

# **LD1706 & LD2003 (State Mandated changes to encourage affordable housing, multifamily development and accessory dwelling units)**

## **2024 HOUSING AMENDMENTS**

### **TO TOWN OF SOUTH THOMASTON LAND USE ORDINANCE**

#### **Section V DISTRICTS**

##### **C. Table of Dimensions**

Delete the following:

~~The CEO may issue a permit for a second dwelling unit (such as a “mother-in-law” area) if existing constraints in Maine State Statutes can be met; such as 20,000 square feet (.46 acres)/dwelling unit and a successful septic system review by the town’s LPI. (this exception to the above District Dimension requirements does not otherwise change lot size requirements).~~

Insert in its place:

Notwithstanding these requirements, additional dwelling units may be permitted as follows:

- a. Up to four dwelling units may be constructed on any vacant property located in the VE District;
- b. Up to two dwelling units may be constructed on any vacant property located in any other district; and
- c. In any district, up to two additional dwelling units may be constructed on any property on which one dwelling unit currently exists, with one additional dwelling unit within or attached to the existing structure or one additional detached dwelling unit, or one of each.

Additional dwelling units permitted in accordance with this section must satisfy the following standards:

- a. All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwellings;
- b. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each additional dwelling unit is or will be connected to adequate water and wastewater services; and
- c. The dwelling unit(s) must be located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A (see Attachment E);

#### **Section VI General Performance Standards**

##### **Add a new Section I – Accessory Dwelling Units**

Accessory dwellings shall be subject to Code Enforcement Officer review and shall be permitted subject to the following standards:

- a. The accessory dwelling unit may be constructed in any district in which residential uses are permitted and may be located within an existing dwelling, attached to an existing single-family detached dwelling unit or as a separate accessory building.
- b. The accessory dwelling unit shall be subject to the same permitting requirements as a dwelling unit if located within or attached to an existing dwelling, or a single-family detached dwelling, if constructed as a separate building.
- c. No more than one accessory dwelling unit may be located on any property on which a single-family detached dwelling already exists

- d. Density and lot size requirements otherwise applicable to the district in which the accessory dwelling unit is located shall not apply to the accessory dwelling unit; if two or more principal dwelling units will be located on a single lot, the dimensional requirements in Section V(C) apply
- e. The accessory dwelling unit shall be subject to the same setback requirements applicable to an accessory building;
- f. No additional parking shall be required for any accessory dwelling;
- g. The accessory dwelling unit shall be at least 190 square feet in size and no more than 865 square feet or 66 % of the square footage of the principal dwelling, whichever is less.
- h. No permit for an accessory dwelling unit may issue until the applicant has provided written verification that the accessory dwelling unit will have adequate connection to water and wastewater services, as required by 30-A M.R.S.A §4364-B(7), as amended.

Add a new **Section J – Affordable Housing Developments**

In the Village Extension (VE) District, an affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located and may not be required to provide more than two off-street parking spaces for every three dwelling units. In calculating the allowances permitted under this Section, any fractional result shall be rounded down to the nearest whole number. These allowances shall be granted to any such affordable housing development that satisfies the following performance standards:

- a. The affordable housing development is located on a property on which multiple family dwellings are permitted;
- b. The affordable housing development is located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A see Attachment E;
- c. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and
- d. As a condition of final approval, the owner or applicant must execute and record in the Knox County Registry of Deeds a restrictive covenant, in the form of a deed or other recordable instrument, satisfying the following criteria:
  - a) The restrictive covenant must be enforceable by the Town or a party acceptable to the Town;
  - b) The restrictive covenant must remain in full force and effect for a period of at least 30 years; and
  - c) The restrictive covenant must provide for the following restrictions on the use of the property: (1) for dwelling units offered for rent, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and (2) for dwelling units offered for sale, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy. If this definition is in conflict with 30-A M.R.S. § 4364(1), as it may be amended, the definition set forth in said statute shall control.
  - d) The restrictive covenant must provide for reporting to the Town of all initial sales or all rents

## Section VII Definitions

Add the following definitions:

**Affordable**: means (1) for dwelling units offered for rent, a dwelling unit for which a family whose aggregate income is less than 80% of the median income for the area would spend no more than 30% of its monthly income on housing costs; and (2) for dwelling units offered for sale or permanent ownership, a dwelling unit for which a family whose aggregate income does not exceed 120% of the median income for the area would spend no more than 30% of its monthly income on housing costs. For purposes of this definition, “median income for the area” is defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended. For purposes of this definition, “housing costs” include but are not limited to the cost of rent and utilities paid for rental dwelling units and the cost of mortgage principal and interest, real estate taxes and assessments, private mortgage insurance, and condominium and homeowners’ association fees for dwelling units offered for sale.

**Affordable housing development**: One or more dwelling units on a single property that are offered for rent or sale, provided that at least 51% of such dwelling units are designated as affordable by the owner or developer.

**Dwelling Unit, Accessory**: A self-contained dwelling unit, featuring living, cooking and bathroom facilities, designed for and occupied by not more than one (1) family and located within, attached to or detached from a single-family dwelling.

### **Other Land Use Ordinance Changes:**

Add a section to specify/authorize the CEO to issue permits for items not included in the table of uses (such as: fences, demolition, etc); Policy would allow CEO to issue permits for actions as approved by the Selectboard by updating the “Schedule of Fees and Fines”.

**delete “Tourist Home” in table of uses**; (Page 11, Table of Uses 4<sup>th</sup> item “Bed and Breakfast, Tourist Home”)

Amend the restrictions/definitions associated with non-conforming uses/buildings in the Land Use Ordinance to be in line with the Shoreland Ordinance; (Land Use Page 4, Section III, para F. vs Shoreland page 3, para 12)

10,000 Sq Foot Commercial restriction/definition (Site, Land, Building?); (page 11 Table of Uses 9<sup>th</sup> item and not **in definitions**): Clarify in definitions and Standards Review PB requirement to determine, by business, commercial activities included in the square foot restriction.

Require a minimum number of off street parking spaces for each primary and additional dwelling unit. 2 for the primary dwelling and one for any additional unit(s). (Does not apply to Affordable Units nor ADUs)