

## Section-by-Section Description Proposed Housing Amendment`

The proposed article would make changes to Chapter 14 LAND USE ORDINANCE necessary to comply with L.D. 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" (the Act) enacted in 2022. Certain provisions of the Act affecting municipal zoning and land use ordinances become effective on July 1, 2023. The proposed article would amend Chapter 14 as follows:

### **Article 2: DEFINITIONS**

- The article deletes the definition of "Accessory Dwelling Unit" which now restricts occupancy in an accessory dwelling unit in a manner not allowed under the Act.
- The article amends the definition of "Dwelling."
- The article deletes the definition of "Handicapped family unit" which provides an exception to the current definition of accessory dwelling unit which is not necessary under the Act.

### **Article 3: ZONING DISTRICT STANDARDS**

In section 3.2 IR-1 ISLAND RESIDENTIAL ZONE, section 3.3 IR-12 Island residential zone, and section 3.9 -B ISLAND BUSINESS ZONE the following changes are made:

- The permitted use of a "one single-family dwelling per lot" is changed to "residential housing."
- "Handicapped family unit" is removed from the list of conditional uses. "Additional" is added to "Accessory Dwelling Units" to clarify that a second accessory dwelling unit on a lot would require a conditional use permit by the Planning Board.
- The requirement for Off-street parking is specified as applying only to the lot's principal structure.

### **Article 7: TOWNWIDE PERFORMANCE STANDARDS**

All of the language in section 7.23 Accessory Dwelling Units is deleted and replaced with new standards.

- At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure in any zoning district in which residential housing is permitted consistent with applicable zoning district dimensional requirements. The accessory dwelling unit may be constructed within the existing single-family dwelling unit; attached to or sharing a wall with the single-family dwelling unit; or detached from the single-family dwelling unit.
- An accessory dwelling unit must have at least one hundred ninety (190) square feet of floor area. Floor area measurements for accessory dwelling units within an existing single-family dwelling unit shall not include unfinished attic, basement or cellar areas, and shall not include shared hallways or other common areas. The setback and dimensional requirements for an accessory structure shall apply for detached accessory dwelling units. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit.

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- The owner of a single-family dwelling unit must provide written verification that the accessory dwelling unit is connected to adequate water and wastewater services before the structure may be certified for occupancy. Access to an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use. Plans for subsurface wastewater disposal must be prepared by a licensed site licensed Site Evaluator (SE), not at public expense, certifying that any existing subsurface wastewater disposal system (SSWD) proposed to be used, or a new system to be built, meets or will meet the current state standards for the total number of bedrooms being proposed for the lot. A full copy of the results shall be included in the building permit.
- A second Accessory Dwelling Unit may be allowed on a lot with a single-family dwelling unit and an Accessory Dwelling Unit provided that one of the two Accessory Dwelling Units is detached from the single-family dwelling unit.