of seasonal dwellings, and to clarify the regulation of such units in order to provide clear guidance for disconnection of water service in seasonal units. A new standard is inserted into the Ordinance which requires the unit to be vacated for a minimum of 90 consecutive days annually. Over the years there evolved an informal administrative standard regarding disconnection of such homes from their water service, with water to be disconnected during the months of January, February and March. The new standard institutionalizes this concept, but provides greater flexibility to the property owner by allowing them to choose any 90-day period to vacate the unit. This amendment is generally consistent with the Comprehensive Plan. It is anticipated this amendment will have no fiscal impact to the Town.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4965 YES NO 641

**SIX:** The Town hereby ordains amendments to the **Zoning Ordinance** to improve and standardize the application review procedures, specifically amending: Article 1, General Provisions; Article 2, Definitions; Article 5, Dimensional Regulations; Article 7, Special Provisions; Article 10, Watershed Protection Overlay District; Article 12, Historic and Archeological Resources; Article 14, Conversion of Seasonal Dwellings; Article 17, Non-Conforming Situations; and Article 18, Administration; and inserting a new Article 18-A, Application Review Procedures.

**Statement of Fact:** The purpose of this amendment is to improve and standardize the application review procedures of the Zoning Ordinance. As currently written, there are many different administrative provisions to be followed when applying for permits and approvals under this one Ordinance, causing the application process to be difficult for the public and for the staff and boards charged with administration. This proposal consolidates procedures, resulting in 2 application review procedures: one for all staff-issued permits, and a second for all work of the Planning Board, Historic District Commission and Board of Design Review. Emphasis is placed on transparency of processes. This amendment is consistent with Comprehensive Plan policy #2.5.5, which calls for making the application processes, "as user friendly as possible for the public." It is anticipated this amendment will simplify administration of the Zoning Ordinance, thus saving money and improving administrative efficiency and accuracy.

Planning Board recommends approval (5-0).

Selectmen recommend approval (4-0).

5076 YES NO 455

**SEVEN:** The Town hereby ordains amendments to the **Zoning Ordinance** to amend outside display standards, specifically amending: Article Six, Supplemental Use requirements.

**Statement of Fact:** Passage of this amendment would expand the ability of small businesses to have outside display of their products, in an effort to promote conditions conducive to small-scale, eclectic, local business start-up, success and growth. This is specifically consistent with Comprehensive Plan Town Goal 3.1, to promote a sound economic base and economic development that is consistent with York's small town coastal character. It is anticipated this amendment will not have an impact on administrative costs to the Town, but could result in undefined long-term costs associated with residential growth.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4714 YES NO 892

**EIGHT:** The Town hereby ordains amendments to the **Zoning Ordinance** to amend Building and Design Standards on Route 1, specifically amending: Article Six, Supplemental Use requirements.

**Statement of Fact:** Passage of this amendment would alter the current architectural design requirements for new construction on US Route 1. The change states that applicants must demonstrate that proposed buildings or building alterations meet the criteria of Route 1 Building and Site Design Requirements. This is generally consistent with the Comprehensive Plan and it is anticipated this amendment will not have an impact on administrative costs to the Town, but could result in undefined long-term costs associated with residential growth.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4510 YES NO 1003

**NINE:** The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending: Article Six, Supplemental Use Requirements.

**Statement of Fact:** The purpose of this amendment is to clarify the administrative provisions for Non-residential Performance Standards applicable the RES-1, RES-2, RES-3, YBVC, GEN-1, GEN-2, and GEN-3 Districts. Language stating the Planning Board was to determine when the Performance Standards of §6.1 had been met to the greatest extent practical was added in November 2008 in conjunction with other amendments. This language will be removed with this amendment, as this section of the Zoning Ordinance does not have adequate administrative provisions. This amendment is specifically consistent with the Comprehensive Plan, Section 2, State Goal 1's call for the timely and fair application of the Town's Zoning and Site Plan and Subdivision Regulations. It is not expected to have a fiscal impact on Town Administration.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4664 YES NO 685

**TEN:** The Town hereby ordains amendments to the **Town of York Building Codes** to increase the permit fees for building permit from \$6 to \$8 per thousand of construction value, and to increase the minimum fee from \$25 to \$50, specifically amending: Section 111.2, Permit Fees.

