Notes Relative to Amending Lamoine Ordinances to Comply with LD 2003
(amendments shown in red in Ordinance)

1. **Lot Standards**: The proposed amendment in Note #1 of the "Lot Standards and Structure Setback Table" on p. 11

Actual change in ordinance:

[1] Lot sizes can be reduced to 22,000 square feet if the lot is connected to a public water and sewer system. For the purpose of compliance with 30-A M.R.S §4364-B, accessory dwelling units (ADUs) are exempt from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed, except that for any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements (*e.g.*, for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage).

2. **Off-Street Parking**: The proposed amendment on p. 13, Section 5, F.

Actual change in ordinance:

F. Off-Street Parking:

Except as provided in Section 10.D.g., o~~O~~ff-street parking shall be provided with a minimum of 300 square feet per dwelling unit in the case of all residential structures; in the case of commercial and industrial structures, 600 square feet per each 5,000 square feet of floor space or portion thereof. This may be accomplished by driveway space, garage space, parking lot space, or any combination of the three.

3. **Nonconforming Lots of Record**: The proposed amendment p. 13, Section 5, H.

Actual change in ordinance:

H. Non-Conforming Lots of Record:

Any non-conforming lot of record existing before March 1976 and not adjoined by other land of the same ownership may be used if it is in accordance with all other provisions of this ordinance and state law. Any non-conforming lot of record established between March 1976 and May 1999, not adjoined by other land of the same ownership but conforming to prior law at its date of purchase, may be used if in accordance with all other provisions of this ordinance and state law and if the applicant demonstrates that steps will be taken to prevent water pollution. Per 30-A M.R.S §4364-B, an accessory dwelling unit shall be allowed on a non-conforming lot of record if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.

4. **Accessory Dwelling Units:**

P. 20, Section D, 1.: Removed “accessory dwelling units shall only be created where the single family character of the main building is maintained’.

P. 20, Section D., 2: Given the fit with the existing prohibition against getting variances for ADUs, this seemed to be a reasonable place to insert the LD 2003 language specifying that ADUs need to meet dimensional standards.

P. 20, Section D., 2: This makes explicit that ADUs have to meet the requirements of the Shoreland Zoning Ordinance as well as applicable sections of the Building and Land Use Ordinance.

P. 21, Section D., 2, a.: The lot size requirement in Sec. 10 D.2.a. is struck out as there is no minimum lot size for ADUs in LD 2003.

P. 21, Section D., 2, a.: Here we have the LD 2003 language allowing an ADU on any lot with a single-family home in an area where housing is allowed. The additional Shoreland Zoning language comes from the AVCOG model ordinance.

P. 21, Section D., 2, b.: This is the LD 2003 provision setting the ADU minimum building area at 190 square feet. Some of the adaptation of the statute language comes from the AVCOG model ordinance.

P. 21, Section D., 2, d.: This strikes out the existing provision setting the ADU minimum floor area at 400 square feet.

P. 21, Section D, 2., d.: In the sentence “An interior connecting doorway between the single-family dwelling and the accessory dwelling unit shall be provided that promotes commingling of the residents of the accessory unit”, the word “shall” was changed to “may”.

P. 21-22, Section D., 2, f.: These are the statutory provisions related to wastewater and water. The provisions for when public sewer or water are available are included to cover instances of small, special purpose public systems that may exist at present or in the future.

P. 22, Section D., 2, g.: Here the existing requirement of one off-street parking space for each ADU in addition to the parking requirements of the single-family dwelling is struck out and replaced with the LD 2003 provision exempting ADUs from such a requirement.

