



# Existing Land Use

*Understanding York's existing land use and zoning provides a basis for understanding current conditions and determining if future changes need to be made to achieve Town goals. Land use regulations have implications for all of the other elements of York's Comprehensive Plan. As a primary tool to maintain and focus uses, zoning and land use regulations are critical to efforts to be proactive about directing change and protecting the features that residents wish to preserve.*

## This topic includes...

- **Current land use**
- **Town growth and rural areas**
- **Base Zoning Districts**
- **Zoning Overlay Districts**
- **Site Plan & Subdivision Regulations**
- **York Floodplain management**
- **Permitting and approvals processes**
- **Recent development patterns**
- **Climate change impacts**
- **Town capacity**
- **What the community said**
- **Key takeaways**

## Current Land Use

The Town of York occupies an estimated 55 square miles of land made up of approximately 9,237 parcels,<sup>1</sup> which supports a varied mix of land uses. Of the land that is developed, a relatively high proportion is devoted to residential uses, open space, agriculture, forestry, and recreation. As the town has grown, portions of town east of U.S. Route 1 are more developed,

<sup>1</sup> 2020 Town of York Assessor data.



with higher concentrations of commercial uses along U.S. Route 1 and within the town's villages.

## York's Land Use Distribution

Land area designated as "residential" is the largest land use category at approximately 39% of the town, and about 80% of the parcels (Fig. 1 and Table 1).<sup>2</sup> Just under 10% of land is assessed as Open Space/Agriculture/Forestry/Cemeteries, and less than 6% is assessed as Commercial uses. There is also a significant amount of land categorized as Utilities (almost 7%), as well as Government/Institutional/Charitable/Non-Taxed (just under 9%).

Commercial and Industrial uses combined make up approximately 6% of the town's land. There is a significant amount of land, based on Town Assessment, that is considered Vacant or not developed (approximately 17%) as well as Undevelopable (almost 14%).



*Left Photo: Nearly 40% of York's land use is residential. Right Photo: Commercial uses occupy less than 6% of York's total land use.*



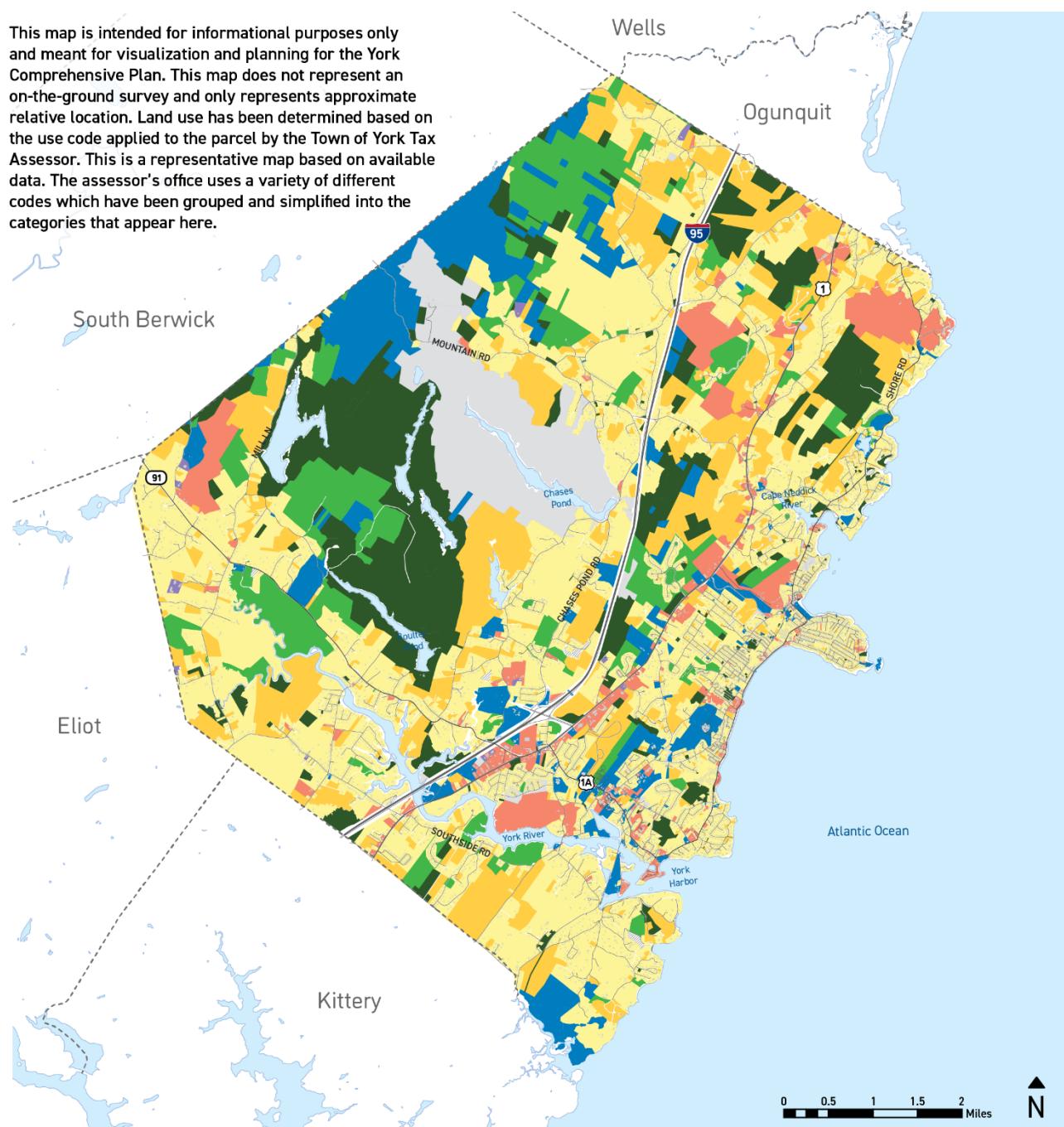
*Left Photo: Highland Farm Preserve. Right Photo: York Middle School.*

<sup>2</sup>Determined by analyzing data by tax assessment land use categories from the Town's Assessor's Office,



**Figure 1. York Land Use by Tax Assessor Category (2020)**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. This map does not represent an on-the-ground survey and only represents approximate relative location. Land use has been determined based on the use code applied to the parcel by the Town of York Tax Assessor. This is a representative map based on available data. The assessor's office uses a variety of different codes which have been grouped and simplified into the categories that appear here.



*Data Sources: 2020 Town of York Assessors, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*

Residential	Utilities	Unlabeled
Commercial	Vacant	
Industrial	Undevelopable	
Government/Institutional/Charitable/Non-Taxed	Open Space/Agriculture/Cemeteries/Forestry	



Table 1. 2020 York Land Use in Acres and Parcel Count by Tax Assessment Land Category\*\*

Tax Assessment Land Category	Acreage (Estimate*)	Percentage of Total (Estimate*)	Number of Parcels	Percentage of Total Parcels (Estimate*)
<b>Residential</b>	<b>12,736</b>	<b>38.8%</b>	<b>7,429</b>	<b>80.4%</b>
Single Family	11,520	35.1%	6,909	74.8%
Multi-Family	1,216	3.7%	520	5.6%
<b>Commercial</b>	<b>1,859</b>	<b>5.7%</b>	<b>319</b>	<b>3.5%</b>
<b>Industrial</b>	<b>56</b>	<b>0.2%</b>	<b>15</b>	<b>0.2%</b>
<b>Vacant/ Not Developed</b>	<b>5,576</b>	<b>17.0%</b>	<b>735</b>	<b>8.0%</b>
Residential	5,560	16.9%	727	7.9%
Commercial	15	>0.1%	7	0.1%
Industrial	>1	>0/1%	1	>0.1%
<b>Undevelopable</b>	<b>4,428</b>	<b>13.5%</b>	<b>349</b>	<b>3.8%</b>
Residential	2,016	6.1%	329	3.6%
Commercial	2,412	7.3%	20	0.2%
<b>Utilities</b>	<b>2,132</b>	<b>6.5%</b>	<b>39</b>	<b>&lt;0.1%</b>
<b>Open Space / Agriculture / Forestry / Cemeteries</b>	<b>3,122</b>	<b>9.5%</b>	<b>123</b>	<b>1.3%</b>
<b>Government / Institutional / Charitable / Non-Taxed</b>	<b>2,890</b>	<b>8.8%</b>	<b>184</b>	<b>2.0%</b>
<b>Unlabeled</b>	<b>45</b>	<b>0.1%</b>	<b>44</b>	<b>0.5%</b>
<b>Total (Estimate*)</b>	<b>32,843</b>	<b>100%</b>	<b>9,237</b>	<b>100%</b>

Source: 2020 Town of York Assessor Data; Town of York GIS data.

\*Totals may equal more or less than sum of each category due to rounding of numbers.

\*\*The difference between the Total Estimated Acreage in this Table and Table 2. York Land Area by Base Zoning Category are due to the GIS data provided. This discrepancy is not unusual, and the focus should be on the Percentage of the Total.

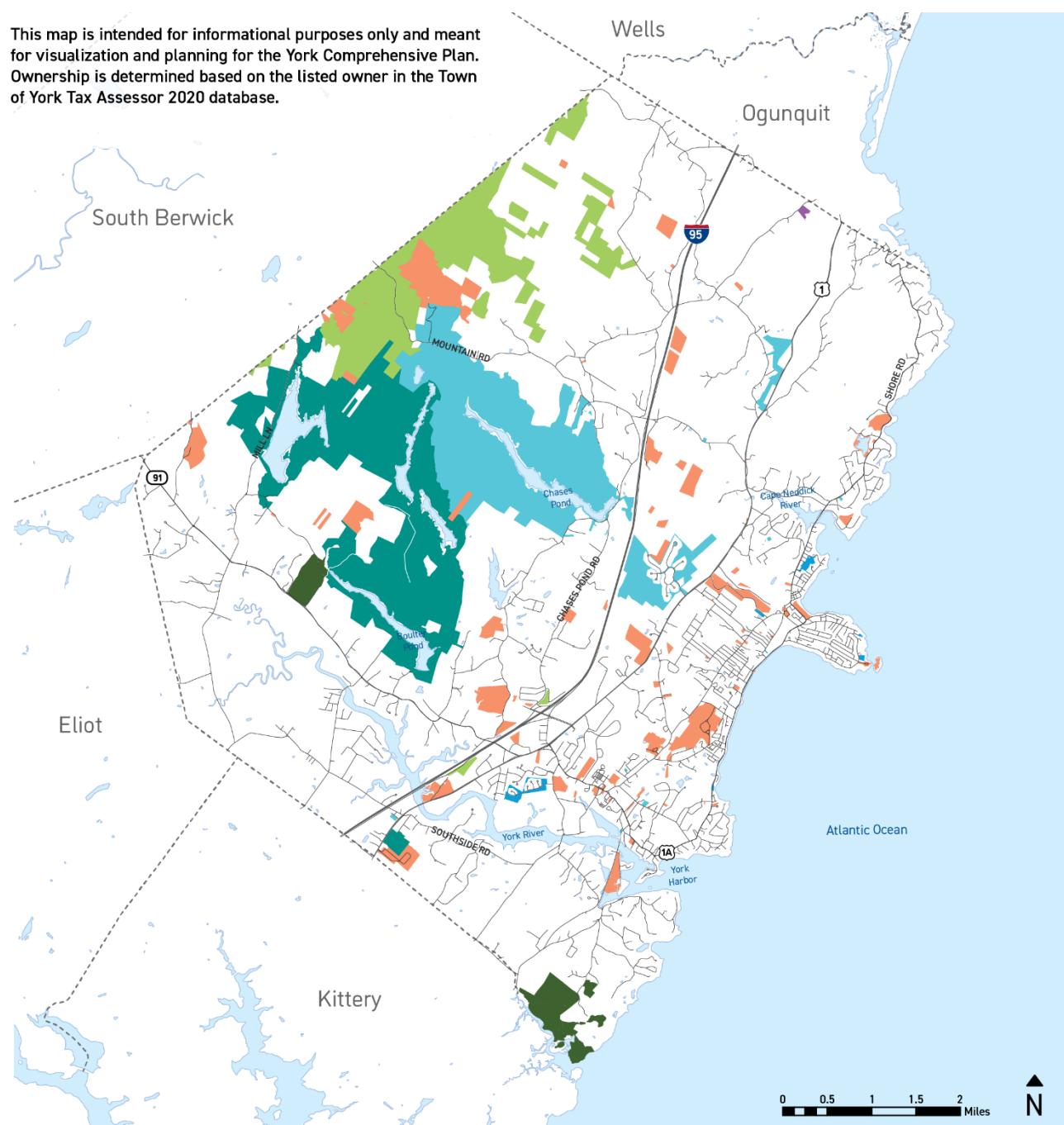
Note: Each parcel in the Town Assessor database is counted towards only one specific land use based on its "primary use" category. In the amended 1999 Town of York Comprehensive Plan, the percentages for developed residential use was 33% of land area and 68% of parcels. However, it should be noted that land use classifications were slightly different from the categories in Table 1 above, which use 2020 Town tax assessment categories.

Fig. 2 offers a better understanding of ownership of the significant amount of land in York categorized as Utilities and as Government/Institutional/Charitable/Non-Taxed. These land use categories include large areas owned by Kittery Water District and York Water District, the State of Maine, the U.S. Government, and the Town of York.



**Figure 2. Government and Publicly-Owned Lands**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. Ownership is determined based on the listed owner in the Town of York Tax Assessor 2020 database.



*Data Sources: 2020 Town of York Assessors, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*

State of Maine	York Sewer District
Town of York	York Water District
Federal	Kittery Water District
Town of Ogunquit	



## Town Growth and Rural Areas

The State of Maine's, Title 30-A, §4326: Growth management program elements, requires municipalities to develop a growth management program that includes defined Growth Areas, if applicable, as well as Rural Areas. These areas are defined as part of the State's Growth Management Program:

- Growth Area: ...suitable for orderly residential, commercial, or industrial development...and into which most development projected over 10 years is directed
- Rural Area: ...area deserving of some level of regulatory protection from unrestricted development...and from which most development projected over 10 years is diverted

The state requires municipalities to direct their infrastructure and facilities investments primarily toward Growth Areas. York's Growth Area Boundary was determined in the 2006 York Comprehensive Plan Policy Chapter and generally encompasses the area east of I-95 with the Cape Neddick River being its northern boundary and the York River bounding the area to the south (Fig. 3). Information is provided later in this section on development patterns and trends in York since 2010, including what percentage of development has occurred in Growth Areas versus Rural Areas of York.



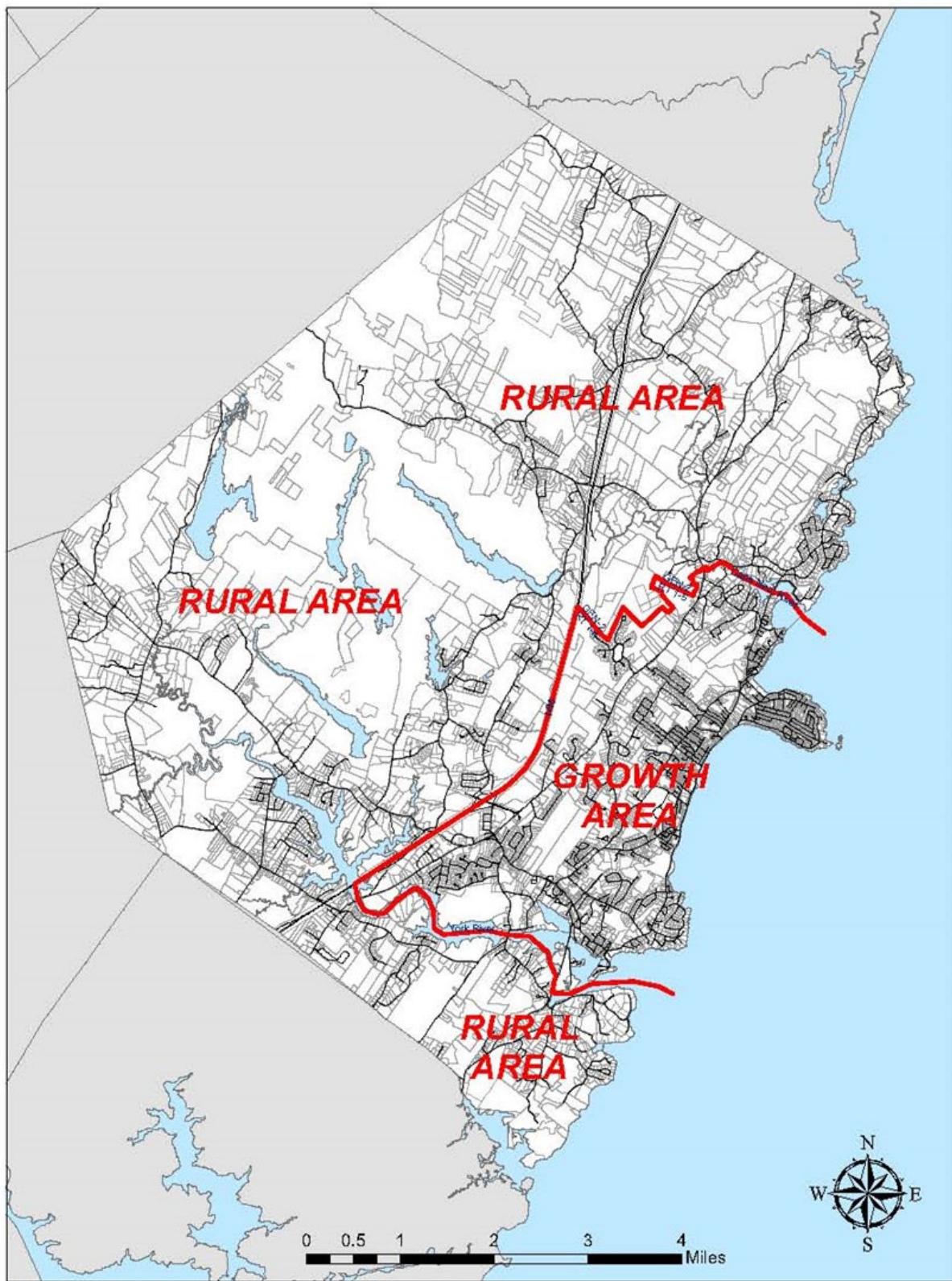
*Left Photo: All York Housing Authority properties, including Village Woods (above), are within the 2006 Growth Area. Source: Jeff Levine. Right Photo: Much of the U.S. Route 1 Corridor is within the Growth Area.*



*Left Photo: The 2006 Growth Area contains York's economic centers, including York Village (above). Right Photo: Public services provided by the York Water District (above) and York Sewer District are primarily contained within the Growth Area.*



Figure 3. Town of York Growth Area Boundary, 2006



Source: York Planning Department, York Comprehensive Plan Policy Chapter 7/11/06



## York's Zoning

The Town of York's Zoning Ordinance states the following General Purpose: "In the broadest sense, the Zoning Ordinance helps protect public health, safety and welfare by encouraging appropriate use of land and protection of resources by following policy directions of the Comprehensive Plan and State Statutes"<sup>3</sup> The Town's Zoning Ordinance, originally enacted on March 18, 1992, has been amended over 50 times, with revisions and amendments generally passed once or twice per year.

