



**Notice of Public Forum
Planning Board
September 22, 2016
7:00 PM
York Public Library**

The York Planning Board will conduct a Public Forum on the proposed November 2016 zoning ordinance amendments. Anyone with questions related to the proposed November 2016 zoning ordinance amendments is invited to participate. The Planning Board and staff from the Planning Office will be on hand to answer your questions.

Printed copies of the proposed zoning amendments (draft document dated September 22, 2016) are available with the Planning Office at the Town Hall, and a digital copy is available on the Town's Web Page (www.yorkmaine.org).

Proposed Ordinance Amendments

to be considered at a

November 2016 General Referendum

Amendment

1. Interpretation of District Boundaries
2. Wetland Protection Overlay District
3. Definition of Wireless Communications Facility
4. Definition of Building Height
5. Expansion of the York Village Center Local Historic District

Amendment #1
Interpretation of District Boundaries

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to include a section within Article Three - Establishment of Zoning Districts that clarifies the interpretation of district boundary lines.

Statement of Fact: The purpose of this amendment is to clarify within the zoning ordinance that district boundary lines extend vertically from the ground surface essentially forming an invisible vertical plane whereby district ordinances and regulations shall be adhered to.

Amendment: Add language to Article 3 Establishment of Zoning Districts with the following section:

- 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.

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

Amendment #2
Wetland Protection Overlay District Amendment

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to repeal a provision out of section 11.3.2 of the Wetland Protection Overlay District and add a reference to section 11.4 regarding wetland impact.

Statement of Fact: The purpose of this amendment is to eliminate arbitrariness within the ordinance and to clarify wetland impact requirements.

Amendment:

Amend section 11.3.2 of the wetland ordinance by repealing the following requirement:

11.3.2 Utility, Driveway and Road Crossings. Crossing of wetlands for utilities, driveways or roads may be permitted ~~to accommodate a reasonable return on the lot, provided impacts shall be~~ are minimized and conditions specified in section 11.4 of this ordinance are adhered to.

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #3

Definition of Wireless Communications Facility

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend the definition of “wireless communications facility” of the Wireless Telecommunications Facilities Ordinance.

Statement of Fact: The purpose of this amendment is to update the definition of wireless communications facility to accurately represent changes in wireless telecommunication capabilities.

Amendment:

Amend section 1.16 of the Wireless Telecommunications Facilities Ordinance by repealing that definition of wireless communications facility and replacing it with the following:

Wireless Communications Facility (or Facility) (WCF) – ~~Any structure, antenna, tower, or other device which provides voice, data, radio, or television transmission, personal wireless service, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio and enhanced special mobile radio communications, common carrier wireless exchange access services, common carrier wireless exchange phone services and personal communications service or pager services.~~ *Any facility, building, pole, tower, or structure used to provide wireless telecommunication services, which may consist of antennae, equipment, storage and other accessory structures used to provide wireless telecommunication services.* The definition of WCF includes personal wireless service facilities as that term may be defined in Title 47, United States Code, Section 332 (c)(7)(C), ~~as it may be amended now or in the future as may be amended.~~

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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Amendment #4

Definition of Building Height

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to alter the definition of building height as well as include a section requiring professional certification of allowed maximum building height.

Statement of Fact: The purpose of this amendment is to clarify how to calculate average grade of the ground for the purpose of measuring maximum building height on a site or property. The amendment also ensures proper professional certification is obtained when a building is proposed to be constructed within five (5) feet of the allowed maximum building height.

Amendment: Add language to the definition of Building Height that articulates how to calculate “average pre-development grade” with the following:

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. - **AMENDED 12/29/93**
- 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.

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Amendment: Add language to Article 5- Dimensional Regulations by inserting a section that requires professional building height certification for new construction with the following:

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.

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

Amendment #5
Expansion of York Village Center Local Historic District

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to change the boundaries of the York Village Center Historic District to include an additional 12 parcels as shown on the map “Proposed Expansion of the Village Center Historic Local District” dated June 17, 2016.

Statement of Fact: The purpose of this amendment is to expand the protections of the existing York Village Center Local Historic District by including an additional twelve (12) properties. The intent of this amendment is to compliment and preserve the Villages historic architecture, heritage and character. This is in keeping with the goals outlined in York’s Comprehensive plan specifically Town Goal 9.1.1 and Future Land Use recommendation 3 for the York Village Center Area.

Amendment:

Amend section 12.6 by changing the Village Center Local Historic District map reference date and replace the associated map entitled “York Zoning Ordinance: Village Center Local Historic District dated January 31, 2003 with the following:

Village Center Local Historic District, as shown on a map entitled, “York Zoning Ordinance: Village Center local Historic District” dated ~~January 31, 2003~~ *June 17, 2016*.

(See attached Map)

Recommended by the Planning Board:

Recommended by the Board of Selectmen: