

Union Ordinance suggestions regarding LD 2003

• Accessory Apartments:

- 1.10.3.8.5: ~~A~~ One accessory apartment may be developed within or attached to an existing single-family dwelling, subject to the regulations in this section. The accessory apartment may also be detached from an existing single-family dwelling if it can meet all setback requirement. The accessory apartment shall not be considered an additional dwelling unit for purposes of applying the dimensional standards specified in 1.10.2.
- 1.10.3.8.5.1 and .2 are fine and do not need to be changed.
- 1.10.3.8.5.3 One driveway shall service both dwelling units. Off-street parking for both units must be provided with two spaces for the principal dwelling unit and access to at least one of the spaces being guaranteed for the accessory apartment. one space for the accessory apartment.
- 1.10.3.8.5.4: The accessory apartment shall include its own kitchen, three-fixture bath, and no more than one bedroom. The floor area of the apartment must be at least ~~425~~ 190 square feet and cannot exceed eight hundred (800) square feet and 33% of the floor area of the existing home.
- 1.10.3.8.5.5: The accessory apartment shall comply with all applicable codes and ordinances.
- 1.10.3.8.5.6: One (1) accessory apartment shall be exempt from the minimum lot size requirement under 1.10.2 (Dimensional Requirements) if it is located outside a Shoreland Zone identified by the Town of Union or the State of Maine. The accessory apartment shall still comply with all other standard dimensional requirements under 1.10.2 (Dimensional Requirements).
- ~~1.10.3.8.5.7: Accessory apartments shall be applicable to subdivision standards. For example, an individual who builds two separate single family dwelling units and one accessory apartment within a five-year period shall be required to seek subdivision approval prior to construction.~~

Water and Wastewater Standards

1.10.3.8.6 The owner of all dwelling units and/or Accessory Apartments must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to certification for occupancy. Written verification must include the following:

- If connected to a 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;
- If 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 MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, *Subsurface Wastewater Disposal Rules*;

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- If connected to Union water system, or an alternative 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
- If connected to a well, proof of access to potable water, including the standards outlined in 01-672 CMR, Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.

1.10.3.8.3.7 All multi-family dwelling structures shall install a lockbox based on recommendations provided by the Fire Chief.

1.10.3.8.3.8 All multi-family dwelling structures that are at least two stories tall shall install the internal elevator space size at least ten feet by six feet (10x6) unless directed otherwise by one of the heads of the emergency services.

1.10.3.8.7 Affordable Housing Development

.1 Location

.1.1 The proposal must be located in a Designated Growth Area that is cited in the most recent Comprehensive Plan that has been approved by the Town of Union.

.1.2 The proposal must be located in an area in which Multi-Family dwellings are a permitted use and shall comply with the standards listed under 1.10.3.8.3 (Multi-family Dwelling).

.2 The applicant must execute a restrictive covenant, recorded in the Knox County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction:

.2.1 For rental housing, occupancy of all of 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

.2.2 For owned housing, occupancy of all of 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.

.3 Density

.3.2 The dwelling unit density shall be 2 ½ times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number. Example: In the Village District, 2.5 units will be permitted for every 5,000 square feet if the parcel is connected to centrally managed water and comparable sewer systems.

.4 Parking. An Affordable Housing Development must provide at least two (2) off-street parking spaces for every three (3) proposed units that are affordable.

1.10.4.2 (Off-Street Parking) Changes should also be made to Table 1.10-4

- 1.10.4.2.1: Single-family and two-family dwellings shall be provided with two (2) off-street parking spaces per dwelling unit. This shall not apply to one (1) accessory apartment located outside the designated Shoreland Zone.
- 1.10.4.2.2: Multi-family dwellings shall meet the following standards:
 - Efficiency or studio apartments: 1.5 spaces/unit
 - One-bedroom units: 2.0 spaces/unit
 - Two or more bedroom units: 2.0 spaces/unit
 - Units restricted to the elderly: 1.0 spaces/unit
 - Affordable Housing Development: 2.0 spaces/3 units

Article 11 (Definitions):

- Accessory Apartment (In-law apartment or Accessory Dwelling Unit):
 - A second dwelling unit within or attached to an existing single-family residence. The unit may also be detached from the existing single-family residence if it meets the setback requirements. The accessory apartment shall be substantially smaller in floor area than the existing dwelling unit, and its use shall be clearly incidental to the primary use of the property as a single-family residence.
- 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 that the development 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 of 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.
- Area Median Income:
 - The midpoint of Knox County's income distribution calculated on an annual basis by the US Department of Housing & Urban Development
- Attached:
 - Connected by a shared wall to the principal structure or having physically connected finished spaces.
- Base Density:
 - The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning 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.
- Centrally managed water system.
 - A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch.231, *Rules Relating to Drinking Water*. This water system may be privately owned.
- Certificate of Occupancy.
 - The municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code (MUBEC)* adopted pursuant to Title 10 Chapter 1103. Certificate of Occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.
- Comparable sewer system.
 - Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.
- Comprehensive Plan.
 - A document consistent with 30-A M.R.S §4326(1)-(4), including the strategies for an implementation program that are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.
- Density Requirements.
 - Maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

- Designated Growth Area.
 - An area that is designated in Union’s Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated Growth Areas may also be referred to as priority development zones or other terms with a similar intent.
- Existing Dwelling Unit..
 - A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.
- Land Use Ordinance.
 - The local ordinance of general application adopted by the Union legislative body which controls, directs, or delineates allowed uses of land and standards for those uses.
- Lot.
 - A single parcel of developed or undeveloped land.
- Potable.
 - Safe for drinking as defined by the US Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS). *Resolve 2021 Chater 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*
- Restrictive Covenant.
 - A provision in a deed, or other covenant conveying real property, restricting the use of the land.
- Zoning Ordinance. Union does not have this definition.
 - State Definition: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.