York's Zoning Ordinance, is well-intentioned and thorough, but has often been described as "complex" by both residents and Town staff. York has base zoning that includes use and dimensional requirements, as well as additional supplemental requirements, special provisions, overlay districts, and other standards, regulations, policies, permit processes, and amendments. The layering effect of all the requirements written out in the Zoning Ordinance and other regulations leads to confusion. Community members and property owners often seek assistance from the Planning and Code Enforcement Departments to understand what is allowed and where, as well as the necessary permitting and approval processes.

### Base Zoning Districts

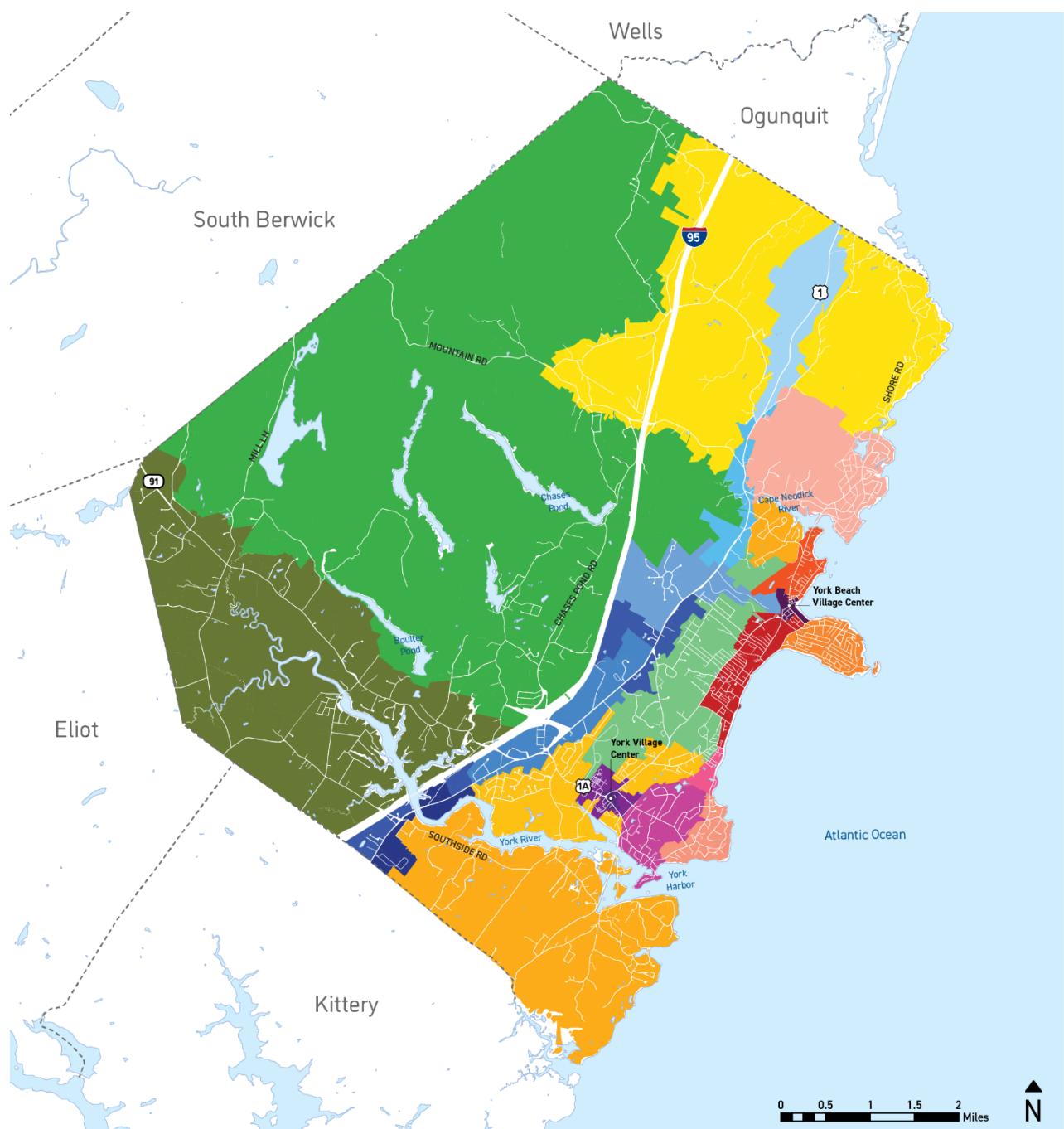
The Zoning Ordinance includes 22 categories within its base zoning. The boundaries of those base zoning districts established pursuant to this Ordinance are delineated in detail on the York Zoning Ordinance: Base Zoning Districts map below (Fig. 4).

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<sup>3</sup> Town of York Zoning Ordinance, Article 1, General Purpose, as Amended 11/07/2000.



Figure 4. York Base Zoning Map, 2/4/16



Data Sources: 2019 Town of York OpenData, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset.  
Map created by CivicMoxie.

GEN-1	YVC-1	RT 1-3	RES-1B	RES-6
GEN-2	YVC-2	RT 1-4	RES-2	RES-7
GEN-3	YBVC	RT 1-5	RES-3	
BUS-1	RT 1-1	RT 1-6	RES-4	
BUS-2	RT 1-2	RES-1A	RES-5	



## Zoning District Descriptions

The base zones in the Zoning Ordinance are delineated below with brief summary descriptions. Tables with Dimensional Regulations by Zone are provided later in this section.

### *Residential Zones<sup>4</sup>*

#### **RES-1A Residential 1A**

#### **RES-1B Residential 1B**

Geographically, all of RES-1B, and only a very limited portion of RES-1A, is within the Town's 2006 Growth Area.

**Overall Allowed Uses:** RES-1A and RES-1B have the same allowed uses.

Residential allows six types: Single-Family, Two-Family, Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing. Commercial allows motel/hotel, restaurants, and marinas all only on Harris Island, and small (three rooms or less) lodging and tourist homes/Inns. Office allows only Town of York or School District offices; several Civic and Public uses are allowed, except for treatment plants or DPW-related storage. Most Industrial uses are not allowed except for bulk storage collection bins. Several Rural and Agricultural uses are allowed, such as aquaculture, general purpose farm, agriculture and nurseries, timber harvesting, forest and wildlife management activities, and specified others. Several other use categories and uses are allowed with others being expressly prohibited.

#### **RES-2 Residential 2**

Geographically, RES-2 is outside of the Town's 2006 Growth Area and considered to be in a Rural Area. This zone also straddles across I-95.

**Overall Allowed Uses:** Allowed Residential uses include four types: Single-Family, Two-Family, Boarding House, and Bed & Breakfast. Very few Commercial uses are allowed, with motel/hotel only being allowed if existing prior to 1985. Most of the other allowed uses are similar to those allowed in RES-1A and RES-1B.

#### **RES-3 Residential 3**

Geographically, RES-3 is generally north of the Cape Neddick River, outside of the 2006 Growth Area, and adjacent to RES-2.

**Overall Allowed Uses:** Allowed Residential uses include four types: Single-Family, Two-Family, Boarding House, and Bed & Breakfast. Commercial uses appear to be almost all expressly prohibited. Most of the other allowed uses, however, are generally similar to those allowed in RES-1A, RES-1B, and RES-2.

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<sup>4</sup> From §4.1.1 Residential Districts.



## RES-4 Residential 4

Geographically, RES-4 is north of York Harbor and includes York Harbor Beach.

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing, similar to RES-1A and 1B. However, special exemptions are needed for Two-Family and Boarding House with additional private garage restrictions for Single-Family. Similar to RES-3, almost all Commercial uses appear to be expressly prohibited. Most of the other allowed uses are generally similar to those allowed in RES-1A through RES-3 with the exception of no specific Recreation and Amusement uses allowed.

## RES-5 Residential 5

Geographically, RES-5 is generally east of Long Beach Avenue, adjacent to RES-7 and York Beach Village Center and is within the Town's 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include four types: Single-Family, Two-Family, Boarding House, and Bed & Breakfast, similar to RES-2 and RES-3. There are more Commercial uses allowed, including motels/hotels and separate restaurants, both with specific restrictions, as well as lodging and tourist homes/inns and ice cream stands. Most of the other allowed uses are generally similar to those allowed in RES-1A through RES-4 with the exception of no specific Recreation and Amusement uses allowed.

## RES-6 Residential 6

Geographically, RES-6 is north of York Beach and York Beach Village and is within the Town's 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include five types: Single-Family, Two-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Commercial uses specifically allow marinas in this district. Most of the other allowed uses are generally similar to those allowed in RES-1A through RES-5 with the exception of utilities being allowed, as the York Sewer District is located within this zone.

## RES-7 Residential 7

Geographically, RES-7 runs along Long Sands Beach and is within the Town's 2006 Growth Area.



**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing.

Commercial uses that are allowed are similar to those in RES-5. Most of the other allowed uses are generally similar to those allowed in RES-1A through RES-5.

### A Note about Manufactured Housing

The Zoning Ordinance includes, but does not limit, the definition of manufactured housing to include “mobile homes” and “trailers,” as these housing units should be constructed after 1976 and in compliance with HUD standards.

Outside of Manufactured Housing Parks, manufactured homes are allowed in all places in York, subject to requirements and restrictions applicable to conventionally-constructed residential structures. There are additional standards listed in Article 13.2, including the need for a permanent foundation that complies with the building code.

A manufactured housing park is a parcel of land under unified ownership and management as approved by the Town. Three or more manufactured housing units are permitted in GEN-2, and those with 15 or fewer units are permitted within GEN-3 not located southeast of Ridge Road or west of Old Post Road. Additional standards and restrictions are detailed in Article 13.3.

The GEN-3 zone is located entirely within the Town’s Growth Area.

### *Business Zones<sup>5</sup>*

#### **BUS-1 Business 1**

Geographically, BUS-1 is adjacent to York Village Center-2, includes a good portion of York Harbor and is within the Town’s 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include seven types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing. Private garage limitations are in place for Single-Family, Two-Family, and Multi-Family. Boarding House uses are allowed only by Special Exception. Commercial uses allowed include service businesses serving local needs, small businesses, and many other local community services and retail needs, including restaurants, florists, laundries and dry cleaners, appliance repair services, day care, among others, while expressly prohibiting retail larger than 2,500 SF, fast food, chain

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<sup>5</sup> From §4.1.2 Business, Village and General Districts .



stores, and hotel/ motels. Additionally, Office uses allowed include business, financial, professional, and medical. Most of the other allowed uses are generally similar to those allowed in the RES districts, with differing intensities and specified allowances due to the more commercial nature of the zone.

## **BUS-2 Business 2**

Geographically, BUS-2 is north of BUS-1 along the coast within the 2006 Growth Area and is much smaller in size than BUS-1.

**Overall Allowed Uses:** Allowed Residential uses include five types: Single-Family, Two-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Private garage limitations are in place for Single-Family and Two-Family. Boarding House are only allowed by Special Exception. Commercial uses are very similar to those allowed in BUS-1, including service businesses serving local needs, small businesses, and many other local community services and retail needs, with similar expressly prohibited uses. Office uses allowed are also similar to BUS-1, including business, financial, professional, and medical. Most of the other allowed uses are generally similar to those allowed in the BUS-1 district, with the exception of campgrounds and travel trailer parks being allowed under Recreation and Amusement uses.

### *Village Zoning Districts*

While the town has four village centers--York Village, York Harbor, York Beach, and Cape Neddick – each with its own unique characteristics, there are specific zoning districts for York Village and York Beach Village.

## **YBVC York Beach Village Center**

The Zoning Ordinance states the goal for the York Beach Village Area is to “promote an attractive, inviting, safe, pedestrian-focused, family-oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process.”<sup>6</sup>

Geographically, YBVC is adjacent Short Sands Beach and is located within the 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Allowed Commercial uses are similar to those in BUS-1 and BUS-2 with additional food and lodging allowances. Office uses allowed are also similar to those in the BUS districts but also include radio and television studios. Vehicular uses, including sale, rental, and

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<sup>6</sup> Amended 11/04/2008.



commercial parking are allowed in this district. Under Recreation and Amusement uses, in addition to campgrounds and travel trailer parks, specific additional amusement parks and indoor and outdoor recreation/amusement facilities are allowed. Most of the other allowed uses are generally similar to those allowed in the BUS districts.

### **YVC-1 York Village Center-1**

### **YVC-2 York Village Center-2**

As described in the Zoning Ordinance, the goal for the York Village Center Districts is to “promote an attractive, inviting, safe, pedestrian-focused, family-oriented, four season environment; safeguard the historic architecture, character and diversity; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process.”<sup>7</sup>

Geographically, YVC-1 is located within YVC-2 as the heart of York Village and is within the Town’s 2006 Growth Area.

**Overall Allowed Uses:** YVC-1 and YVC-2 have the same allowed uses. Allowed Residential uses include seven types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing. Each of the residential uses has specific restrictions or requirements. While the overall allowed Commercial and Office uses are similar to those in YBVC, each commercial and office use has its own restrictions or requirements. The hospital use is allowed within the Hospital Overlay District and utility is also allowed. Distinct from other districts, some Industrial uses are allowed, including printing, binding, publishing and related arts and trades, and bottling of beverages as accessory to an artisanal food and/or beverage facility. Most of the other allowed uses are generally similar to those allowed in YVBC, except that Vehicular uses are not allowed in YVC-1 or 2.

### *U.S. Route 1 Corridor*

U.S. Route 1 passes through York (north-south) on the eastern side of town. The environmental and land use context changes along the corridor, which led the Town to create six zones (RT 1-1 through RT 1-6) that better match the existing environments and desired developments in those areas.<sup>8</sup>

### **RT 1-1 Route One-1, River Protection**

Geographically, RT 1-1 is located on the southern end of town near the York River with a portion of the district within the Town’s 2006 Growth Area. The zone was established to “Protect the aesthetic and environmental quality of the York River; serve as an attractive

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<sup>7</sup> Amended 05/21/2016.

<sup>8</sup> Town of York Zoning Ordinance Article 1.3.2.



gateway to York; and allow only a limited number of compatible uses: residential, public, educational and small scale professional offices.”

**Overall Allowed Uses:** Allowed Residential uses include five types: Single-Family, Two-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Unlike other districts, only one Commercial use is allowed – day care centers, with almost all other commercial uses prohibited. Certain Office uses under 5,000SF may be allowed but only by special permit, with laboratory and research facilities and radio and television studios expressly prohibited. Industrial and Vehicular uses are prohibited, and most other rural and agricultural, recreation and amusement, and other uses are allowed by permit only.

### RT 1-2 Route One-2, Small Makes Sense

This zone is located geographically on the southern end of town with a portion of the district within the Town’s 2006 Growth Area. The zone was created “to establish an area where: small scale commercial, office and service business uses can prosper; and residential use can co-exist with commercial use.”<sup>9</sup>

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Commercial uses are similar to those allowed in BUS-1 with additional uses, such as shopping center, small lodging/tourist inns, garden centers, and others, all under 5,000SF and all requiring permits. Some uses are still prohibited, such as lumber and building supply yards, formula or fast food restaurants, and privately owned commercial parking lots. General Office uses and Civic and Public uses are allowed by permit only with similar prohibited uses as RT 1-1. Industrial uses allowed only in the area northerly of Fieldstone Estates Road and Southerly of Rogers Road, with less than 5,000SF, include printing, binding, publishing and related arts and trades and machine shop, assembly, packaging, wood fabrication, or manufacturing, all by permit. In the same area allowing industrial, several Vehicular uses are allowed by permit, such as vehicle repair, rental, storage, and recreational vehicle sale, rental, and repair, e.g., campers, snowmobiles, and pleasure boats. Additional Rural and Agricultural, Recreation and Amusement, and other uses are allowed by permit only.

