

**TOWN OF ORONO ORDINANCES
CHAPTER 18 - LAND USE**

**PROPOSED AMENDMENT TO THE ORONO LAND USE ORDINANCE
TO COMPLY WITH THE REQUIREMENTS OF LD 2003 FOR HOUSING**

Legislative Intent: The intent of this ordinance amendment is to amend the Land Use Ordinance to bring the Town of Orono into compliance with various updates to State housing laws which were created as a result of LD 2003 including topics such as affordable housing developments, accessory dwelling units, and the number of allowed dwelling units on a lot.

Added text is underlined, deleted text is struck through; text that is neither underlined nor struck through is unchanged from the current ordinance.

1. Amend Sec. 18-31, Definitions, as follows:

Affordable housing development means

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 51% or more of the units in the development 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

3. For purposes of this definition, "housing costs" include, but are not limited to:

a) 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

b) 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.

Base density means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Existing dwelling unit means a residential dwelling unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

Lot means a parcel of land occupied or to be occupied by one main building and accessory buildings or uses customarily incident to it, except for those clustered developments in which the land is owned in common and other specific areas identified in this ordinance where multiple detached principal structures are allowed. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and areas, and to provide such yards and other open spaces as are required in this Land Use Ordinance.

Shared driveway means any “driveway” which is utilized to access more than one principal structure on a single lot.

2. Amend Sec. 18-106, Schedule of uses, as follows:

(f) *Schedule of dimensional requirements*. All structures and uses shall meet or exceed the following minimum dimensional requirements. Numerals adjacent to some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

...

Footnotes to Schedule of Dimensional Requirements

(1) Accessory building of one story may be built no closer than five feet to the rear lot line, except that any accessory building used as an accessory dwelling unit shall meet the regular base requirement for minimum rear yard depth.

3. Amend Sec. 18-132, Lot and yard requirements, as follows:

(a) *Lots abutting more than one street*. Lots that abut more than one street shall provide the required front yards along every street.

(b) *Use of front yard*. See section 18-135, Off-street parking and loading, for limits on parking within front yards, and section 18-126, Buffering and screening, for requirements that may further limit the use of front yards.

(c) *Multiple principal dwelling unit structures on a lot.*

(1) Any lot located in an area in which residential uses are allowed and which has an existing single-family dwelling, or previously had an existing single-family dwelling on or before January 1, 2024, shall be allowed to have a maximum of three (3) dwelling units in existence on the lot. The three (3) dwelling units may consist of a single-family and two-family dwelling structure but shall not consist of three (3) detached single-family dwellings. If only two (2) dwelling units are developed, the dwelling units may consist of either one two-family dwelling or two single-family dwellings. A single structure with three

(3) dwelling units shall only be permitted in zoning districts which allow the multi-family dwelling land use.

(2) Any lot in the Town’s Designated Growth Area located in an area in which residential uses are allowed and which does not contain an existing dwelling unit shall be allowed to

have a maximum of four (4) dwelling units in existence on the lot. The four (4) dwelling units may consist of detached single-family and two-family dwelling structures. A single structure with three or four dwelling units shall only be permitted in zoning districts which allow the multi-family dwelling land use.

(3) A lot with a dwelling unit in existence after January 1, 2024 which is demolished, resulting in an empty lot, shall follow the standards identified in Section 18-132(c)(1) above.

(4) Adequate provision shall be made for access to all dwelling units on the lot from a public street. If the lot contains more than one detached dwelling, access to each detached dwelling shall be provided by a shared driveway which shall meet the following requirements:

(i) Any shared driveway used to access three or more principal structures shall allow for two-way vehicular traffic and have a minimum width of 18 feet;

(ii) Shared driveways shall provide any necessary turnaround(s) needed to maintain safe access for emergency vehicles based on the recommendation of the Fire Department;

(iii) No off-street parking space shall take place on the shared driveway itself. Any lot utilizing a shared driveway shall have a dedicated space to provide for the required amount of off-street parking spaces which does not obstruct access to any of the principal structures on the lot;

(iv) At the time of applying for a permit involving a shared driveway, the applicant shall provide as part of the application the method of ownership and a maintenance agreement for the shared driveway.