Actual changes in ordinance:

D. Accessory Dwelling Units

1. **Creation of an Accessory Dwelling Unit** - The purpose of this provision is to permit creation of a single, accessory dwelling unit within and incidental to an existing single-family dwelling. The creation of an accessory dwelling unit (see definition) within a

new single-family dwelling shall also be permitted. ~~Accessory dwelling units shall only be created where the single family character of the main building is maintained.~~

2. **Requirements** - The following requirements shall be in addition to other requirements of the Building and Land Use Ordinance**.** Per 30-A M.R.S. §4364-B, for an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply; no ~~No~~ accessory dwelling unit is permitted where a variance to the Building and Land Use Ordinance is required. The Planning Board may permit creation of an accessory dwelling unit, subject to the applicant's compliance with the provisions of sections 6 and 7 of the Building and Land Use Ordinance and, if located in the Shoreland Zone, with the provisions of the Shoreland Zoning Ordinance. Accessory dwelling units shall be considered a single-family dwelling for purposes of compliance with sections 6 and 7. Additionally, accessory dwelling units shall meet the following provisions:

   ~~a. A lot must have a minimum of 40,000 sq. ft. to be eligible for the addition of an accessory dwelling unit to an existing single-family home. The applicant shall have the burden to establish the lot area by a survey signed and sealed by a registered Maine surveyor. The applicant shall also demonstrate that the subsurface waste water disposal system complies with the State of Maine Plumbing Code.~~

   a. For the purpose of compliance with 30-A M.R.S. §4364-B, an accessory dwelling unit shall be allowed to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted, and an accessory dwelling unit is exempt from any density requirements or calculations to the area in which the accessory dwelling unit is located, except that for any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements of Section 15.A of the Shoreland Zoning Ordinance (e.g., for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage). An accessory dwelling unit may be constructed only: within an existing dwelling unit on the lot; attached to or sharing a wall with a single-family dwelling unit; or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

   b. An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies.

c. An accessory dwelling unit may only be created in a single-family detached dwelling which has a total existing floor area of the structure, excluding garages, of 1,600 sq. ft. or more prior to the addition of the accessory dwelling unit.

d. The accessory dwelling unit shall occupy no more than twenty-five percent (25%) of the resulting floor area of the structure, as defined herein, excluding garages. ~~In no event, however, shall the floor area of the accessory unit be less than a minimum of 400 sq. ft.~~ An interior connecting doorway between the single-family dwelling and the accessory dwelling unit ~~shall~~ may be provided that promotes commingling of the residents of the accessory unit. The doorway shall not permit the informal extension or expansion of the allowable dimensions of the accessory dwelling unit.

e. Any addition to the floor area of the single-family detached dwelling to create the accessory dwelling unit shall not exceed 15% of the floor area of the structure of the single-family dwelling prior to conversion.

f. Prior to occupancy, an owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

   i. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

   ii. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;

   iii. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

   iv. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), Land Use Districts and Standards, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

g. ~~One parking space shall be provided for the accessory dwelling unit in addition to parking for the single-family dwelling.~~ Per 30-A M.R.S. §4364-B, an accessory

dwelling unit shall not be subject to any additional parking requirements beyond the parking requirements of a single-family dwelling unit on the lot where the accessory dwelling unit is located. If a parking space for an accessory dwelling unit is provided, it ~~The parking space~~ must be located a minimum of fifteen feet (15') from the side and rear property lines. The parking areas for the lot shall be arranged and landscaped to be compatible with adjacent structures.

5. Definitions: The definition of "Accessory Dwelling Unit", added on p. 56, is taken from the Rule document for LD 2003.

Actual change:

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

The definition of "Affordable Housing Development", added on p. 56-57, is taken from the Rule document for LD 2003 and amendments made to the definition in Rule document LD 1706.

Actual change:

Affordable Housing Development:

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as 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, can afford a majority of the units without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as 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, can afford a majority of the units without spending more than 30% of the household's monthly income on housing costs.

3. For purposes of this definition, "majority" is defined as more than 51%.

4. For purposes of this definition, "housing costs" means:

   (i) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

   (ii) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

6. A list of items (likely not complete) unrelated to the implementation of LD 2003 that appear to need **minor editing** or reformatting:

- p. 6: “to” italicized in the sentence “the Planning Board shall require the applicant to”

shall require the applicant *to*

- p. 7: extra period removed after the word operation
- p. 7:: removed underline after the comma following “1996”
- p. 8: removed “5” and bolded “6” in section F.

criteria of Sections 5 & ***6***

- p. 12: removed extra spaces in “(50)”
- p. 20: “D” changed and bolded to “E” in Section 10, A.

procedures described in ***E***. below.