### RT 1-3 Route One-3, Big Makes Sense

This zone is meant “to establish an area where: large scale business, including industry, commercial, service business, professional offices, restaurants and hotels/motels can prosper; adequate public services can be delivered to this centrally located area to support the size and

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<sup>9</sup> Town of York Zoning Ordinance Article 1.3.2.



number of businesses; and to provide for a sufficiently wide range of goods, services and attractions, in keeping with the essential needs of York's residents and tourists."<sup>10</sup>

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing.

Commercial uses are similar to those allowed in RT 1-2 except at a larger scale (under 20,000 SF) with additional uses, such as motels/hotels and lumber and building supply yards. Almost all allowed commercial uses require a permit. Some uses are prohibited, such as formula or fast food restaurants. General Office uses and Civic and Public uses are allowed by permit only; laboratory and research facilities and radio or television studios are also allowed by permit. Industrial uses in addition to those allowed in RT 1-2 include warehouse or distribution facilities, wholesale business and storage, self-storage facilities, and bulk fuel storage area all allowed by permit.

Vehicular uses similar to those in RT 1-2 are allowed by permit, including car washing. Other Rural and Agricultural, Recreation and Amusement, including indoor amusement/entertainment and indoor sports facilities, and other uses, are allowed by permit only.

#### RT 1-4 Route One-4, Tourism/Recreation

The intent of this zone is "to establish an area where: uses that complement York's prime economy as a family-oriented tourism area are encouraged; and uses that promote the extension of public sewer to this section of Route One are allowed."<sup>11</sup>

**Overall Allowed Uses:** Allowed Residential uses include seven types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing, east of U.S. Route 1. Allowed Commercial uses are similar to those in RT 1-2 in size and scale with some additional uses allowed in RT 1-3 also allowed in RF 104 but at more limited size, and all requiring permits. Prohibited commercial uses are similar to those not allowed in RT 1-2. General Office uses and Civic and Public uses are allowed by permit only. Industrial uses are prohibited in this district. Vehicular uses are limited to those related to recreational vehicles, by permit. Recreation and Amusement allowed uses are much expanded in this district, such as campground & trailer parks, indoor entertainment/amusement, indoor sports facility, fitness center, outdoor sports & entertainment facility, golf course, country club, and open air/drive-in, all by permit only. Other Rural and Agricultural and Miscellaneous uses are allowed by permit only.

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<sup>10</sup> From §4.1.4 Route One Districts.

<sup>11</sup> Town of York Zoning Ordinance Article 1.3.2.



## RT 1-5 Route One-5, Cape Neddick Village

This district establishes "...an area where: the existing appearance and village character of the Cape Neddick area is promoted and which future development must satisfy; and residential, small-scale commercial, office and restaurant uses can occur to create a village atmosphere."<sup>12</sup> The southern part of the RT 1-5 district is within the 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Allowed Commercial uses are similar to those in RT 1-2 at the similar smaller scale, and all require permits. Prohibited commercial uses are similar to those not allowed in RT 1-2. General Office uses and Civic and Public uses are allowed by permit only. Industrial uses are prohibited in this district, as are Vehicular uses. Recreation and Amusement allowed uses are limited to fraternal organizations/clubs/lodges, by permit only. Other Rural and Agricultural and Miscellaneous uses are allowed by permit only.

## RT 1-6 Route One-6, Rural Mixed Use

The intent of this zone is "to establish an area where: the existing rural character of this area is protected by requiring most uses to retain existing trees as protective aesthetic buffers; and a large variety of uses are permitted, provided each use satisfies applicable standards."<sup>13</sup>

**Overall Allowed Uses:** Allowed Residential uses include six types: Single-Family, Two-Family, Multi-Family, Boarding House, Bed & Breakfast, and Elderly Housing. Allowed Commercial uses are similar to those in RT 1-2 and RT 1-5 and all require permits. Prohibited commercial uses are similar to those not allowed in RT 1-2. General Office uses and Civic and Public uses are allowed by permit only, including laboratory and research facilities. Industrial uses allowed in this district are similar to those in RT 1-3 by permit. Vehicular uses allowed are similar to RT 1-4 by permit. Recreation and Amusement includes allowed uses such as campground & trailer parks, indoor sports facility, fitness center, outdoor sports & entertainment facility, golf course, country club, and fraternal organizations/clubs, by permit only. Rural and Agricultural and Miscellaneous uses are allowed by permit only.

### *General Development*<sup>14</sup>

There are three General Development districts in town with a variety of uses allowed at intensities lower than most of the other zones for GEN-1 and GEN-2. The exception is GEN-3 due to its location east of U.S. Route 1 and within the 2006 Growth Area.

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<sup>12</sup> Town of York Zoning Ordinance Article 1.3.2.

<sup>13</sup> Town of York Zoning Ordinance Article 1.3.2.

<sup>14</sup> From §4.1.2 Business, Village and General Districts.



## GEN-1 General Development 1

Geographically, GEN-1 is located to the southwestern part of town, west of I-95.

**Overall Allowed Uses:** Allowed Residential uses include four types: Single-Family, Two-Family, Boarding House, and Bed & Breakfast. Allowed Commercial uses are similar to those in RT 1-2 but are limited in size (under 2,500 SF), with some additional uses allowed, such as lumber and building supply. General Office uses and Civic and Public uses are allowed, including laboratory and research facilities by permit. A fairly wide range of Industrial uses are allowed in this district. Vehicular uses allowed are for auto-related service and repair and pleasure boat uses. Recreation and Amusement includes allowed uses such as indoor and outdoor sports and amusement facilities and country club. Additional Rural and Agricultural uses and Miscellaneous uses are allowed, including timber harvesting, commercial stables, flea markets, structures accessory to permitted uses, accessory uses customarily incident to allowed uses, and uses similar to permitted uses.

## GEN-2 General Development 2

This zoning district covers much of the west and northwestern parts of town, including Mt. Agamenticus. While much of the zone is west of I-95, there is a portion that straddles east of I-95 but is not inside of the 2006 Growth Area but rather in the Town's Rural Area.

**Overall Allowed Uses:** Allowed Residential uses include four types: Single-Family, Two-Family, Boarding House, and Bed & Breakfast. Allowed Commercial uses are similar to those in GEN-1, as are the allowed Office and Civic and Public uses. A similar range of Industrial uses are allowed in this district as in GEN-1, and Vehicular uses allowed are for auto-related service and repair and pleasure boat uses. Recreation and Amusement includes allowed uses such as indoor and outdoor sports and amusement facilities and country club. Rural and Agricultural uses and Miscellaneous uses allowed are similar to those in GEN-1, with the addition of sand/gravel pits, quarries, and similar uses.

## GEN-3 General Development 3

The GEN-3 district is located to the east of U.S. Route 1 and is completely within the 2006 Growth Area.

**Overall Allowed Uses:** Allowed Residential uses include seven types: Single-Family, Two-Family, Multi-Family (public water and sewer required), Boarding House, Bed & Breakfast, Elderly Housing, and Elderly Congregate Housing. Allowed Commercial uses are similar to those in the Business and Village Center districts, with some restrictions for public water and sewer and location south of the Little River. Allowed Office and Civic and Public uses are similar to those in the Business and Village



Center districts. Unlike the BUS districts, a range of Industrial uses are allowed south of the Little River. Most of the other allowed uses are generally similar to those allowed in the BUS and Village Center districts.

### Land Area by Zoning District

A majority of York's land area falls within one of the base zoning General Development categories (about 60%), followed by Residential (about 31%) (Table 2). The Business districts are approximately 1% of the town's land area, although a majority of the zoning districts allow commercial, office, civic, and other uses to different extents (Fig. 4). The Village Districts specifically allow for mixed-use buildings.

**Table 2. York Land Area by Broad Base Zoning Category\*\***

Base Zoning Category	Acres (Estimate*)	Percentage of Total (Estimate*)
Residential 1A - 7	10,198	31%
Route 1-1 – 1-6	2,478	7%
Business 1 - 2	431	1%
York Beach Village/ York Village Center 1 - 2	164	1%
General Development 1 - 3	19,873	60%
Total (Estimate)	33,144	100%

Source: Town of York GIS data used for acreage estimates.

\*Totals may equal more or less than sum of each category due to rounding of numbers.

\*\*The difference between the Total Estimated Acreage in this Table and Table 1: York Land Use in Acres by Tax Assessment Category is due to the GIS data provided. This discrepancy is not unusual, and the focus should be on the Percentage of the Total.

A look at specific zoning categories helps define a more finely-grained understanding of the intent of York's land use regulations (Table 3). General Development, which is about 60% of the town's land, includes the General Development 1 and 2 zones which are mostly west of I-95 and are outside of the 2006 Growth Area (labelled Rural Areas). GEN-2 is the largest zoning district in York, comprising almost 43% of land area in the town, followed by GEN-1 at around 14%, and RES-2 at just under 14%. Only about 1.3% of the town is zoned specifically for business use, though specific commercial uses are allowed in the Village Center districts and other zones.

The Route One-1 through One-6 Zoning Districts are geographically connected but have different purposes. Route One-1 Zoning is meant to ensure protection of the York River. The Route One-2 through Route One-4 Zones allow different intensities of mixed and commercial uses. The Route One-5 and One-6 Zones allow for a mix of uses at a smaller- and rural scale.



Table 3. York Land Area by Zoning Category\*\*

Abbreviation	Zoning Category	Acres (Estimate*)	Percentage of Total (Estimate*)
BUS-1	Business 1	369	1.1%
BUS-2	Business 2	62	0.2%
<i>Sub-Total</i>		431	1.3%
GEN-1	General Development 1	4,669	14.1%
GEN-2	General Development 2	14,137	42.7%
GEN-3	General Development 3	1,066	3.2%
<i>Sub-Total</i>		19,872	60%
RES-1A	Residential 1A	2,895	8.7%
RES-1B	Residential 1B	846	2.6%
RES-2	Residential 2	4,595	13.9%
RES-3	Residential 3	1,015	3.1%
RES-4	Residential 4	188	0.6%
RES-5	Residential 5	202	0.6%
RES-6	Residential 6	155	0.5%
RES-7	Residential 7	302	0.9%
<i>Sub-Total</i>		10,198	30.9%
RT 1-1	Route One-1	180	0.5%
RT 1-2	Route One-2	409	1.2%
RT 1-3	Route One-3	514	1.6%
RT 1-4	Route One-4	516	1.6%
RT 1-5	Route One-5	252	0.8%
RT 1-6	Route One-6	607	1.8%
<i>Sub-Total</i>		2,478	7.5%
YBVC	York Beach Village Center	36	0.1%
YVC-1	York Village Center-1	18	0.1%
YVC-2	York Village Center-2	110	0.3%
<i>Sub-Total</i>		164	0.5%
		<b>33,144</b>	

Source: Town of York GIS data used for acreage estimates.

\*Totals may equal more or less than sum of each category due to rounding of numbers.

\*\*The difference between the Total Estimated Acreage in this Table and Table 1: York Land Use in Acres by Tax Assessment Category are due to the GIS data provided. This discrepancy is not unusual, and the focus should be on the Percentage of the Total.

## Dimensional Standards

York's Zoning Ordinance sets lot dimension standards based on the zoning classifications, and these have been amended over time as new conditions and requirements have arisen.



These dimensional standards can be found in Article 5 of the Town of York Zoning Ordinance and are summarized in Tables 4-6 below.

Minimum lot sizes for all uses range from 5,000 SF for a property with access to year-round public water and sewer services to three acres. The smallest minimum required lot sizes are east of U.S. Route 1 in the traditionally more populated areas near the Village Centers, with the largest three-acre minimums required for the General-1 and 2 zones west of U.S. Route 1 in the more rural areas.

**Table 4. Schedule of Dimensional Regulations - 5.2.1 Residential Districts**

ZONING DISTRICT	Res-1A s	RESIDENTIAL DISTRICTS					AMENDED
		RES-1B	RES-2 RES-3	RES-4	RES-5 RES-6 RES-7		
<u>Minimum Land Area</u> (Square Feet)							
without year-round public water or sewer	87,120	43,560	87,120	43,560	20,000 m		
with year-round public water	87,120	43,560	87,120	43,560	20,000 m		
with year-round public water and sewer	43,560 s	30,000	43,560	30,000	12,000 m		
<u>Minimum Street Frontage</u> (Feet)							
without year-round public water or sewer	200 e	125 e	200 e	135	100		
with year-round public water	200 e	125 e	200 e	135	100		
with year-round public water and sewer	150 e s	100 e	150 e	135	100		
<u>Minimum Lot Depth</u> (Feet)	None	None	None	100	None		
<u>Minimum Front Yard Setback</u> (Feet)							
without year-round public water or sewer	50 k	30 k	50 k	30 k	20 k	11/03/2015, 11/03/2020	
with year-round public water	50 k	30 k	50 k	30 k	20 k	11/03/2015, 11/03/2020	
with year-round public water and sewer	40 k s	30 k	40 k	30 k	20 b k	11/03/2015, 11/03/2020	
<u>Minimum Rear Yard Setback</u> (Feet)							
without year-round public water or sewer	30 k	20 k	30 k	20 k	12 k	11/03/2020	
with year-round public water	30 k	20 k	30 k	20 k	12 k	11/03/2020	
with year-round public water and sewer	20 k s	20 k	20 k	20 k	12 k	11/03/2020	
<u>Minimum Side Yard Setback</u> (Feet)							
without year-round public water or sewer	30 k	20 k	30 k	20 k	12 k	11/03/2020	
with year-round public water	30 k	20 k	30 k	20 k	12 k	11/03/2020	
with year-round public water and sewer	20 k s	20 k	20 k	20 k	12 k	11/03/2020	
<u>Maximum Coverage (Impervious Surface Ratio)</u>	25%	25% l	25% l	25%	30 %	11/05/1996	
<u>Maximum Building and Structure Height (Feet)</u>	35	35	35	35	35	12/29/1993 05/22/2004	
	AMENDED 11/06/2007						

Source: Town of York Zoning Ordinance, page 94



**Table 5. Schedule of Dimensional Regulations - 5.2.2 Other Districts**

<b>NEW ZONING DISTRICT</b>	<b>BUS-1</b>	<b>GEN-1</b>				
	<b>BUS-2</b>	<b>YBVC</b>	<b>GEN-2</b>	<b>GEN-3</b>	<b>YVC-1</b>	<b>YVC-2</b>
<u>Minimum Land Area</u> (Sq. Feet)						
w/o year-round public water or sewer	43,560	20,000	130,680	43,560	20,000	20,000
with year-round public water	43,560	20,000	130,680	43,560	20,000	20,000
with year-round public water and sewer	30,000	5,000	130,860	30,000	5,000	10,000
<u>Minimum Street Frontage</u> (Feet)						
w/o year-round public water or sewer	135	100	200 e	125 e	100	100
with year-round public water	135	100	200 e	125 e	100	100
with year-round public water and sewer	135	50	200 e	100 e	50	50
<u>Minimum Lot Depth</u> (Feet)	100	None	None	None	None	None
<u>Minimum Front Yard Setback</u> (Feet)						
w/o year-round public water or sewer	30 k	20 b k	50 k	30 k	N/A	15 k v
with year-round public water	30 k	20 b k	50 k	30 k	N/A	15 k v
with year-round public water and sewer	30 k	None	50 k	30 k	N/A	15 k v
<u>Maximum Front Yard Setback</u> (Feet)	N/A	N/A	N/A	N/A	15 v	N/A
<u>Minimum Rear Yard Setback</u> (Feet)						
w/o year-round public water or sewer	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water and sewer	20 k	10 k	30 k	20 k	6 k	12 k
<u>Minimum Side Yard Setback</u> (Feet)						
w/o year-round public water or sewer	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water	20 k	12 k	30 k	20 k	12 k	12 k
with year-round public water and sewer	20 k	5 k t	30 k	20 k	6 k t	6 k t
<u>Maximum Coverage</u> (Impervious Surface Ratio)	25%	100%	25% l	25% l	75% x	75%
<u>Maximum Building and Structure Height</u> (Feet)	35	35 u	35	35	35	35
<u>Maximum Building Footprint</u> (Square Feet)	N/A	N/A	N/A	N/A	7,000	7,000
<b>AMENDED 12/29/1993, 11/05/1996, 05/22/2004, 11/06/2007, 11/04/2008, 05/21/2016, 11/03/2020</b>						

Source: *Town of York Zoning Ordinance, page 95*



**Table 6. Schedule of Dimensional Regulations - 5.2.4 Route One Zoning Districts**

ROUTE ONE ZONING DISTRICTS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
Minimum Land Area	2 Acres	1 Acre	2 Acres	2 Acres	1 Acre	2 Acres
Minimum Street Frontage	200'	150'	200' p	200'	150'	200'
Minimum Lot Depth	NONE	NONE	NONE	NONE	NONE	NONE
Minimum Front Setback Non-Residential Use						
All Parking Side & Rear	100' f,k	50' f,g,k	50' f,g,k	50' f,g,k	30' f,g,k	100' f,k
80% Parking Side & Rear	NA	80' f,h,k	80' f,h,k	80' f,h,k	NA	NA
Minimum Front Setback Residential Use	100' f,r,k	50' f,r,k	50' f,r,k	50' f,r,k	30' f,r,k	100' f,r,k
Minimum Side Setback	50' f,k	30' f,k	30' f,k	30' f,k	20' f,k	50' f,k
Minimum Rear Setback	50' f,k	30' f,i,k	30' f,i,k	30' f,i,k	20' f,i,k	50' f,k
Maximum Lot Coverage Impervious Surface Ratio	25% i	50% i	75% i	60% i	50% i	50% i
Maximum Building and Structure Height	35'	35'	35'	35'	35'	35'

*Source: Town of York Zoning Ordinance, page 96*

As noted in the Zoning Ordinance, Dimensional Regulations for Shoreland Overlay Districts appear in Article 8 and for the Watershed Overlay District in Article 10. The dimensional requirements in the overlay districts depend on the base zoning within the overlays.