(5) No lot, regardless of the configuration of residential dwelling structures on the lot, shall create any increases in prescribed densities and/or lot coverage for the lot as a whole, reduce the required area for front, side, or rear yards, reduce off-street parking requirements, or violate any site development standards applicable to the zoning district in which the lot is located. Principal structures shall be separated from each other by at least the distance required by applicable fire codes.

4. Amend Sec. 18-138, Accessory dwelling units, as follows:

As an accessory use in a single-family dwelling or a structure that is accessory to the single-family dwelling, the renting of one and only one dwelling unit shall be permitted provided the following conditions are all satisfied:

(1) The accessory dwelling unit shall not exceed 500 square feet of floor area. (2) The accessory dwelling unit is limited to not more than one bedroom. (3) The number of

occupants of an accessory dwelling unit is limited to not more than two. (4) The water and sewage facilities meet all existing laws and codes.

(5) The property is owner-occupied.

(6) One sign, no larger than two square feet in area, without artificial lighting, may be erected on the premises, only during times when a vacancy exists.

(7) A permit shall be obtained from the Code Enforcement Officer prior to construction and/or occupancy of such an accessory dwelling unit.

(8) No parking lot or parking space, exclusive of driveways, shall be located between the street and any residential building.

(9) The property shall comply with current parking requirements for a single family use, ~~(three parking spaces). In addition, two additional parking spaces will be required for the accessory unit. (A total of five parking spaces)~~

(10) If the accessory dwelling unit is in an accessory structure: the accessory structure shall meet all setback requirements as identified in Sec. 18-106(f) of this ordinance. ~~(a) The lot containing the single-family dwelling and its accessory structure shall have an area of at least 8,712 square feet (0.2 acre), and an existing lot with less than 8,712 square feet shall not be regarded as a legally nonconforming lot for the purpose of placing an accessory dwelling unit in an accessory structure; and~~

~~(b) The accessory structure shall be set back at least fifteen feet from the property's rear and side property lines and, at the time the accessory dwelling unit is created, at least 20 feet from the nearest principal structure with a dwelling unit on any adjacent property. An existing accessory structure that does not contain an accessory dwelling unit as of September 12, 2016, and is located closer than these distances may not be used for an accessory dwelling unit.~~

For this section of the ordinance, the term "owner-occupied" means a single family dwelling in which the individual owner (meaning a human being) thereof maintains and occupies a true, fixed and permanent residence to which the individual owner, whenever absent, intends to return. An individual who retains a life estate in a single-family dwelling or who is the beneficiary of a living trust that owns a single-family dwelling shall be considered an owner for the purpose of this section. Any owner shall have all motor vehicles registered in Maine, shall hold a Maine operator's license (if owner drives) that lists the single-family dwelling as the current address, and shall only be registered to vote in Orono.

Any accessory dwelling unit shall be registered with the Town under Article IV of Chapter 8 of the Ordinances of the Town of Orono before it is occupied. At the time of registration the accessory dwelling unit the owner shall sign a standard agreement with the Town on a form provided by the Town, specifying that the accessory dwelling unit may exist only as long as the single family dwelling is owner-occupied; and the Town shall record the agreement in the Penobscot County Registry of Deeds and the owner shall reimburse the Town for the cost of the filing.

5. Add Sec. 18-155, Affordable housing development, as follows:

Sec. 18-155. - Affordable housing development.

(a) Purpose. The purpose of this section is to allow an automatic density bonus for certain affordable housing developments approved on or after January 1, 2024.

(b) *Applicability.* The affordable housing development density bonus shall be an option for any development that meets the following criteria. The development shall be:

(1) An affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;

(2) Located in a designated growth area as identified in the Town's Comprehensive Plan or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

(3) Located in an area in which multi-family dwellings are an allowed land use per Section 18-106(e) of this ordinance;

(4) Required to provide written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to any approval issued by the Code Enforcement Officer or Planning Board.

(5) Required to (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

(i) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

(ii) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

(c) *Density bonus.* If the above criteria in this section are met, an affordable housing development shall:

(1) Have a dwelling unit density of up to 2.5 times the base density that is otherwise allowed in that location as identified in Section 18-106(f) of this ordinance; and

(2) Provide no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.

(d) *Permitting and Review.* This section does not exempt any development from other permitting and review requirements and processes in this Land Use Ordinance such as site plan review or subdivision review.