**Statement of Fact:** The purpose of this amendment is to increase building permit fees. These fees have not increased since 2003. In the current fiscal year, the Community Development Department based its budget on an increase in permit fees as a means of reducing reliance on property tax revenues. The budget approved by the voters in May 2009 reduced reliance on property taxes by \$53,000, or 14%. At the same time, an additional staff position is to be funded with building permit fees – a secretarial position transferred from the Assessing Department to the Community Development Department. Building permit fees are utilized directly by the Department to offset costs associated with code enforcement and geographic information systems (GIS - our computer mapping system). This policy is expressly consistent with the Comprehensive Plan policy #2.2.4 regarding the GIS and policy #2.2.5 regarding reliance on user fees to pay for services. This amendment is projected to have a significant fiscal impact on the Town. Based on current permit fee revenues received by the Town, it is projected that this increase will generate about \$80,000 per year in additional revenue to pay for code enforcement and GIS services. Because the change would begin 1/3 of the way through the current fiscal year, this increase corresponds with the reduced reliance on property tax revenues in FY10. Without this revenue increase, either services would need to be cut or the cost would need to be paid from property tax revenues.

Selectmen recommend approval (3-1).

3804 YES NO 1877

**ELEVEN:** The Town hereby ordains amendments to the **Comprehensive Plan**, amending the Housing Inventory & Analysis chapter to include a description of affordable housing survey results.

**Statement of Fact:** Passage of this amendment updates the existing Housing Inventory and Analysis chapter of the Comprehensive Plan to include a description of the affordable housing surveys conducted between late December 2008 and early 2009.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4953 YES NO 601

**TWELVE:** The Town hereby ordains amendments to the **Comprehensive Plan**, amending housing policies in State Goal 4, and Town Goals 4.1 and 4.2.

**Statement of Fact:** Passage of this amendment replaces outdated policy in this section with language that reflects policy enacted since

its original adoption, public input, and affordable housing policies currently being developed.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4923 YES NO 580

**THIRTEEN:** The Town hereby ordains amendments to the **Comprehensive Plan**, adding additional economic policies, amending: STATE GOAL 3: To promote an economic climate that increases job opportunities and overall economic well-being, adding a new Town Goal 3.3: To create conditions conducive to small-scale, local business start-up, success and growth.

**Statement of Fact:** Passage of this amendment adds to the Town's policies regarding York's economic base and economic development goals. Though there is nothing in the existing policies that exclude the importance of small businesses to the character and resilience of the business community in York, there are currently no policies specifically addressing the particular needs of small businesses. This amendment adds a new Town Goals section, 3.3 to the portion of the Comprehensive Plan that addresses economic climate, job opportunities, and overall economic well-being for York, adding specific language geared toward small-scale, local business start-up, success and growth. It includes recommendations for modifications to the outside display standards, streamlining of application processes, and modified sign standards for small businesses.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4974 YES NO 573

**FOURTEEN:** The Town hereby ordains amendments to the **Comprehensive Plan**, a new chapter, entitled Municipal Capacity Chapter, Comprehensive Plan Inventory & Analysis, with a date of November 3, 2009.