### **Zoning Overlay Districts**

In addition to the Base Zoning Districts, York's Zoning Ordinance includes eight Overlay Districts:<sup>15</sup>

#### **Shoreland Overlay District (Article 8)**

The Shoreland Overlay District (Fig. 5), despite its title, does not apply only to property along the ocean. The Overlay District applies to a 250-foot area surrounding water bodies and

<sup>15</sup> See the end of this Overlay Zoning section for corresponding maps.



wetlands, and 75 feet from protected streams. Properties located within these areas are considered to be in the Shoreland Overlay Zone.<sup>16</sup>

The Shoreland Overlay Zone specifies dimensional standards and permitted and prohibited land uses in the shoreland areas.<sup>17</sup> Many uses require a permit from the Code Enforcement Officer (CEO).

Within the Shoreland Overlay District, there are four sub-districts:

1. The Resource Protection sub-district includes all areas that meet specified criteria as explained in Article 8 for coastal wetlands, inland wetlands, map-designated areas, steep slopes, 100-year floodplain, bird habitat areas, and unstable bluffs.
2. The Limited Residential sub-district includes all areas as designated on the Shoreland Overlay District Map.
3. The Mixed-Use sub-district includes all areas as designated on the Shoreland Overlay District Map.
4. The Stream Protection sub-district includes all areas so designated on the Shoreland Overlay District Map and as indicated in §3.8.3.C.

### **Watershed Protection Overlay District (Article 10)**

The Watershed Protection Overlay District (Fig. 6) consists of those areas in which surface and subsurface waters ultimately flow or drain into the public water supply, including ponds. The purposes of the Overlay District include protecting and maintaining quality and quantity of potable water and preventing and controlling pollution in those watersheds.

### **York Village Hospital Overlay District (Article 10-B)**

York Hospital, located in York Village, is an important community institution and the largest employer in the town, with unique needs regarding its site development. This Article includes design guidelines to offer certain flexibility so the hospital can expand while maintaining good-quality development performance standards (Fig. 7).

### **York Village Affordable Elderly Housing Overlay District (Article 10-C)**

To allow for needed affordable older adult housing while being consistent with the growth management laws of the state, this overlay (Fig 8) allows the provision of this type of housing within its designated growth area, near York Village's amenities, York Hospital, and

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<sup>16</sup> See Article 8 of the Town of York Zoning Ordinance and Appendix A3: Natural Resources Current Conditions for more detail.

<sup>17</sup> The Town of York has an online mapping system that, among other features, allows developers and property owners to explore the overlap of the Shoreland Zone and its sub-districts with existing unstable coastal bluffs, steep slopes, and areas with known archaeological sites.



emergency services facilities. To help accomplish this goal, increased density and larger building sizes are permitted within this Overlay District.

Separately, Elderly Congregate Housing Standards are described in Article 10-A; Elderly Congregate Housing is allowed in several districts and not solely within the York Village Affordable Elderly Housing Overlay District.

### **Workforce Affordable Housing Overlay District (Article 10-F)**

To support the development of workforce affordable housing, the Town established this Workforce Affordable Housing Overlay District (Fig. 8) to permit residential zoning at a higher density than what is presently allowed in the underlying base zoning districts. The provisions of the overlay district apply specifically to Workforce Affordable Housing, as defined in this ordinance, and include dimensional regulations, performance standards, and other provisions, including tenant/owner selection priorities.

### **Historic Districts (Article 12): York Center, Lindsay Road, and York Harbor Local Historic Districts**

Article 12 – Historic and Archeological Resources sets the provisions for the Historic District Commission, the establishment of Historic Districts, Historic Sites, and Historic Landmarks, and the process and thresholds for reviewing modifications to structures within the Historic Districts (Fig. 9).

### **Farm Enterprise Overlay District (Article 10-G)**

The Farm Enterprise Overlay District is intended to maintain and promote agriculture and its related activities through granting agriculture increased flexibility (Fig. 10). This overlay recognizes that agricultural enterprises often need to encompass hybrids of different, related uses, in order to remain economically viable. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least \$2,000 per year.<sup>18</sup>

### **Wetlands Protection Overlay District (Article 11)**

Any area that meets the definition of Inland Wetland, regardless of size, is considered a wetland subject to the provisions of the Wetlands Protection Overlay District. Provisions apply only to the wetlands themselves and not to the surrounding upland areas. A Wetland Permit is required for any use, fill, or alteration of a wetland, except for cutting trees for personal use such as firewood.

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<sup>18</sup> Town of York Zoning Ordinance, Article 3.17.



## Natural Resource Protection

Several of the overlay districts are intended to protect resources in town, such as the Watershed Protection Overlay District, Wetlands Protection Overlay District, and Shoreland Overlay District. Within the Shoreland Overlay District are areas considered Resource Protection Subdistricts that have specific restrictions for uses and development.

The Zoning Ordinance has reference to a Floodplain Overlay District; however, more information is not provided within the Zoning Ordinance. The Town has a separate Floodplain Management Ordinance that was enacted on May 18, 2002 and was most recently amended on May 19, 2012. The intent of this Ordinance is to allow the Town of York to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards. The Ordinance requires that prior to any construction or other development within areas of special flood hazard, as identified by the Federal Emergency Management Agency (FEMA), a Flood Hazard Development permit must be obtained from the Code Enforcement Officer.

## Other Ordinances

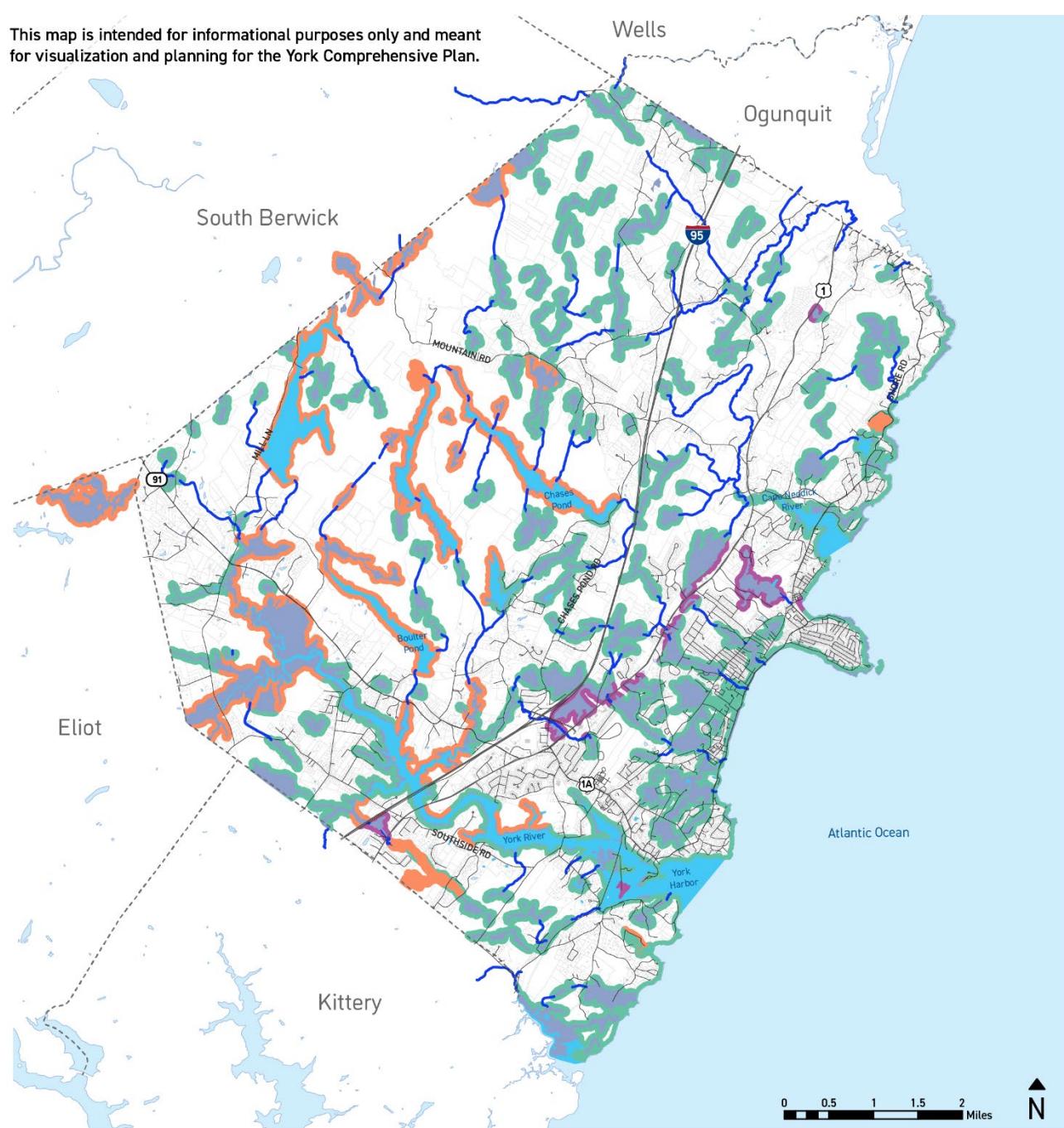
York also has several Ordinances not within the Zoning Ordinance, including:

- Firearms Safety Ordinance
- Home Occupation Classifications
- Wireless Communications Facilities Ordinance Map
- Fire Protection Zones Map (2018-6-18)
- Safe Zones for Town of York
- Municipal Parks Ordinance

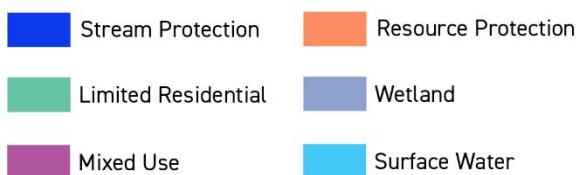


**Figure 5. Shoreland Overlay Zoning District**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan.



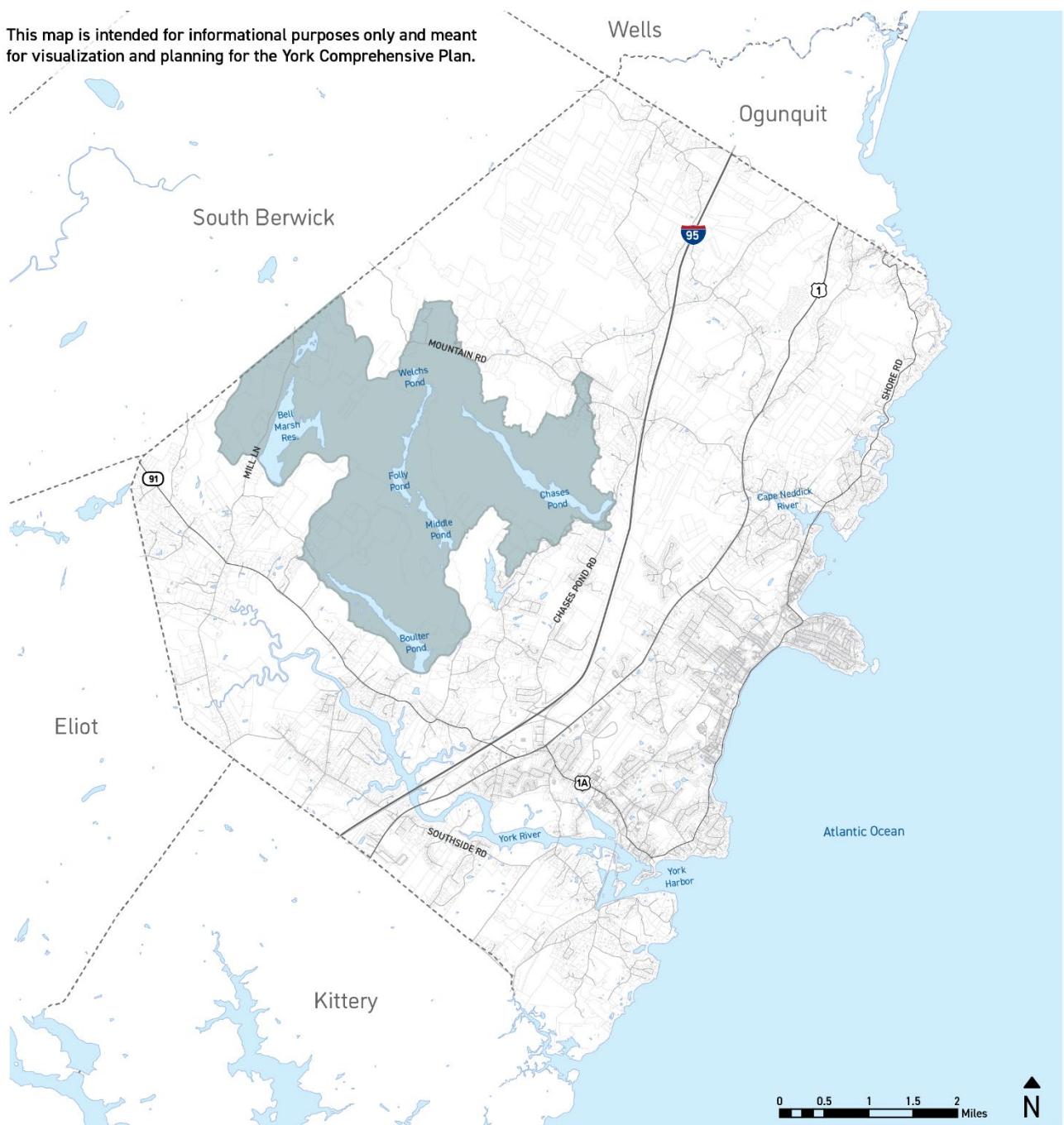
*Data Sources: Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*





