

# **Proposed Ordinance Amendments**

to be considered at a

## **May 2022 Special General Referendum**

### Amendment

1. Article 8-Shoreland Overlay District
2. Article 5- Dimensional Regulations
3. Article 9- Sustainable Energy Efficient Buildings

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## **Amendment #**

### ***ARTICLE 8-SHORELAND OVERLAY DISTRICT***

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

**Article X**

The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending: Article 8, Shoreland Overlay District.

**Statement of Fact:** The purpose of this amendment is to modify Article 8, Shoreland Overlay District to correspond with minimum state shoreland requirements regarding the state requirements for ensuring pre and post construction photos of shoreline vegetation. The Town is required under the **Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-448**, to adopt, administer, and enforce ordinances which regulate land use activities within the shoreland zone.

**Amendment:** Amend Article 8, specifically section 8.3.11 Structures, as follows:

#### **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:

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*(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).*

~~(a)~~(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

~~(b)~~(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

Recommended by the Planning Board:  
Recommended by the Board of Selectmen:

## **Amendment #**

### *ARTICLE 5-Dimensional Regulations*

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

Article X

The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending: Article 5 Dimensional Regulations.

Statement of Fact: The purpose of this amendment is to modify Article 5 Dimensional Regulations regarding calculating lot coverage for projecting building and roof overhangs, to maintain consistency with minimum state shoreland requirements, and to affirm yard setback requirements. The Town is required under the **Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-448**, to adopt, administer, and enforce ordinances which regulate land use activities within the shoreland zone.

**Amendment:** Amend Article 5, Dimensional Regulations specifically section 5.1.4, as follows:

5.1.4. Projecting overhangs such as porches, bay windows, or other objects projecting ~~two feet~~ 24" or more shall be included in the ~~foundation~~ lot coverage calculations. Roof overhangs and steps shall be excluded from this *lot coverage* calculation. *Roof overhangs that are 24" 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.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

## **Amendment #**

### *Article 9- Sustainable Energy Efficient Buildings*

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

#### Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend Article 9- Sustainable Energy Efficient Buildings to simplify the language while ensuring greater energy efficiency for Municipal Buildings.

Statement of Fact: The purpose of this amendment is to update the requirements for the construction of municipal buildings to follow recent State of Maine Building and Energy Code standards for ensuring maximum energy efficiency in design.

**Amendment:** Modify language in Article 9 Sustainable Energy Efficient Buildings as follows:

#### **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. ~~Any new building or new addition to an existing building, 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, or in part if the portion funded by the Town is 75% or greater of total construction costs, shall be certified by an established third-party green or sustainable energy efficient building performance rating organization or shall be designed to conform to a nationally recognized green or sustainable energy efficient building standard model code, unless exempted in §9.2.B. Acceptable systems include, but are not limited to: Efficiency Maine's Maine Advanced Building Program; the Green Buildings Initiatives' Green Globes Certification; the International Code Council's 2012 International Green Construction Code (IgCC); or the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Certification. All buildings or additions shall be designed to be at least 30% more energy efficient than the minimum standards found in the latest version of the Maine Universal Building and Energy Code (MUBEC)~~

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*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 new municipal buildings, construction shall not be required to address green building elements or design standards 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, or addition or renovation designed and used exclusively for storage; or~~
  - b. ~~A building, or addition or renovation that has is less than 5,000 500 square feet of gross floor area;~~
- C. ~~Energy efficiency that is at least 30% better than the minimum standards found in the latest version of the Maine Universal Building and Energy Code (MUBEC) shall be a required element in Requests for Proposals for design and/or construction of any new municipal building or addition covered by this article. 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 do not require sustainable energy efficient building standards at this time. The Town recommends private construction to include as many sustainable energy efficient building standards as are feasible.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen: