

WARRANT ARTICLE XXX

Article XX. Shall an ordinance entitled “2024 Amendments to the Zoning Ordinance of the Town of Casco Regarding LD 2003” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

2024 AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CASCO REGARDING LD 2003

The Zoning Ordinance of the Town of Casco shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

ARTICLE 2: DEFINITIONS

§ 215-2.1 Word usage and definitions.

ACCESSORY RESIDENTIAL APARTMENTS DWELLING UNIT

~~Accessory residential apartments, attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than 30%, including the area of the septic system. If the number of bedrooms or potential bedrooms exceeds by more than one the number of bedrooms that the existing septic system is designed for, a replacement or expanded system shall be installed before occupancy. If the total number of potential bedrooms or potential bedrooms increases by one, a replacement or expanded septic system shall be designed and recorded in the Registry of Deeds. The accessory apartment shall not comprise more than 720 square feet of interior floor area excluding stairways. Not more than one accessory residential apartment shall be permitted per lot.~~

A self-contained dwelling unit of at least 190 square feet of total floor area, located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land.

AFFORDABLE HOUSING DEVELOPMENT

“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,

Commented [VF1]: This set of amendments does not address the increased # of dwelling units permitted on a lot without triggering subdivision. It should be stated that each lot with an existing structure may have an additional unit and an ADU; and that new lots may have up to 4 total units. It should also state that, in order to have additional units there is a stacking of required lot area. Example. If the base zoning requires 60,000 sf for one dwelling, a new lot can have 4 units but it requires 240,000 sf.

See guidance from DECD page 9.

Recommend adding a section to the ordinance that states how to determine #units and area requirement

Commented [VF2]: Alternative definition: ADUs shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 900 square feet. If an ADU occupies a portion of an existing Structure on a single floor or on multiple floors, or an existing detached Structure will be converted to an ADU, the Planning Department may allow for an increase in the allowed size of the ADU up to 1,215 square feet in order to efficiently use all of the floor area, so long as all other standards of this section are met.

Commented [VF3]: Recommend using the full state definition for Affordable Housing Development; recommend also adding it as a permitted use under the districts where multifamily housing is currently permitted. This isn’t all districts in Casco and for ease of use, recommend it’s identified where/where its not allowed.

Commented [VF4R3]: Removed this: A proposed duplex or multiplex development, where at least 51% of the proposed units will qualify as affordable housing, as defined in this Ordinance.

Inserted new definitions.

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Section 8, as amended, can afford a majority of the units that the developer designates as affordable 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 that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
4. 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.

ARTICLE 4: ZONING DISTRICTS

§ 215-4.4

B. Housing Programs.

- (1) A density bonus is available for Affordable Housing Developments as permitted by § 215-5.35 Affordable Housing Development Density Bonus.
- (2) Additional dwelling units may be permitted on a lot if in accordance with § 215-5.36 Dwelling Unit Allowances.

§ 215-4.5

Village District (V)

- E. ~~Density bonus for a~~**Density bonus for affordable housing.** ~~Single-family subdivisions comprised of 25% or more of affordable housing units as defined shall have minimum lot sizes of 50,000 feet. Multiplex and planned residential developments that include 25% or~~

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~~more affordable housing units as defined shall have a minimum of 50,000 square feet of net residential area per dwelling unit.~~

§ 215-4.6 Residential District (R)

B. Permitted Uses.

(2) The following uses require site plan review.

~~(a) Dwelling, multiplex.~~

§ 215-4.7 Commercial District (C)

C. Permitted Uses.

(2) The following uses require site plan review:

~~(ll) Dwelling, multiplex.~~

D. Space standards.

~~(6) Minimum land area per dwelling unit for subdivisions: 60,000 square feet of net residential area.~~

ARTICLE 5: PERFORMANCE STANDARDS

§ 215-5.22 Off-street parking.

H. Parking requirements shall be calculated utilizing one of the following formulas:

Use	Parking Spaces Required (Minimum)
Residential, Base	2 per dwelling unit
Residential, Affordable	<u>2 for every 3 dwelling units</u>
Accessory Dwelling Unit	<u>No additional parking required</u>

~~§ 215-5.XX Accessory dwelling units (ADUs).~~

Commented [VF5]: Who suggested removing this? The point of having NRA is to deduct truly non-buildable land. Recommend this stays.

Commented [VF6]: Does this need to be .35, bumping the others down a number?

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- A. ADUs are permitted as of right in all zoning districts where residential uses are permitted.
- B. The Code Enforcement Officer is authorized to issue a building permit for the construction of an ADU provided all standards of this section and ordinance are met.
- C. The approval of an ADU is conditional on the applicant obtaining all required building, plumbing, electrical and any other necessary municipal permits.
- D. ADUs shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 750 square feet. If an ADU occupies a portion of an existing Structure either on a single floor or on multiple floors, or an existing detached Structure will be converted to an ADU, the Planning Board may allow for an increase in the allowed size of the ADU up to 1,215 square feet in order to efficiently use all of the floor area, so long as all other standards of this section are met.
- B. ADUs are subject to the same setback requirements as the principal dwelling.
- C. An ADU must comply with all shoreland zoning requirements imposed by this Code and by the Maine Department of Environmental Protection.
- E. Prior to the issuance of a building permit for the construction of an accessory dwelling unit, the applicant must submit written verification that the accessory dwelling unit is connected to adequate water and wastewater facilities. Proof of adequacy must be consistent with the requirements of 30-A M.R.S. § 4364-B(7), as may be amended.
- F. One accessory dwelling is allowed per lot; provided, however,
(1) that no accessory dwelling unit is permitted on a lot where an additional principal dwelling unit has been constructed due to an increase in density permitted under 30-A M.R.S. § 4364-A, as may be amended;
(2) An ADU is not permitted on a lot that is subject to an existing Contract Zone Agreement that modifies the permitted density of residential development by allowing said density to be greater than otherwise permitted unless said Contract Zone Agreement is first amended to permit the addition of an ADU.

Commented [VF7]: Recommend if an accessory dwelling unit is located in a detached accessory building that it abides by the side and rear setback requirement of the accessory building, not a principle building.

§ 215-5.35 Affordable Housing Development Density Bonus

- A. The purpose of this section is to define the performance standards with which an affordable housing development must comply to be eligible for the incentives outlined in P.L. 2021, Chapter 672 and its implementing rules.

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B. Affordability Standards.

- (1) Where 51% or more of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated as affordable rental units or affordable homeownership units.
- (2) Prior to issuing a Certificate of Occupancy for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant that is enforceable by a party acceptable to the Town and record the restrictive covenant in the Cumberland County Registry of Deeds to ensure affordability for at least 30 years after completion of construction.
- (3) The restrictive covenant shall require that occupancy of all the affordable rental units in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
- (4) The restrictive covenant shall require that occupancy of all the affordable homeownership units in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
- (5) The restrictive covenant shall outline sales prices, resale prices, initial rents and rent increases, and income verification processes, for affordable units to ensure affordability for the entire affordability term to the extent legally possible. The deed restriction shall also outline marketing and tenant selection for the affordable units consistent with state and federal fair housing laws. The deed restriction shall also identify a monitoring agent for the affordable units.
- (6) Affordable homeownership units, if converted to affordable rental units, or vice versa, shall become subject to the income limits and other requirements of such units.

C. Location Standards.

- (1) The affordable housing development is located in a designated growth area of the Town of Casco, identified in its adopted Comprehensive Plan, and,
- (2) The affordable housing development is located in an area in which multifamily or multiplex dwellings are permitted by this ordinance.

D. Water and Wastewater Standards.

Prior to the issuance of a Certificate of Occupancy, written verification that each unit of the affordable housing development is connected to adequate water and wastewater services shall include the following:

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- (1) If a 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.
- (2) If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a 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.
- (3) If a 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.
- (4) If a unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(I), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

E. Incentives.

If the requirements of this section are met, the following incentives are allowed for the affordable housing development:

- (1) A dwelling unit density bonus of 2.5 times the base density that is otherwise allowed in that location. Where the density bonus results in a fraction, the number of units is rounded up to the nearest whole number. In areas where there are no base density requirements, there is no density bonus.
 - (a) The 2.5 times density bonus is applied to the total dwelling units derived from calculating the Net Residential Acreage of the development site.
 - (b) No more than two off-street parking spaces are required for every three dwelling units in the affordable housing development. Where the maximum off-street parking spaces results in a fraction, the total number of parking spaces may be rounded up or down to the nearest whole number.
 - (c) The Town shall perform its review of Affordable Housing Developments in as expedited a manner as is practical, without impairing the scope of thoroughness of its review. The review shall consist of a mandatory pre-application meeting with Town of Casco staff.

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F. Nothing in this section exempts an affordable housing development to comply with all other standards of Chapter 215.

§ 215-5.36 Dwelling Unit Allowances

A. Lots in a Designated Growth Area. Additional dwelling units may be allowed on lots where residential uses are permitted beginning on July 1, 2024, subject to the following standards:

- (1) If a lot does not contain an existing dwelling unit, up to four dwelling units per lot are allowed if:
 - (a) The lot is located in an area in which housing is permitted and is located in the designated growth area of the most recently adopted Town of Casco Comprehensive Plan, and,
 - (b) Each allowed dwelling unit must have at least the minimum lot area per dwelling unit for the zoning district in which the lot is located.
 - (c) If the lot contains an ADU, the ADU counts towards the total unit count permitted.
 - (d) ADUs are exempt from providing additional lot area.
- (2) If a lot contains one existing dwelling unit, up to two additional dwelling units per lot are allowed if:
 - (a) The lot is located in an area in which housing is permitted and is located in the designated growth area of the most recently adopted Town of Casco Comprehensive Plan, and,
 - (b) Each allowed dwelling unit must have at least the minimum lot area per dwelling unit for the zoning district in which the lot is located.
 - (c) If the lot contains an ADU, the ADU counts towards the total unit count permitted.
 - (d) ADUs are exempt from providing additional lot area.
- (3) If a lot contains two existing dwelling units, one additional dwelling unit or one Accessory Dwelling Unit is allowed if:
 - (a) The lot is located in an area in which housing is permitted and is

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located in the designated growth area of the most recently adopted Town of Casco Comprehensive Plan, and,

- (b) The additional dwelling unit must have at least the minimum lot area per dwelling unit for the zoning district in which the lot is located.
- (c) ADUs are exempt from providing additional lot area.

B. Lots not in a Designated Growth Area. Additional dwelling units may be allowed on lots where residential uses are permitted beginning on July 1, 2024, subject to the following standards:

(1) If a lot does not contain an existing dwelling unit, up to two dwelling units per lot is allowed subject to the following:

(a) Each allowed dwelling unit must have at least the minimum lot area per dwelling unit for the zoning district in which the lot is located

(b) If the lot contains an ADU, the ADU counts towards the total unit count permitted.

(d) ADUs are exempt from providing additional lot area.

(2) If a lot contains one existing dwelling unit, an additional dwelling unit or an ADU is allowed, subject to the following:

(a) The lot is located in an area in which housing is permitted, and

(b) Each allowed dwelling unit must have at least the minimum lot area per dwelling unit for the zoning district in which the lot is located, except that ADUs are exempt from providing additional lot area.

C. Nothing in this section exempts a development from complying with all other standards of Chapter 215.

ARTICLE 9: SHORELAND ZONING

§ 215-9.14 Minimum lot standards.

A. Area requirements within the shoreland zone.

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	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
Residential, per dwelling unit <u>(excluding accessory dwelling units)</u>	80,000	200

DRAFT