**Figure 6. Watershed Protection Overlay District**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan.

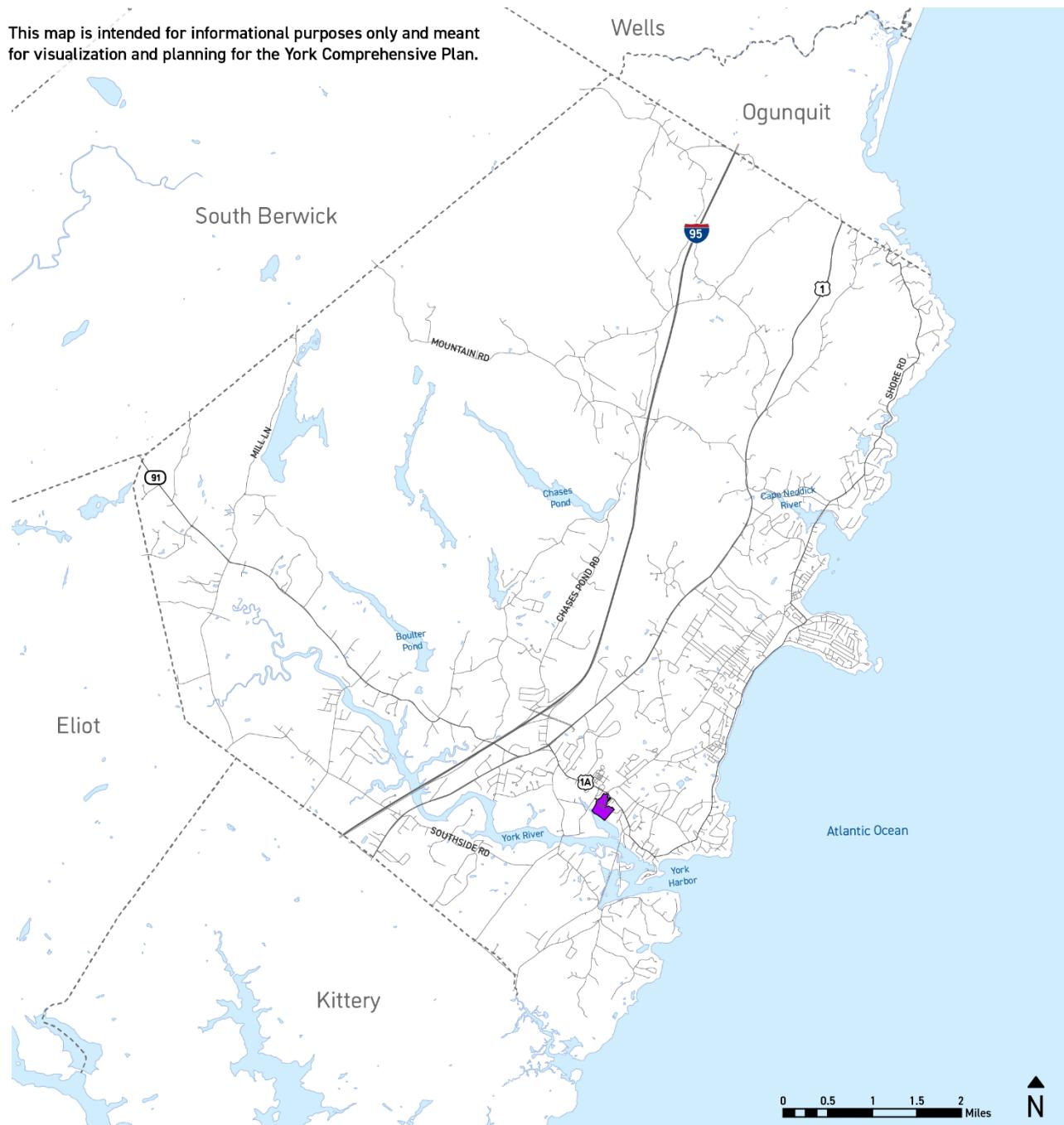


*Data Sources: 2019 Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*

 Watershed Protection Overlay District



**Figure 7. York Village Hospital Overlay District**



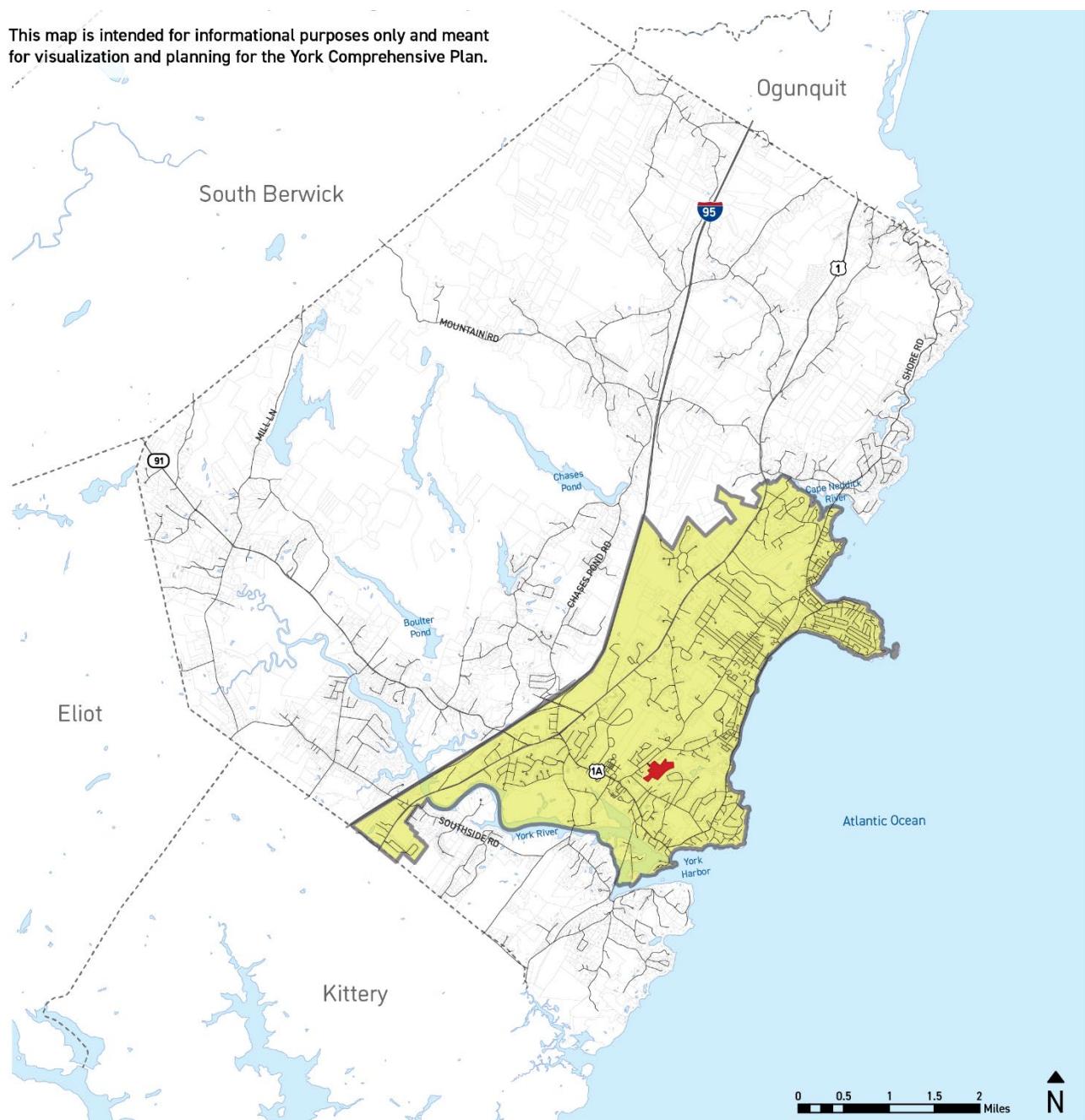
*Data Sources: Town of York GIS, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*

 **York Village Hospital Overlay District**



**Figure 8. Workforce Affordable Housing Overlay District and York Village Affordable Elderly Housing Overlay District**

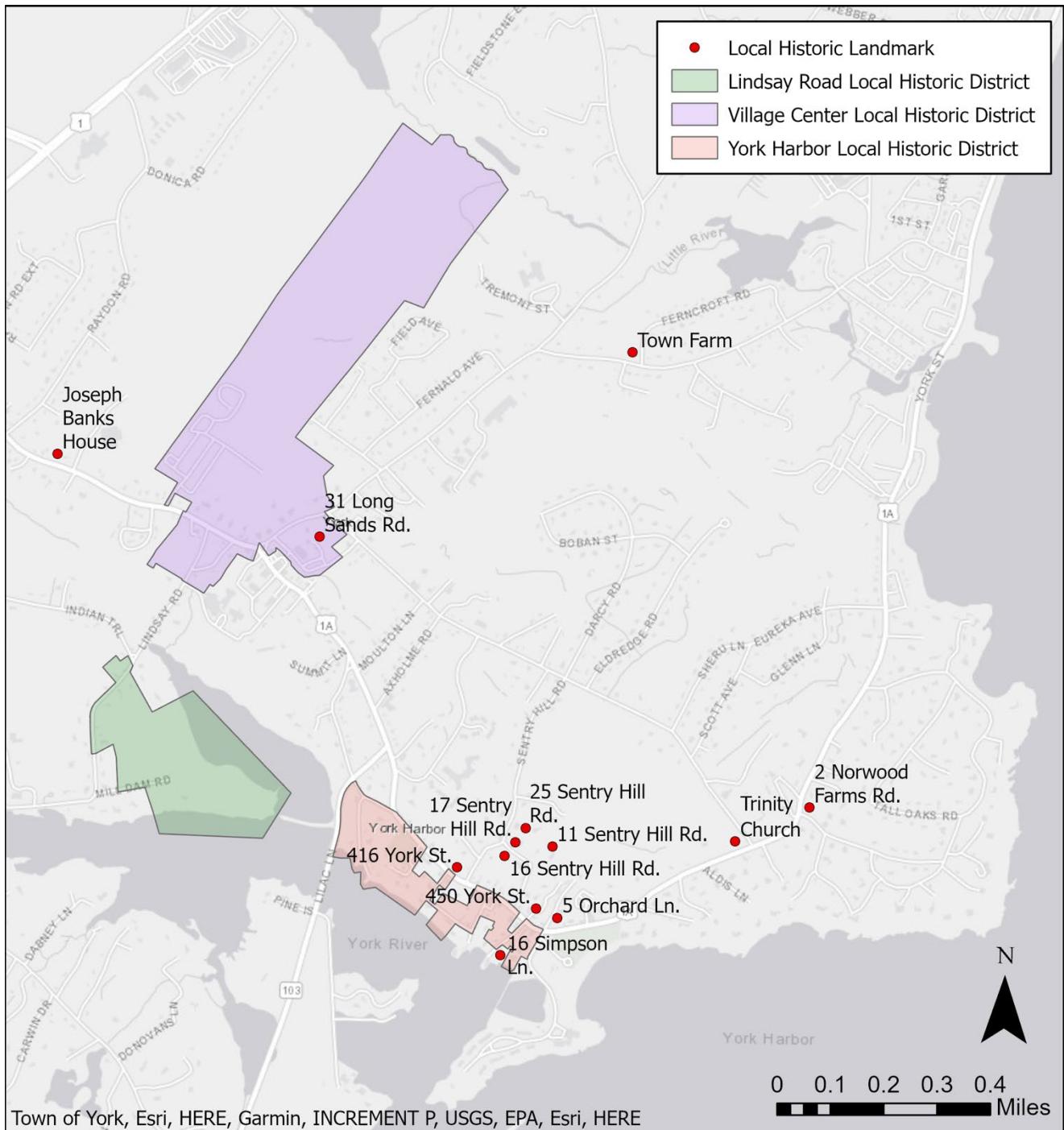
This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan.



*Data Sources: Town of York GIS, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.*

- Workforce Affordable Housing Overlay District
- York Village Affordable Elderly Housing Overlay District

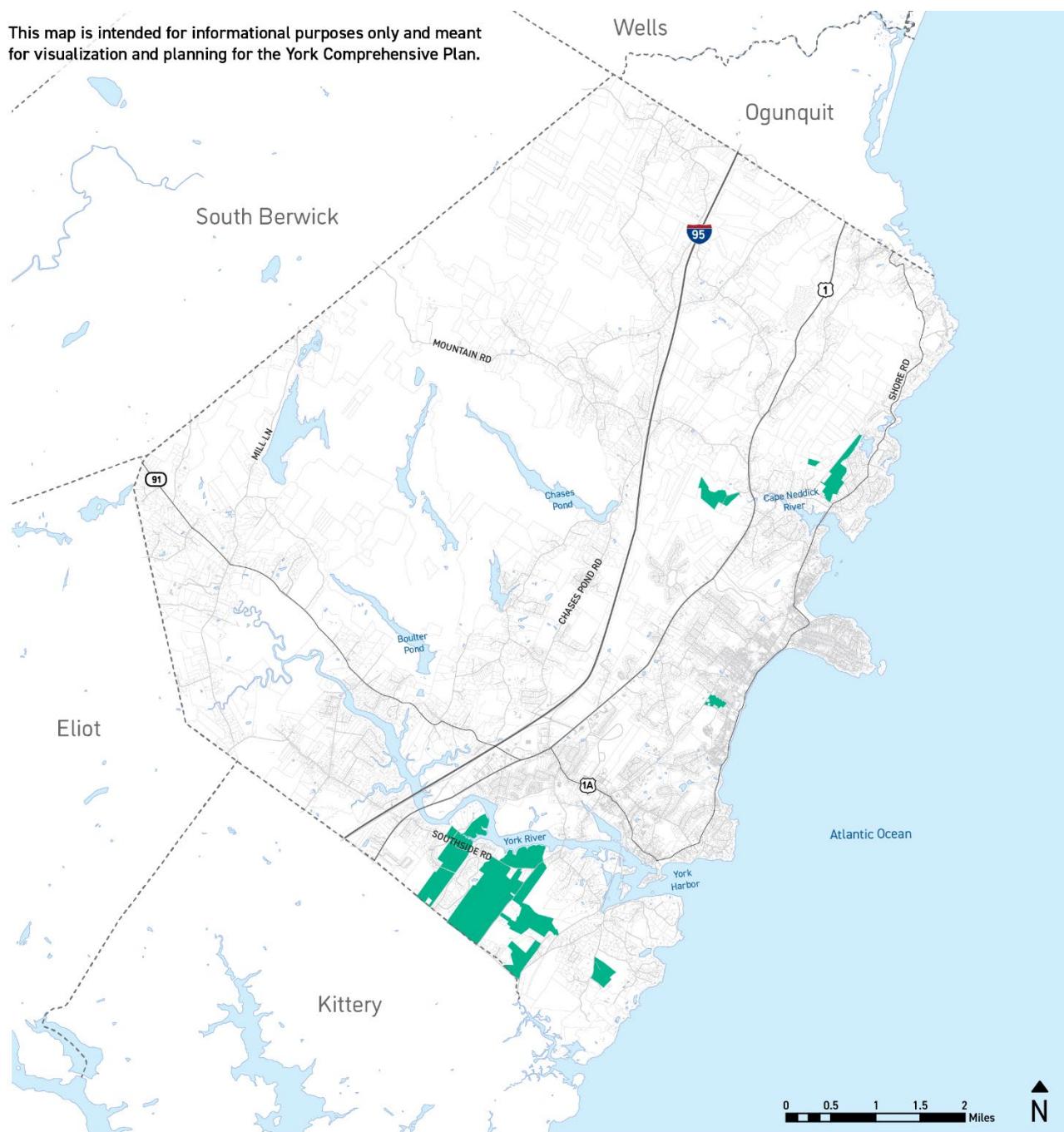
Figure 9. Local Historic Districts





**Figure 10. Farm Enterprise Overlay District (Properties Registered)**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan.



Data Sources: 2019 Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.

 Properties Registered in Farm Enterprise Overlay District



## Site Plan and Subdivision Regulations

The Town's Site Plan and Subdivision Regulations were adopted in 1990 and most recently amended on July 22, 2021. The stated purpose of the Regulations is: "to assure the comfort, convenience, safety, health and welfare of the people of the Town of York, to protect the environment, and to promote the development of an economically sound and stable community."<sup>19</sup>

Subdivisions, which are defined per state law<sup>20</sup> as the division of a tract or parcel of land into three or more lots in any five-year period, are subject to Planning Board review and approval. In addition, projects thresholds that are subject to Site Plan Review and review by the Planning Board under the Site Plan and Subdivision Regulations are described in the Zoning Ordinance<sup>21</sup> and include:

- For any use within the Commercial, Office, Industrial, Public/Semi-Public/Institutional, Vehicular, Recreation/Amusement, or Miscellaneous use categories, if the building for use has 5,000SF or more of gross floor area, or the use requires 25 or more parking spaces, the following activities are subject to review under the Site Plan and Subdivision Regulations: 1) establishment of a new use where no use subject to this jurisdiction already exists; 2) alteration of an existing site on which a use within this jurisdiction already exists; or 3) expansion, exterior alteration or construction of a new building in which a use within this jurisdiction is conducted.
- For multi-family housing, the following activities are subject to review under the Site Plan and Subdivision Regulations: 1) establishment of the use; 2) increase in the number of dwelling units; 3) alteration of the site; or 4) expansion, exterior alteration or construction of a new building associated with the use.
- For a hospital use in the York Village Hospital Overlay District, any application to alter the site, enlarge a hospital building, or alter the exterior of a hospital building is subject to review under the Site Plan and Subdivision Regulations.
- Any change which amends a site plan previously approved by the Planning Board requires approval of the Planning Board.
- For non-residential development in the YVC-1 and YVC-2 districts, in addition to applicable Planning Board authorization to regulate sites, any non-residential development that results in alteration of more than 50% of the exterior façade, any expansion of 1,500SF of gross floor area or more, or a proposal for a new principle non-residential or mixed-use building is subject to review under the Site Plan and Subdivision Regulations.

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<sup>19</sup> Town of York Zoning Ordinance Article 1.1.

<sup>20</sup> Title 30-A M.R.S.A. Section 4401.

<sup>21</sup> Town of York Zoning Ordinance Article 18.



- Any application to install medium or large-scale ground-mounted Solar Energy Systems is subject to review under the Site Plan and Subdivision Regulations.

Generally, the Regulations contain requirements to limit impacts on natural and historic features and on Town infrastructure, and ensure adequate provisions for parking spaces, street design, and stormwater drainage. Before granting approval of an application, the Planning Board must make written findings that a proposal meets certain criteria related to: pollution; sufficient water supply; impact on municipal water supply; erosion; traffic; sewage disposal; municipal solid waste disposal; aesthetic, cultural, and natural values; conformity with local ordinances and plans; technical and financial capacity; surface waters; ground water; flood areas; freshwater wetlands; rivers, streams, or brooks; stormwater; lot-depth-to-shore-frontage ratio (prohibition of spaghetti lots<sup>22</sup> in certain areas), lake phosphorous concentration, and impacts on adjoining municipalities.<sup>23</sup>

In addition, Article 7 requires the provision of appropriate information from the applicant for consideration by the Board of general standards relating to the proposed project's conformance with the Comprehensive Plan (7.2); preservation of natural and historic features (7.3); land not suitable for development (7.4); blocks and requirements for utility/pedestrian easements (7.5); lots (7.6); utilities (7.7); water supply (7.8); sewage disposal (7.9); surface drainage (7.10); land features (7.11); disposal of construction waste and demolition debris (7.12); retention of proposed public sites and open spaces (7.13); dedication and maintenance of common open space and services (7.14); construction in flood hazard areas (7.15); impact on groundwater (7.16); landscaping (7.17); monuments (7.18); impact mitigation (7.19); street and storm drainage design and erosion control (7.2 and Article 9); refuse disposal and recycling (7.21); hazardous materials (7.22); A.D.A. Compliance (7.23); impact on air quality (7.24); state permits (7.25); traffic impact on adjacent municipalities (7.26); phosphorous pollution (7.27); scenic resources (7.28); timeframe for construction (7.29); and subdivision phasing (7.30). Articles 8 and 9 provide standards for access control and traffic impacts, traffic signals, street design, intersections, stormwater management, construction standards, and erosion and sedimentation control.

### Open Space Conservation Subdivisions

As an alternative to conventional residential subdivision design, York's Zoning Ordinance promotes open space conservation subdivisions to help protect the natural and cultural environment and encourage quality residential neighborhood designs. Proposed residential subdivisions that are not created through exemptions in the State Subdivision law are

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<sup>22</sup> A spaghetti lot is a parcel whose lot-depth-to-shore-frontage ratio is greater than 5 to 1. See Article 1.2.17 of the Site Plan and Subdivision Regulations.

<sup>23</sup> See 1.2 Criteria of Approval.



required to be designed as an open space conservation residential development when any of the following exists (7.6.1.A):

- (1) The residential subdivision is proposed to contain a public road that provides access to lots/dwellings; or
- (2) The lot for which the residential subdivision is proposed abuts conservation land or land that can't be developed that is 10 acres or greater; or
- (3) The lot to be subdivided is partially or fully located within the Cape Neddick or York River Watersheds.

Open space must contain at least 50% of the total area of the property and must contain at least 50% of the net developable area of the property (7.6.3.A). York's Zoning Ordinance specifies that open space created as part of this process must include one or more of the following public purposes (1.3.12):

- A. Protection of open space, particularly those un-fragmented blocks of land that are 550 acres or more in size as identified in the Existing Land Use Chapter of the Comprehensive Plan Inventory and Analysis. These areas are important for wildlife habitat (biodiversity), recreation, scenic values, and contributions to small town character.
- B. Provision of undeveloped corridor connections between adjacent un-fragmented blocks of land, particularly between those of 550 acres or more in size as this will magnify the open space value for biodiversity and for recreation;
- C. Protection of land for farming or forestry;
- D. Protection of historic and archaeological resources;
- E. Protection of cemeteries and burial grounds;
- F. Maintenance of existing public access to shoreland areas, or provision of new public access to shoreland areas;
- G. Preservation of scenic vistas from public ways or public lands;
- H. Protection of other unique natural or cultural features on a property, as may be determined to be of public benefit by the Planning Board. The Board may base such decisions on the Town's Comprehensive Plan, other local, regional and state policies, best available science, private studies, and other references found to be credible by the Board.

The Zoning Ordinance requires that open space conservation subdivisions be limited to single-family, duplex, and multifamily residential development as permitted in the base and overlay district(s) in which the lot is located. The Ordinance includes additional density and dimensional standards. It requires that for developments consisting of ten or more dwelling units, 10% of the total number of dwelling units must be workforce affordable housing and



allows for a density bonus of 20% if at least 25% of the proposed dwelling units are workforce affordable housing.<sup>24</sup>

## York Floodplain Management Ordinance

The Town of York is a member of the Federal Emergency Management Agency (FEMA)'s Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP).

For flood insurance purposes, FEMA designates current flood hazard zones based on projected inundation from the 100-year (1% annual chance) and 500-year (0.2% annual chance) storm events. Hazard zones are mapped on FEMA's Flood Rate Insurance Maps (FIRMs), which are updated every five years. Areas within the 100-year flood zone are designated as Special Flood Hazard Areas (SFHAs) and properties with a federally backed mortgage within these areas are required to have flood insurance. The SFHA designation also guides land use regulations and provides guidance to prepare for flood hazards. FEMA's SFHAs provide the current national standard for comparison of flood risk between properties.

The Town manages the floodplains through its Floodplain Management Ordinance, which was most recently amended on May 19, 2012, and is consistent with state and federal standards. The National Flood Insurance Program requires that areas of York be assigned special flood hazard designations identified by FEMA, and that floodplain management measures be applied in such flood hazard areas (Fig. 11). This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas within the town.

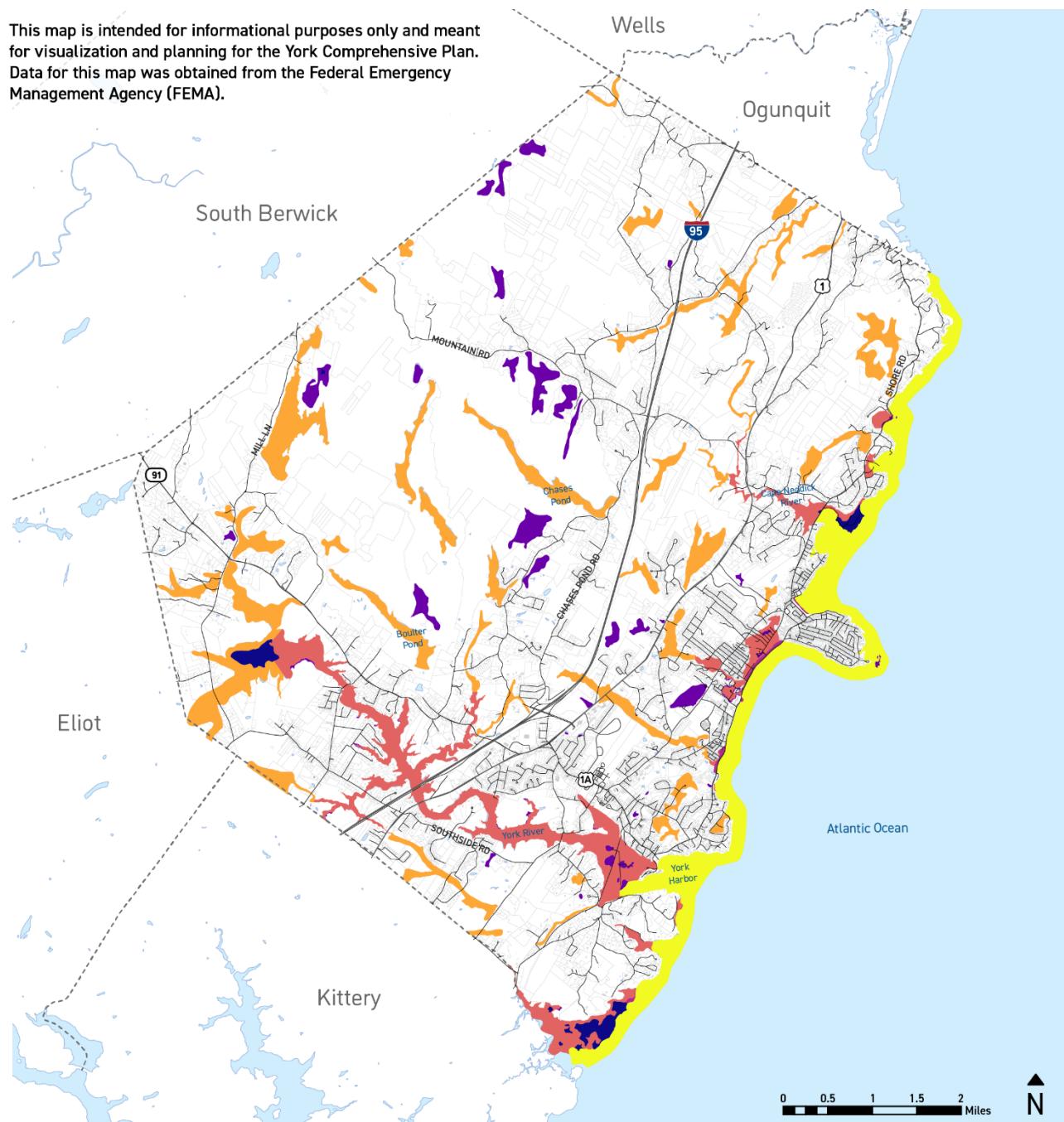
The Town of York also identifies and protects the floodplains through its Shoreland Overlay District, Wetlands Protection Overlay, and the Watershed Protection Overlay, in addition to using FEMA flood map data.

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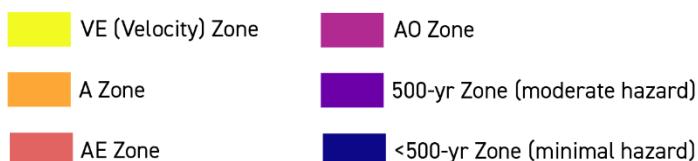
<sup>24</sup> Town of York Zoning Ordinance 7.6.



Figure 11. FEMA Flood Hazard Areas Map (FEMA 2002 Map), as Adopted by York



Data Sources: Federal Emergency Management Agency, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.





There are several zone designations within the SFHA, depending on the type of flood risk in that location. The following are explanations of the flood zone designations adopted by York and shown in the map in Fig. 11:

- V/VE (Velocity) Zone: Coastal high hazard area. Subject to inundation from the 100-year storm with additional hazards from storm surge.
- A/AE Zone: Subject to inundation from the 100-year storm. May be subject to storm surge if in a coastal area but do not meet the requirements to be designated as V/VE.
- AO Zone: Subject to shallow flooding in a 100-year storm, typically from sheet flow (runoff), with average depths between 1 to 3 feet.
- Outside of the SFHA, FEMA designates on the FIRMs areas that have been deemed moderate or low flood risks up to and beyond the 500-year storm event. Properties within these areas are not required to have flood insurance,

Several Maine municipalities in York and Cumberland Counties have jointly appealed the most recently updated FIRMs from 2018, claiming they overestimate flood risk in their communities and will unnecessarily raise insurance costs for property owners. These municipalities have hired a consulting firm to create new proposed flood maps as part of their appeal.<sup>25</sup> As a result of this controversy, many municipalities, including York, have not yet adopted the most recent FEMA maps, awaiting the outcome of the appeal. As a result, the most recently adopted FEMA Floor Hazard Maps for York date to 2002.

## Permitting and Approvals Processes

When considering making changes to a building or property, depending on a property's location, base and overlay zones, as well as desired modifications, a property owner may need a number of permits and approvals. During the comprehensive planning process, community members commented on the need for Town staff assistance by residents, businesses, and property owners in determining and navigating application and review processes for small and large-scale projects. Process oversight and approvals are often made by the Code Enforcement Officer (CEO), the Planning Board, and for certain instances the Board of Appeals.

Building Permit applications are available online,<sup>26</sup> at the Code Enforcement Office, and by mail. Instructions and related contacts for Shoreland, Building, Use, and Sign permit applications are also available on the Town's website. Applications for projects requiring review by the Planning Board are made to the Planning Department on standard forms and

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<sup>25</sup> <https://www.pressherald.com/2017/09/08/so-portland-joins-appeal-of-fema-flood-maps/>.

<sup>26</sup> While the applications are available for download on the Town's website, applications cannot be submitted through an online Town system.



pursuant to the procedure laid out in the Site Plan and Subdivision Regulations. Applications for Shoreland Permits are made in writing to the Code Enforcement Officer who determines the necessary review procedures.

Specific procedural instructions for permits issued by the Code Enforcement Officer and for Board approvals are laid out in Article 18 of the Zoning Ordinance, including requirements for notification of abutters, timeline of public hearings and decisions, and procedures for appeals.

## **Board of Appeals**

The Board of Appeals hears and decides appeals from any order, requirement, decision, or determination made by any person or Board charged with administration of the Zoning Ordinance, as well as appeals from any procedural error or failure of such person or Board to act. The Board of Appeals also hears and decides special exceptions or variances from the terms of an Ordinance.

## **Planning Board**

The Planning Board reviews subdivisions, projects subject to Site Plan Review, and other permitting review such as certain Shoreland Permits, Route 1 Use Permits, and permits for Small Windmills. Permits such as Wetland Permits may be issued by the Planning Board concurrently with processing of related applications.

The following is a list of the principal uses within the Residential Use Category with their proper authority identified for establishment or modification of the use:<sup>27</sup>

- Dwelling, Single-Family: CEO
- Dwelling, Two-Family: CEO
- Dwelling, Multi-Family: Planning Board
- Bed & Breakfast: Board of Appeals, by Special Exception per §18.8.2.2
- Boarding House: Board of Appeals, by Special Exception per §18.8.2.2
- Elderly Housing: Planning Board
- Elderly Congregate Housing: Planning Board

In the RES-4, BUS-1, BUS-2 districts, prior to issuance of a building permit for a new non-residential building or a sign permit, the plan must be reviewed and approved by the Board of Design Review. The Board reviews for compliance with criteria and standards related to preservation of landscape; relation of proposed buildings to the environment; drives, parking, and circulation; surface water drainage; utility service; advertising features; and special features. Application materials are submitted to the Board of Design Review.

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<sup>27</sup> Town of York Zoning Ordinance 4.1.A.



## Recent Development and Trends

Though York has seen the development of several new subdivisions and mixed-use buildings over the past ten years, new development in town has generally mostly been single-family residential units on individual lots. The amended 1999 Comprehensive Plan indicated a desire for development to continue to be focused east of I-95, near U.S. Route 1, and to the east towards the ocean, so as not to encourage development in the more rural areas. The 2006 Growth Area Map in Fig. 3 above defines these areas. Generally following zoning district boundaries, GEN-1, GEN-2, a portion of RT 1-5, all of RT 1-6, RES-2, RES-3, and a vast majority of RES-1A are not included in the Growth Area (Fig. 12).



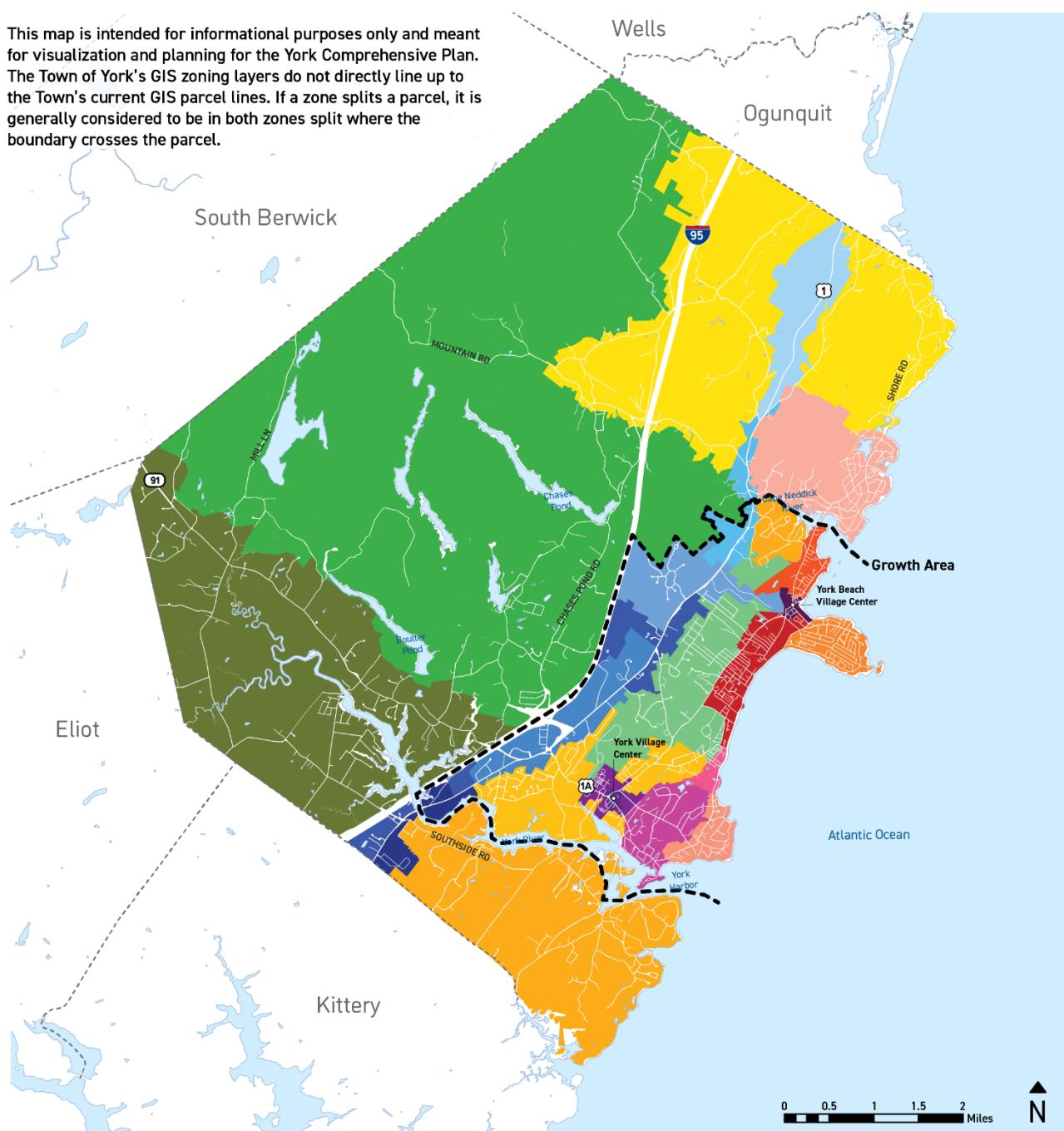
*Left Photo: Single-family residential homes have comprised most recent development. Source: Jeff Levine.*

*Right Photo: Much of the multi-family housing is operated by the York Housing Authority, such as the Carriage House Apartments shown here. Source: Jeff Levine.*



**Figure 12. Growth Area Boundary over Base Zoning Map**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. The Town of York's GIS zoning layers do not directly line up to the Town's current GIS parcel lines. If a zone splits a parcel, it is generally considered to be in both zones split where the boundary crosses the parcel.



Data Sources: 2019 Town of York OpenData, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.

<span style="background-color: #668D4C; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	GEN-1	<span style="background-color: #6A5ACD2; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	YVC-1	<span style="background-color: #4682B4; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-3	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-1B	<span style="background-color: #FF8C00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-6
<span style="background-color: #228B22; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	GEN-2	<span style="background-color: #800080; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	YVC-2	<span style="background-color: #4682B4; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-4	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-2	<span style="background-color: #DC143C; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-7
<span style="background-color: #3CB371; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	GEN-3	<span style="background-color: #800080; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	YBVC	<span style="background-color: #4682B4; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-5	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-3		
<span style="background-color: #FF00FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	BUS-1	<span style="background-color: #0000CD; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-1	<span style="background-color: #4682B4; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-6	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-4		
<span style="background-color: #FF00FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	BUS-2	<span style="background-color: #0000CD; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RT 1-2	<span style="background-color: #4682B4; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-1A	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	RES-5		



The amended 1999 Comprehensive Plan specified the Growth Area boundaries in hopes of focusing all types of development towards the town's villages and existing infrastructure and services, which follow the historical patterns of settlement in the town. The amount of development that has occurred over the past ten years appears to have been more dispersed throughout the town with more than half of development in the past five years appearing to occur outside of the Town's 2006 Growth Area (Fig. 13).

