

Land Use Ordinance Amendment

1. 6.3 Dimension Requirement Notes:

10. All uses within the Village Overlay District are exempt from dimensional **and** **density** requirements of the underlying District, except the 25' setback requirement from the river, and subject to the requirements established in Section 6.4.

2. Removing Timber Harvesting for State consistency

Q. — Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet inland from the normal high water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.

(b) — Beyond the 75 foot strip referred to in Section 14.15(P)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) — Except in areas as described in Section 14.15(P)(1) above, timber harvesting shall conform with the following provisions:

(a) — Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) — Within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) — At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

~~(b) — No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~

~~(c) — Timber harvesting equipment shall not use stream channels as travel routes except when:~~

~~(i) — Surface waters are frozen; and~~

~~(ii) — The activity will not result in any ground disturbance.~~

~~(d) — All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~

~~(e) — Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~

~~(f) — Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

3. Updating Owner Occupied Apartment to Accessory Dwelling Unit (ADU)

Owner Occupied Apartment: A separate dwelling located within and subordinate to a single-family dwelling, and where the principal dwelling unit or apartment is occupied by a person who has a possessory interest in the real estate.

Accessory Dwelling Unit (ADU): An apartment created by converting part of a single-family dwelling or accessory building into a separate dwelling unit. See Section 8.13 for Performance Standards.

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Owner Occupied Apartment Accessory Dwelling Unit	P	P	P	P	C*	C*	C*	P*	X	X

8.13 Owner Occupied Apartments. Accessory Dwelling Units (ADUs)

The Code Enforcement Officer may approve the addition of one dwelling unit to an existing single-family dwelling and which must comply with the following standards.

1. ~~The existing dwelling unit must have a minimum of 1,200 gross square footage of living area to be considered for an accessory apartment.~~ **The accessory apartment shall be more than 400 square feet and shall not exceed 50 percent of the total living area of the building.**

2. ~~"Owner-occupied" means that either~~ The principal dwelling unit or the accessory apartment **shall be** occupied by a person who has a possessory interest in the real estate, who bears all or part of the economic risk of decline in value of the real estate and who receives all or part of the remuneration, if any, derived from the lease or rental of the other dwelling unit.

3. A single family dwelling as contained in this section means the building proposed for conversion and any accessory building attached. Only one accessory apartment shall be permitted per lot. **An Accessory Dwelling Unit**, however, shall not be allowed in a single-family dwelling within an approved subdivision that contains a note or condition on the plan recorded in the York County Registry of Deeds that specifically allows only single family residential uses.

4. ~~There will be no external expansion of the structure, except for stairwells and elevators.~~ **Any external expansion of the structure shall have a relationship to existing buildings and neighborhood.**

5. ~~The dimensional~~ **Minimum Lot Size** standards ~~found in Section 6.3 are waived.~~ All setback requirements shall be met. ~~with the exception of the standards for lot coverage, which can not be increased above set standards or that which is existing at the time of the proposed conversion, whichever is greater.~~

6. Any request for an accessory apartment shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed soil evaluator which demonstrates that a new system can be installed to meet the disposal needs of the dwelling units or the existing system has adequate capacity for the proposed use.

7. This provision shall not prohibit the conversion of a single family dwelling to a multiplex dwelling or the conversion of a duplex dwelling to a multiplex dwelling so long as said conversion complies with all district and zoning standards, including but not limited to dimensional requirements.

8. Upon approval by the Planning Board, the owner of the accessory apartment shall record within his/her deed at the York County Registry of Deeds that such dwelling shall be and is to remain "owner occupied" even upon future transactions.

4. Rename Low-Impact Industrial to Low-Impact Manufacturing
5. Since Industrial is no longer in C/I. Rename the Commercial/Industrial District to Village/Commercial
6. **7.6 Noise**

No person shall engage in ~~construction~~ activities on a site abutting any residential use between the hours of 10 p.m. and 7 a.m.

7. A substantial expansion requires Conditional Use approval. Substantial expansion shall be defined as:

1. Floor space increase of ~~500~~ **1,500** square feet or 25 percent of the existing floor space, whichever is less; or ...

8. Mineral Extraction from Allowed to Conditional Use

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Mineral Extraction	A C*	A C*	A C*	A X	A C*					

9. **Parking Space:** An area of ~~200 square feet, exclusive of drivers or aisles~~ for the parking of vehicles.

10. Reduce RC/I front setback from 50' to 40'

<u>REQUIREMENTS</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C/I</u>	<u>RC/I</u>	<u>AP</u>	<u>VILLAGE</u>
Minimum Front Yard	25	50	75	25	50 40	75	See Note 10

Subdivision Regulations Amendment

6.3.C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of ~~reproducible, stable-based transparencies~~ two plans on 20 pound white paper, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The ~~reproducible transparencies~~ plans shall be embossed with the dated seal and signature of the individual(s) responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read.

8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. ~~Two reproducible, stable-based transparencies~~, Two 20 pound white paper, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted.