

2016 ZONING BYLAW AMENDMENTS
Approved at 2016 ATM

Bold underline = new language ~~strikethrough~~ = language removed

ARTICLE ##. AMEND ZONING BYLAWS SECTION 164-4. Definitions and SECTION 164-21. Schedule of Lot, Yard and Bulk Requirements

To see if the Town will vote to amend Section 164-4, Definitions, by amending the section as follows:

§164-4 Definitions

Accessory Dwelling: A subsidiary dwelling unit created within, **detached from**, or on an extension to an existing single-family dwelling.

And further, to amend Section 164-21, Schedule of Lot, Yard, and Bulk Requirements to read as follows:

§164-21 Schedule of Lot, Yard and Bulk Requirements

B. Building Separation. Any building intended for human habitation, except in licensed boys' and girls' camps, shall be separated from any other such building on the same lot by a distance equal to ~~two (2) times~~ the required side yard unless connected with a solid roofed structure with a permanent floor to create usable space fit for occupancy or access between the two buildings.

JUSTIFICATION:

This article would allow an accessory dwelling to be located in a detached structure on a lot. They are currently allowed on lots that have 40,000 s.f. of buildable upland, and are limited in size (800 s.f. of floor area). Either the primary dwelling or the accessory unit must be owner occupied with the remaining unit rented on an annual basis. These units provide living space for family members or tenants. It is hoped that allowing such units to be detached from the primary dwelling will encourage homeowners to construct a unit and fill a community housing need.

ARTICLE ##. AMEND ZONING BYLAW CHAPTER 164-31, APARTMENT DEVELOPMENT

To see if the Town will vote to amend the Zoning Bylaws, Section 164-31. Apartment Development to read as follows:

§164-31 Apartment Development

A. Applicability. Apartments may be developed only in districts as provided in §164-13. A special permit for apartments shall be granted only in accordance with Subsections B through D of this section and only upon these findings being made by the Board of Appeals:

- (1) By virtue of its sponsorship, financing, or design, the housing will serve an important unmet housing need of the community, such as the need of area residents for

year-round housing, and there is enforceable assurance that the housing will continue to meet such need for at least twenty (20) years.

(2) The housing will not adversely affect business operation on that or other premises within the district or be detrimentally affected by such uses.

B. Lot Area. Minimum lot area shall equal sixty thousand (60,000) square feet contiguous buildable upland area, **except in the Village Center District, where minimum lot area shall equal twenty thousand (20,000) square feet contiguous buildable upland area.** Seven Thousand (7,000) square feet of contiguous buildable upland area shall be provided per dwelling unit, except that in the Rural Business District fourteen thousand (14,000) square feet of contiguous buildable upland area shall be provided per dwelling unit. Alternatively, in each structure in which the floor area devoted to dwellings is less than that devoted to business, minimum lot area shall equal three thousand five hundred (3,500) square feet contiguous buildable upland area per dwelling unit, plus the area covered by the building, plus the area required for parking servicing the business use.

C. Other Dimensional Requirements. The normally applicable district frontage, yard, and building height requirements shall be observed.

D. Design Requirements. No structure shall contain more than twelve (12) dwelling units. No dwelling unit shall have its lowest floor below grade at its entire perimeter.

E. No Special Permit shall be issued by the Zoning Board of Appeals for an apartment or other multi-family housing development where the density exceeds two (2) units per acre of buildable upland area unless the Board of Health certifies that the septic system is designed to achieve an effluent nitrogen concentration of 19 milligrams per liter (mg/l) or less, as measured at the discharge

or to take any other action relative thereto.

JUSTIFICATION:

The proposal would reduce the minimum lot size for apartment development in the Village Center to 20,000 s.f. of buildable upland. This will allow owners of qualified lots to seek a Special Permit from the Zoning Board of Appeals for residential apartment development. All other bylaw requirements will remain the same. Approval of the amendment is consistent with the Orleans Comprehensive Plan goal to allow additional housing units in the Village Center District.