For the purposes of determining the structures built (by land use type) Town Assessor's data was used, sorting by "Year Built."<sup>28</sup> The 2021 data is only for a partial year since it was pulled mid-year (July 2021). This data set did not specify if a structure was removed and replaced on the same parcel or if it was a structure built on a previously vacant parcel. The data was also sorted to require a minimum of 200SF of living area in order to be counted.<sup>29</sup>

Approximately 95% of structures built between 2010 and July 2021, according to the Town Assessors, were for residential use, followed by 3% for commercial uses. In that time period, the number of structures built in a single year peaked in 2016, with 260 (Table 7).

**Table 7. Structures Built from 2010 to 2021\* by Land Use Category from Town of York Assessor**

Land Use	Number of Parcels with Structure Built	Percentage
Residential	1,353	95%
Commercial	45	3%
Industrial	8	1%
Government / Institutional / Charitable / Non-Taxed	16	1%
Total	1,422	100%

*Source: Town of York Assessors. Based on parcels with "Year Built" listed as 2010 or newer. This data did not indicate whether a new structure was built on a vacant parcel or if it was a new building replacing a previously existing one (tear-down). Data was sorted to require a minimum living area of at least 200 SF.*

*\*2021 data is for partial year, through July 2021.*

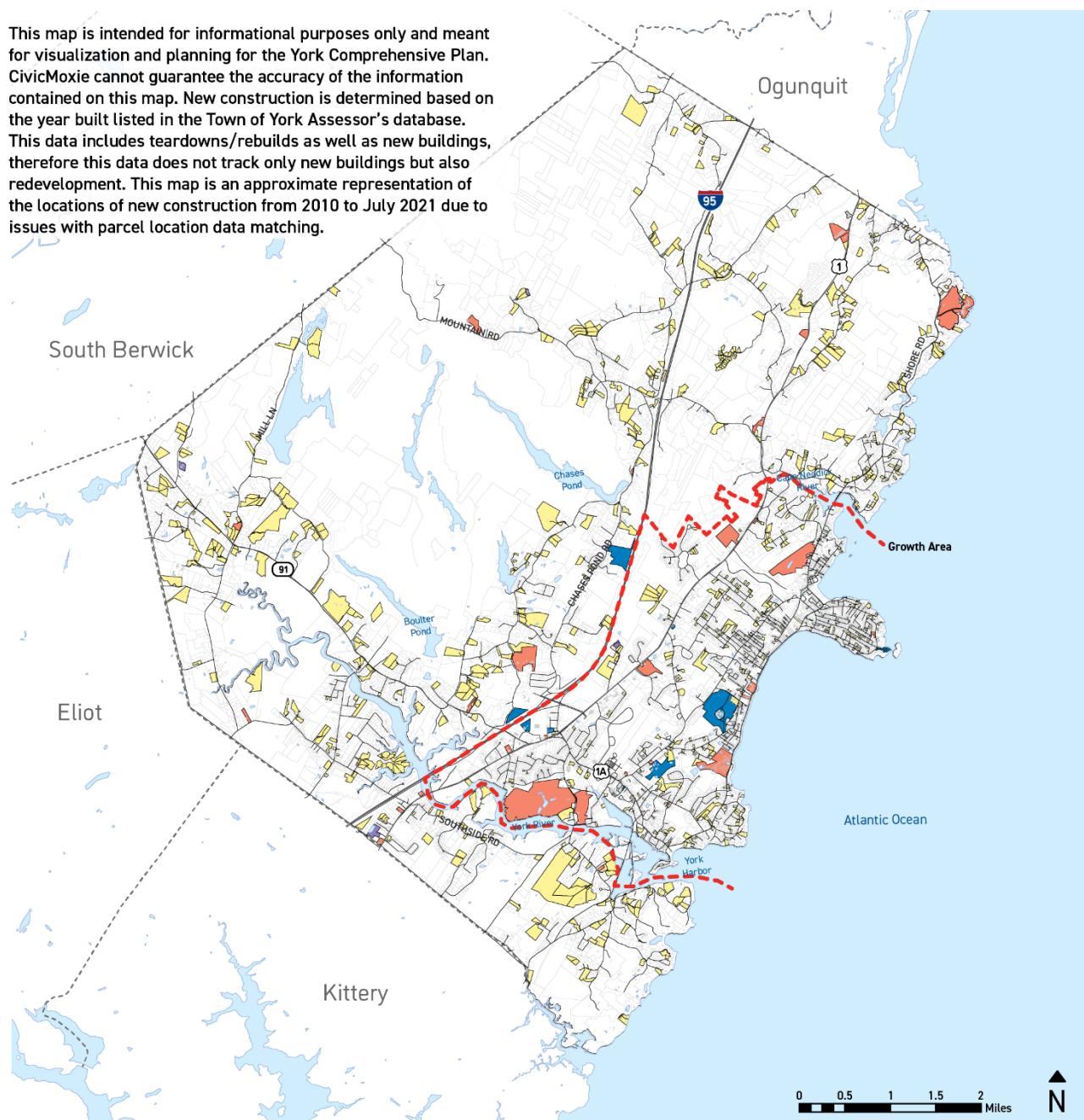
<sup>28</sup> Permit data was not used for this analysis as it was not available from the Code Enforcement Office. York's permit data is not digitized, centralized, and tabulated by permit type. At the time of comprehensive planning, this information was available only through individual documents for each application.

<sup>29</sup> As specified by Town of York Assessors.



**Figure 13. Representation of New Construction by Land Use Category from Town of York Assessors from 2010 to July 2021\***

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. CivicMoxie cannot guarantee the accuracy of the information contained on this map. New construction is determined based on the year built listed in the Town of York Assessor's database. This data includes teardowns/rebuilds as well as new buildings, therefore this data does not track only new buildings but also redevelopment. This map is an approximate representation of the locations of new construction from 2010 to July 2021 due to issues with parcel location data matching.



Data Sources: 2020 Town of York Assessors, 2020 Town of York OpenData, Maine Geobinary, USGS National Hydrography Dataset.  
Map created by CivicMoxie.

- █ Residential
- █ Commercial
- █ Industrial
- █ Government



Not including partial data for 2021, approximately 122 structures were built every year from 2010 to 2020 (Table 8 and Fig. 14). Variations in the annual number of buildings constructed can be explained through the overall economy, types of development projects that were approved, availability of contractors, materials, and demand.

**Table 8. Structures Built from 2010 to 2021\* by Year as Indicated by Town of York Assessors**

<b>Year</b>	<b>Number of Parcels with Structure Built</b>
2010	101
2011	68
2012	110
2013	82
2014	119
2015	127
2016	260
2017	127
2018	123
2019	113
2020	113
2021*	79
<b>2010-20 Average</b>	<b>122</b>

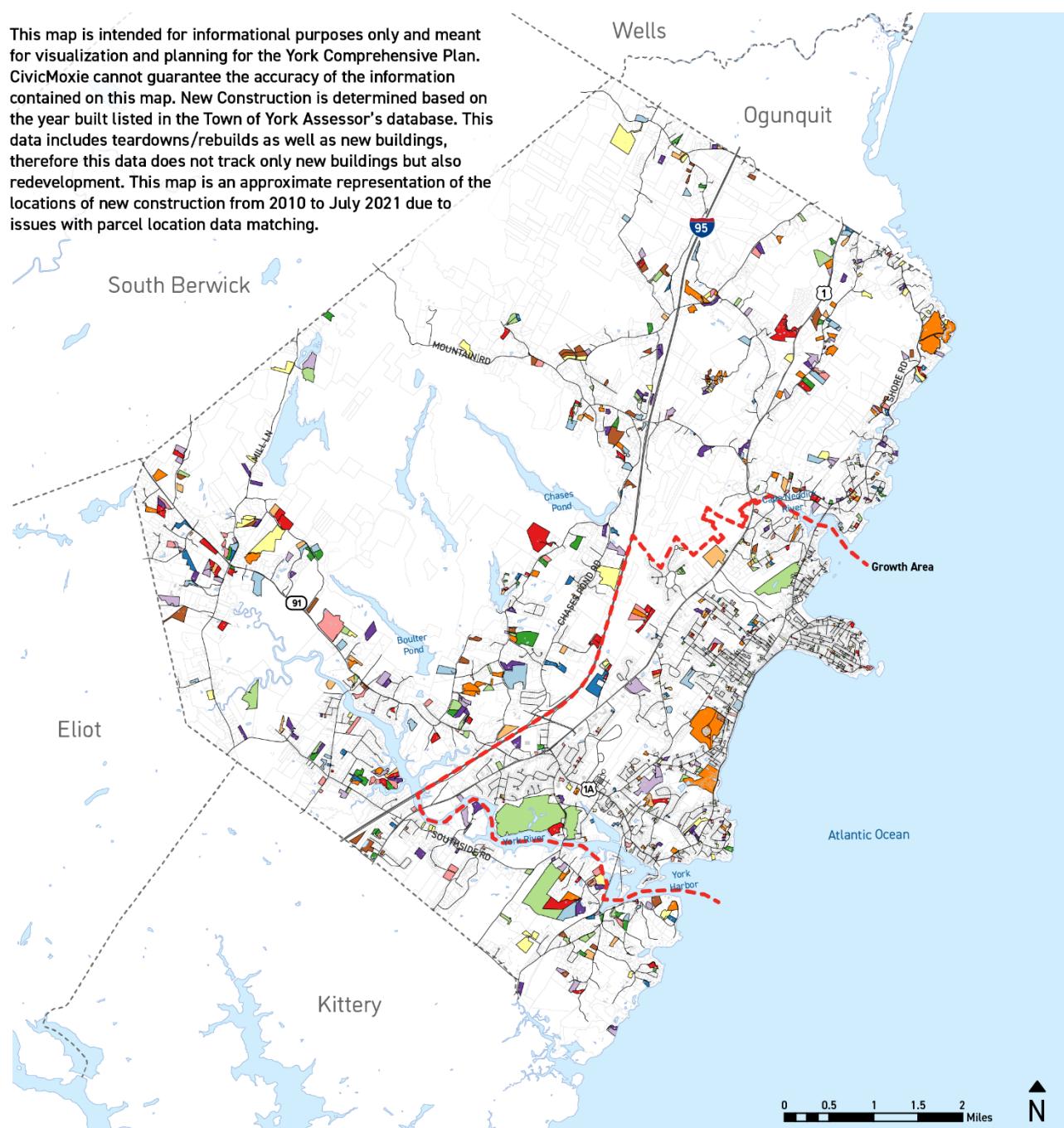
*Source: Town of York Assessors. Based on parcels with "Year Built" listed as 2010 or newer. This data did not indicate whether a new structure was built on a vacant parcel or if it was a new building replacing a previously existing one (tear-down). Data was sorted to require a minimum living area of at least 200 SF.*

*\*2021 data is for partial year, through July 2021.*



**Figure 14. Representation of New Construction by Year from 2010 to July 2021\***

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. CivicMoxie cannot guarantee the accuracy of the information contained on this map. New Construction is determined based on the year built listed in the Town of York Assessor's database. This data includes teardowns/rebuilds as well as new buildings, therefore this data does not track only new buildings but also redevelopment. This map is an approximate representation of the locations of new construction from 2010 to July 2021 due to issues with parcel location data matching.



Data Sources: 2020 Town of York Assessors, 2020 Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset.  
Map created by CivicMoxie.

2010	2014	2018
2011	2015	2019
2012	2016	2020
2013	2017	2021



While there may be some margin of error in the data used for estimation, it is still apparent that recent trends show that new construction in York has not been limited to the Town's 2006 Growth Area. From 2017-2021, less than 50% of new construction (from Assessor year-built data) was located within the boundaries of the 2006 Growth Area. Residential new construction, specifically, remains consistent with the overall trend, with less than half of new development located within the Growth Area.

## Land Cover

Town Assessor's data provides a view of York's built environment at the building/structure and parcel level – meaning that for a single-family home on a three-acre parcel, the entire parcel is considered a residential use even if the structure only covers a small portion of the lot. Another method of analyzing the amount of development in a community, and its potential impacts is to survey land cover. Land cover is a description of physical cover of the ground. Data for analysis of ground cover was derived from freely available satellite and aerial data. Images are taken of the earth's surface and analyzed to determine the development level or the type of natural use of the land (wetland, forest, etc.) The land cover data used here came from the National Land Cover Database (NLCD) created by the Multi-Resolution Land Characteristics Consortium (MRLC), which is comprised of various federal agencies, such as the USGS, NOAA, Department of the Interior, and more. The land cover data is generated in grids of 30 meters by 30 meters, which is a rather large area. The result is a very coarse level of information that does not reflect small areas or subtle changes in land cover. This data gives a broad sense of the developed to undeveloped ratio of land for York, and methods of data collection have improved.<sup>30</sup> Fig. 15 provides a visual representation of different levels of development concentration throughout the town.

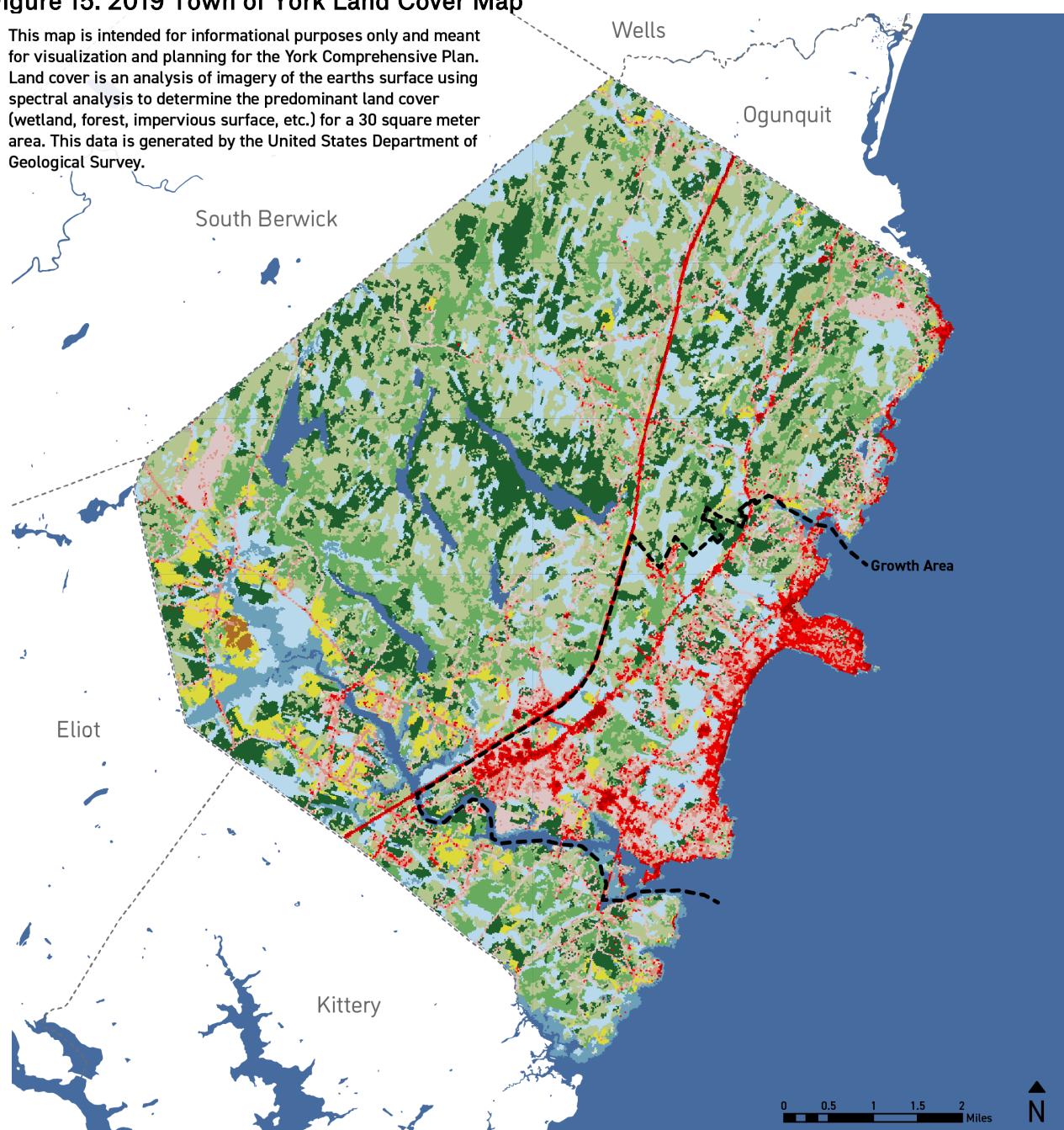
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<sup>30</sup> Description of "land cover" from amended 1999 Town of York Comprehensive Plan, Existing Land Use Chapter – Inventory and Analysis pages 1-2.

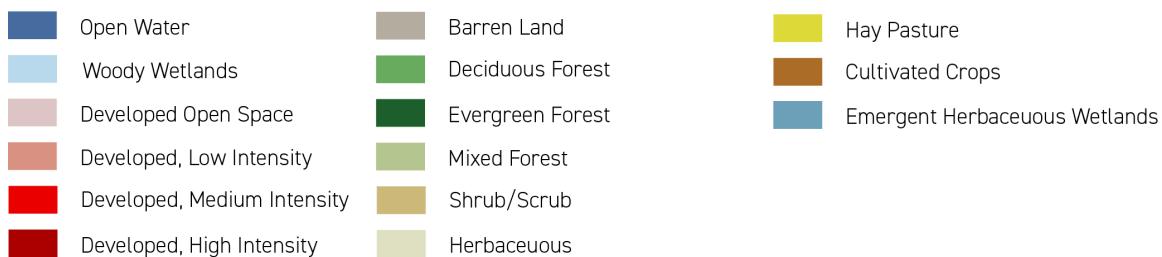


**Figure 15. 2019 Town of York Land Cover Map**

This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. Land cover is an analysis of imagery of the earth's surface using spectral analysis to determine the predominant land cover (wetland, forest, impervious surface, etc.) for a 30 square meter area. This data is generated by the United States Department of Geological Survey.