**Statement of Fact:** Adoption of the report, Municipal Capacity, creates a complete set of stand-alone Inventory & Analysis chapters. The document: 1999 Comprehensive Plan, Volume II: Inventory & Analysis is repealed concurrent with the adoption of this chapter. Each of its sections in the 1999 Inventory & Analysis will be represented in more recently adopted chapters. The purpose of Municipal Capacity is to provide information about government land, facilities and services in York, with particular focus on those of the Town, to assist in analyzing the Town's ability to accommodate growth in the future.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4765 YES NO 615

**FIFTEEN:** The Town hereby ordains amendments to the **Comprehensive Plan**, amending bicycle and pedestrian policies in Town Goal 2.4, the Capital Investment section on Transportation and Pedestrian Amenities, and numerous Future Land Use Areas.

**Statement of Fact:** Passage of this amendment adds to the Town's Comprehensive Plan goals for bicycle and pedestrian policies and improvements. The amendments are to three areas of the Plan: Town Goal 2.4, the Capital Investment section on Transportation and Pedestrian Amenities, and numerous Future Land Use Areas. This amendment adds additional recommendations for achieving the concerns of residents currently reflected in the Comprehensive Plan, and removes some language regarding past public input that reflected the opinion that bicycle and pedestrian improvements were unattainable or unrealistic. Seventeen of twenty-one land use areas identified in the Comprehensive Plan reflect citizen input that favored pedestrian and/or bicycle improvement, whether to express a wish for additional amenities, or safety improvements to existing conditions. This amendment seeks to reflect the emphasis of this topic by the citizens of York, and establish a basis for creating diverse, healthy, and more environmentally, socially, and economically positive transportation policies. It is expected to have no fiscal impact on Town administration.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0).

4935 YES NO 643

**SIXTEEN:** The Town hereby ordains amendments to the **Comprehensive Plan**, amending water quality policies in Town Goal 5.2, by adding a new §5.2.5, a new water quality protection policy.

**Statement of Fact:** Passage of this amendment adds to the Town's Comprehensive Plan goal 5.2: to Protect and enhance the water quality of York's major surface water supplies, by adding §5.2.5, a water quality protection goal that seeks to keep water quality at a level that does not necessitate posting advisories or closing public beaches due to water pollution. The Town is currently engaged in a water quality testing program that seeks to identify sources of pollution and correct for them with this goal in mind, for the good of the public health and economic health of the Town. It is expected to have no fiscal impact on Town administration.

Planning Board recommends approval (5-0).  
Selectmen recommend approval (4-0)

5097 YES NO 448

**SEVENTEEN:** The Town hereby ordains amendments to the Residential Growth Ordinance, specifically amending section 14 to change the section title from "Annual Review" to "Review Every Three Years", and requiring that the ordinance be reviewed by the Board of Selectmen every three years for conformance with state law and that any recommendation by the Board of Selectmen to repeal, extend, or amend the ordinance be put to a town vote.

**Statement of Fact:** This amendment was submitted through citizen's petition and would require the Board of Selectmen to review the growth ordinance every three years, rather than annually, starting in 2010, to determine if it continues to be necessary and to re-calculate the ten year average of growth permits issued in order to determine the minimum number of growth permits that must be made available according to state law. After the review the Selectmen may make recommendations regarding the ordinance but must forward any such recommendations to the voters for action.

Selectmen **DO NOT** recommend approval (3-1)

2398 YES NO 3219

**EIGHTEEN:** The Town hereby ordains amendments to the Residential Growth Ordinance to require suspension of the ordinance in the event that the federal unemployment rate exceeds 6.5% for three consecutive months and to provide that the ordinance remain suspended until such time as the federal unemployment rate is maintained at 6.5% or less for three consecutive months, specifically inserting a new section 17, Unemployment Rate Suspension.

**Statement of Fact:** This amendment was submitted through citizen's petition and requires that the growth ordinance be suspended in the event the federal unemployment rate exceeds 6.5% for three consecutive months. The ordinance would be suspended until such time as the federal unemployment rate is 6.5% or less for three consecutive months. Upon suspension of the growth ordinance any growth permit waiting list will be revoked. At the time the growth ordinance is reestablished a new growth permit waiting list will be instituted.

Selectmen recommend approval (3-1)

3048 YES NO 2549