*Data Sources: 2019 National Land Cover Database, 2020 Town of York Assessors, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie.*





Analysis of the 2019 National Land Cover Database indicates that the estimated amount of developed land in York is approximately 18% (a majority of that being classified as open, low or medium intensity) and 82% of York's land area is undeveloped (a majority of that undeveloped land is classified as various forests and woodlands) (Table 9). which is in the range of the "Land Cover in 2003" data from the amended 1999 Comprehensive Plan's Existing Land Use Chapter, page two, which estimated around 20% of the town being developed.

**Table 9. 2019 Land Cover in Town of York by Developed Intensity and Undeveloped Type**

Category		Square Miles	Percentage (Total)	Percentage (Land)	
Open Water		76.82	58%		
Land		54.97	42%		
	Developed	10.00	8%	18%	Percent (Developed)
	Developed, Open Space	4.22	3%	8%	42%
	Developed, Low Intensity	3.16	2%	6%	32%
	Developed, Medium Intensity	2.02	2%	4%	20%
	Developed, High Intensity	0.59	0%	1%	6%
	Undeveloped	44.97	34%	82%	Percent(Undeveloped)
	Barren Land	0.15	0%	0%	0%
	Deciduous Forest	6.54	5%	12%	15%
	Evergreen Forest	8.83	7%	16%	20%
	Mixed Forest	15.87	12%	29%	35%
	Shrub/Scrub	0.22	0%	0%	0%
	Herbaceous	0.25	0%	0%	1%
	Hay/Pasture	1.88	1%	3%	4%
	Cultivated Crops	0.07	0%	0%	0%
	Woody Wetlands	9.29	7%	17%	21%
	Emergent Herbaceous Wetland	1.85	1%	3%	4%
		131.79			

Source: 2019 National Land Cover Database (NLCD) created by the Multi-Resolution Land Characteristics Consortium (MRLC)

## Climate Change Impacts

Sea level rise (SLR) and storm surge have the potential to damage property and infrastructure and worsen contamination from stormwater runoff. SLR/storm surge impacts also threaten property values and the Town's tax base. With 1.6 feet of SLR, 42% of York County's dry beach (above the high tide line) will be at risk of inundation.<sup>31</sup> As a coastal town with tidal

<sup>31</sup> Adapted from Slovinsky (2020, unpublished). Maine Climate Council Scientific and Technical Subcommittee, *Scientific Assessment of Climate Change and Its Effects in Maine*, 131.



rivers, flooding of homes and other personal property will be an increasing reality for many who live and own property in York (Fig. 16).

York's projected increase in rainfall and more frequent and intense flooding events will create a greater volume of stormwater carrying pollutants such as pet waste, failed septic system runoff, lawn fertilizers, trash, and fuel and oil from cars and boats.<sup>32</sup> These pollutants contain high concentrations of nutrients and other harmful substances that, along with shifts in species and rise in bacteria, can harm aquatic life and make water unsafe for swimming, resulting in closures to beaches and other swimming areas.

Approximately 60% of the land in York is covered by forest, which, along with York's beaches and rivers, is a defining feature of the town. York's forests are also its largest carbon sink, helping to mitigate climate change by pulling Carbon Dioxide out of the atmosphere through photosynthesis. More extreme rainfall, intermittent and more variable snowpack, and warmer temperatures are all expected to pose significant threats to trees, forest ecosystems and forest management.

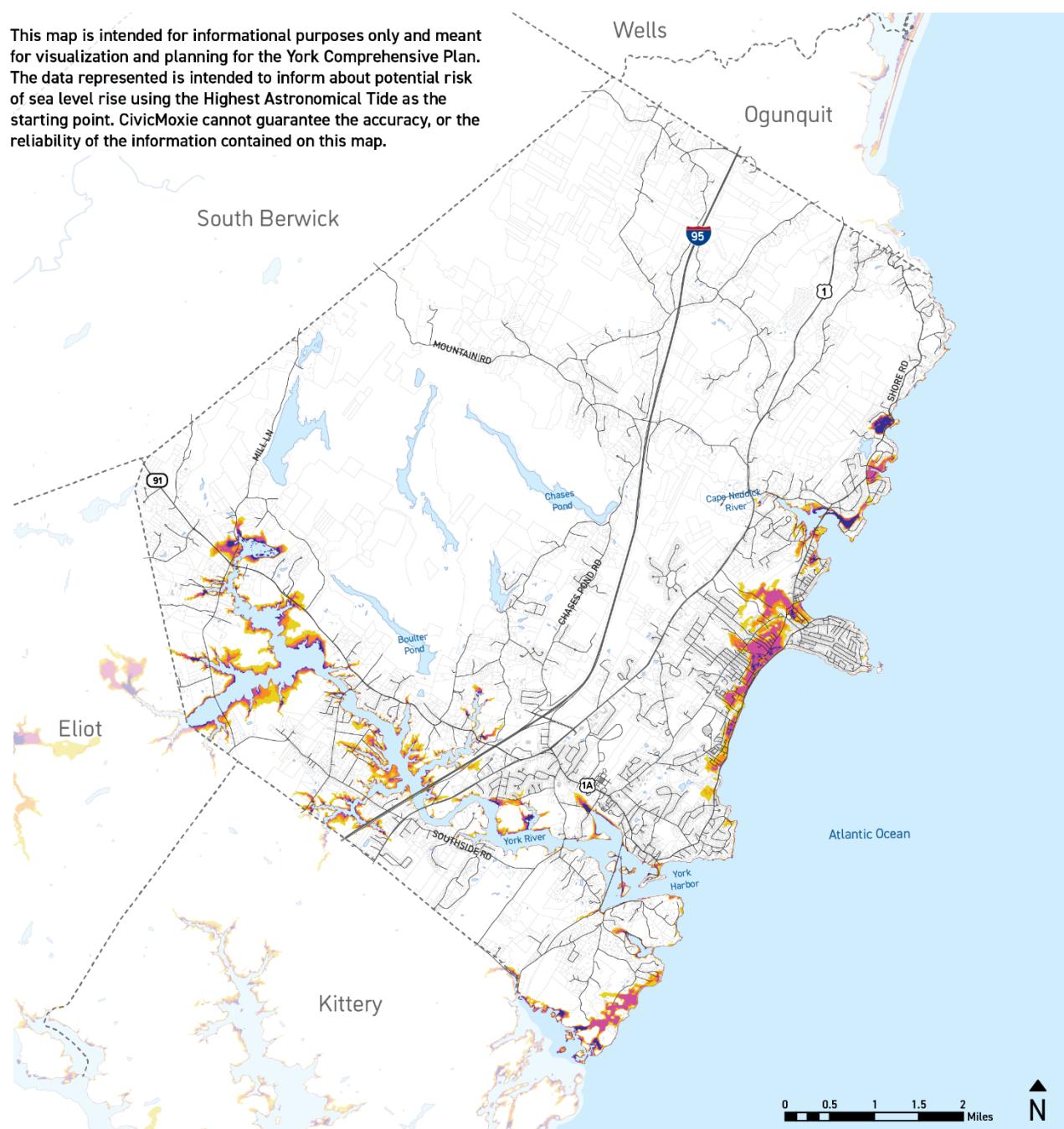
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<sup>32</sup> Cities of Portland and South Portland, "Climate Change Vulnerability Assessment" found here: [https://www.oneclimatefuture.org/wp-content/uploads/2020/12/OneClimateFuture\\_VulnerabilityAssessment\\_Final.pdf](https://www.oneclimatefuture.org/wp-content/uploads/2020/12/OneClimateFuture_VulnerabilityAssessment_Final.pdf)



**Figure 16. Projected SLR/Storm Surge Scenarios**

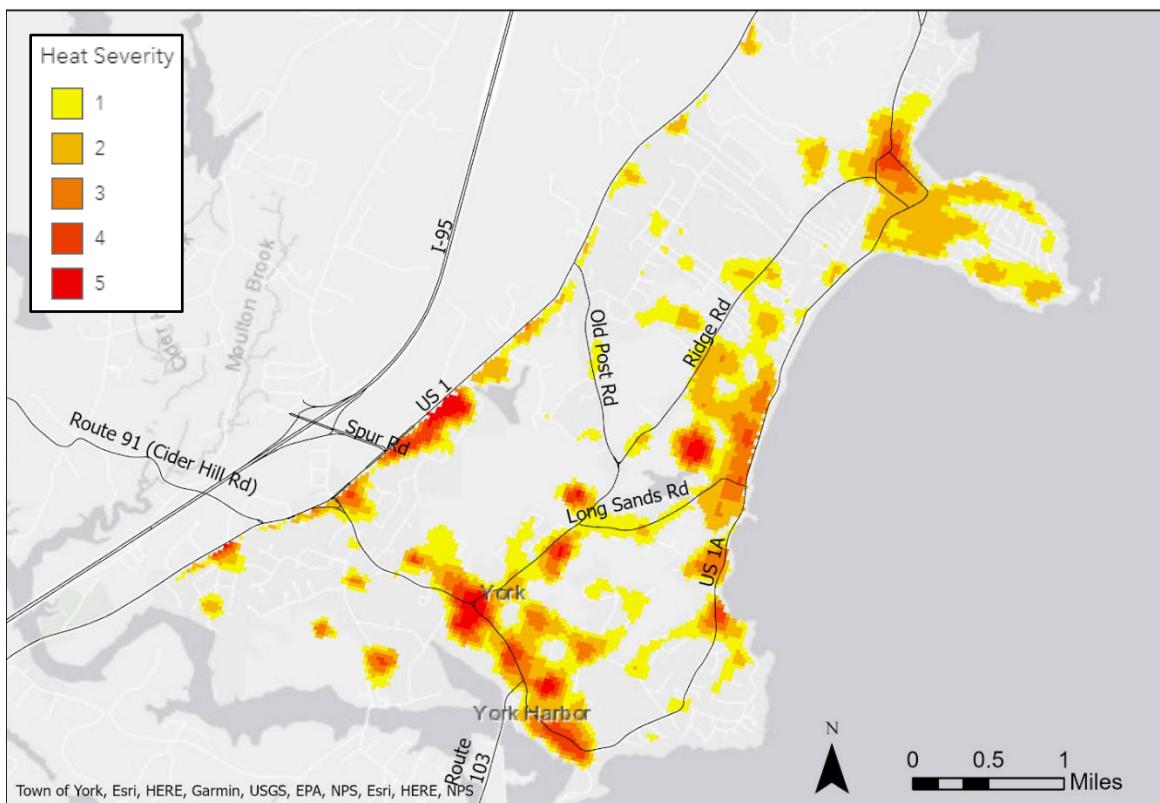
This map is intended for informational purposes only and meant for visualization and planning for the York Comprehensive Plan. The data represented is intended to inform about potential risk of sea level rise using the Highest Astronomical Tide as the starting point. CivicMoxie cannot guarantee the accuracy, or the reliability of the information contained on this map.



Data Sources: Maine Geological Survey, Town of York OpenData, Maine Geolibrary, USGS National Hydrography Dataset. Map created by CivicMoxie. The data shown here is for planning purposes only and is not intended for making legal or zoning boundary determinations.

- Current Highest Astronomical Tide (HAT)
- 1.5 Feet Above HAT
- 4 Feet Above HAT
- 6 Feet Above HAT
- 9 Feet Above HAT

**Figure 17. York Heat Islands**



Areas of York with high paving and impervious surface coverage and minimal natural plantings and tree cover create “heat islands” which are built-up areas that experience higher temperatures because buildings, pavement, and other hard surfaces absorb and reflect the sun’s heat to a greater degree than natural areas containing a high proportion of trees and landscape.

Fig. 17 illustrates the relative heat severity for every pixel of York, Maine that has a heat island. The map shows heat islands in the more densely populated and developed areas along the coast between York Harbor and the Cape Neddick River, with additional areas along the U.S. Route 1 corridor. These areas contain more roads and parking lots, larger buildings, and more densely located development than other parts of town.



## Town Capacity: Land Use Regulation and Code Enforcement

At the inception of the York Comprehensive Planning process, the Town had one planner on staff for the Planning Department who was responsible for managing the Town's planning processes, zoning issues, proposed development, policies related to land use, as well as staffing the Planning Board. A second planner was hired in late January 2022 after the Town Board of Selectmen (BOS) meeting on August 9, 2021, when the BOS authorized the Director of Planning to hire a staff person.

During the planning process, specific administrative capacity comments were made by community members including that the Planning and Code Enforcement Departments could use more staff to help the public understand the complexities of the Zoning Ordinance, other land use regulations, permitting, and development review processes, and other building, infrastructure, and land development requirements. The Code Enforcement Department has indicated a desire for additional staff to maintain quality and timeliness of its services related to land use regulation and its other municipal services.

In addition, the current capacity and permitting application processes in Town Hall does not support data collection and analysis needed to understand the trends in land use development in York. For instance, there is no digital compilation of permits issued along with the type of permit and details, which would enable York to easily see development trends and use data to shape policies.

## What the Community Said

The summary of community feedback below represents the common themes heard during public meetings and events, as well as other outreach. When information is provided from the Fall 2021 Comprehensive Plan Community Survey<sup>33</sup> results, this is specifically noted with the percentage of respondents who replied in this way.

- What happens to the future of land use in town is very important to those who offered feedback during the planning process.
- When asked what was important to quality of life in York, approximately 90% of survey respondents listed Natural Resources as 'very important,' with Land Use at 62% (1163 total responses to this question).
- Participants in planning events commented on allowing or supporting more diversity in the type and cost of housing in town.
- When asked about possible areas for more housing on the Town's Growth Area map, the top two areas selected by survey respondents were "Outside of the 'Growth Area'

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<sup>33</sup> There were 1163 responses to the survey. Not every question had a 100% response rate; the number of responses for questions listed below are noted.



boundary" (about 55%) and "Along Route 1 within the 'Growth Area' boundary (approximately York River to Cape Neddick River)" (almost 39%) (1016 total responses to this question).

- When asked similarly about possible areas for economic development on the Town's Growth Area map, the top three responses were "Along Route 1 within the 'Growth Area' boundary (approximately York River to Cape Neddick River)" with about 54%, "Outside of the 'Growth Area' boundary" with about 41%, and York Village at 31% (1038 total responses to this question).
- Plan participants mentioned wanting and allowing specific types of businesses and industries in York that would complement or add to the community.
- There are concerns about preserving natural resources and environmentally sensitive areas and supporting agricultural uses.
- More than 80% of survey respondents considered it very important to conserve and protect natural resources in York, including land and water (1016 total responses to this question).
- When asked about what the Town should consider doing with the Short Sands Road area that was a big Town investment, about 65% of survey respondents thought it should be developed, about 55% thought housing should be allowed, approximately 61% thought retail/dining should be allowed, and about 37% thought it should be restricted to recreational use (971 total responses to these questions).
- The Town's current Zoning Ordinance is complex.
- Additional administrative capacity is needed in the Town's Planning and Code Enforcement Departments.

## Key Takeaways

### Complexity of the York Zoning Ordinance

York's Zoning Ordinance has often been described as "complex" by both residents and Town staff. York has base zoning that includes use and dimensional requirements, as well as additional supplemental requirements, special provisions, overlay districts, and other standards, regulations, policies, permit processes, and amendments. The layering effect of all the requirements written out in the Zoning Ordinance and other regulations leads to community members and property owners seeking assistance from the Planning Department and Code Enforcement to understand what is allowed and where, as well as the necessary permitting and approval processes. This complexity also can give a false sense of what is allowed, by allowing for business or multi-family residential uses, for instance, but then providing additional requirements and restrictions that reduce what can actually be built.



## Staffing and Capacity

During the planning process, specific administrative capacity comments were made by community members and Town departments that the Planning Department and Code Enforcement Department could use more staff to help the public understand the complexities of the Zoning Ordinance, other land use regulations, permitting, and development review processes, and other building, infrastructure, and land development requirements.

## Location of Recent Development

Recent trends show that new construction in York has not been mostly limited to the Town's 2006 Growth Area. From 2017-2021, less than 50% of new construction<sup>34</sup> was located within the boundaries of this Growth Area. This is particularly true of residential new construction.

The location of more development outside of the Growth Area and on the edges of town and in Rural Areas has an impact on Emergency Response Services, infrastructure maintenance, and other program and social service delivery.<sup>35</sup> York is also home to a range of uniquely valuable natural resources, including rich biodiversity and plant and animal habitats, drinking water sources, valuable forests and wetlands for carbon sequestration. York residents place a high value on natural resources and see protection as a priority.

## Climate Change

Impacts of climate change, including flooding from sea level rise and storm surge, increased rainfall, risks to York's forests and other natural resources, and heat islands will all be necessary considerations for planning for future land use. These considerations will need to be included in amendments to Ordinances as well as any new overlays that reflect sea level rise/storm surge projects.<sup>36</sup>

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<sup>34</sup> Town of York Assessor Data.

<sup>35</sup> See Appendix A9: Town, Public Facilities & Services Current Conditions for more information.

<sup>36</sup> Information can be found in the Town of York's climate planning work of 2021-22.