

2023 Amendment to the Lovell Zoning Ordinance Regarding Accessory Dwelling Units

Complies with state law requiring municipalities to allow accessory dwelling units (ADUs).

LD 2003, a state law enacted in 2022, requires municipalities to allow a limited number of ADUs on the same lot as a single-family dwelling unit in any area in which housing is permitted. Municipalities are allowed to define ADUs and are allowed to impose limitations on their size and use but are subject to other requirements detailed in state law. LD 2003 provisions related to municipal regulation of residential density are the subject of separate warrant article. LD 2003 provisions related to non-discrimination are the subject of an amendment to the Subdivision Regulations that will be covered in a public hearing but will not require a citizen vote. LD 2003 provisions related to municipal regulation of affordable housing density do not apply to Lovell because Lovell does not have designated growth areas or centrally managed water and sewer systems.

Principal Changes

ADUs are specifically defined and are excepted from the calculation of net residential density.

ADUs are included in the Table of Uses as permitted use in the Village, Medium Density Residential, Rural, Rural Rt 6, Limited Commercial, and Shoreland Limited Residential Districts, as a special exception use in the Resource Protection District, and as a conditional use in Aquifer Protection Overlay District. ADUs are not permitted in the Commercial Industrial and Stream Protection Districts.

Specific Performance Standards are set for ADUs, including a maximum size limit equal to the lesser of 1,200 square feet or 75% of the area of the associated existing principal single-family dwelling unit. Leasing or rental of ADUs for a period of less than sixty days is prohibited.

Lovell Zoning Ordinance Provisions to be Amended

Section 2.2 Definitions

Section 6.2 District Regulations

Section 7.8 Parking

Article VIII Performance Standards, Specific Activities and Land Uses

2023 Amendments to the Lovell Zoning Ordinance Regarding Accessory Dwelling Units

The Zoning Ordinance of the Town of Lovell shall be amended as follows (additions are underlined and deletions are ~~struck out~~). These amendments are not to go into effect before the implementation date set by 30-A M.R.S.A. § 4364-B, sub-§ 13, as that date may be amended.

1. Amend Article II, Definitions of Terms Used In This Ordinance, as set forth below:
Accessory Dwelling Unit: A dwelling unit that is incidental and subordinate to the principal single-family dwelling unit located on the same lot and that is either located within the detached principal single-family dwelling unit or within a separate, detached structure on the same parcel as the principal single-family dwelling unit.

Net Residential Density: The number of dwelling units (excluding accessory dwelling units allowed under 30-A M.R.S.A. § 4364-B) per net residential acre ~~allowed~~ within a subdivision.

2. Amend Article VI, District Regulations, to add to the Table of Uses as set forth below:

<u>Accessory Dwelling Unit</u>	<u>P</u> ⁶	<u>P</u> ⁶	<u>P</u> ⁶	<u>P</u> ⁶	<u>P</u> ⁶	<u>N</u>	<u>SE</u> ⁶	<u>P</u> ⁶	<u>N</u>	<u>C</u> ⁶
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3. Amend Article VI, District Regulations, to add to the Notes to Table as set forth below:

6. An Accessory Dwelling Unit is prohibited if more than one Dwelling Unit has been constructed on the lot as a result of the allowance under 30 M.R.S.A. § 4364-A or 30 M.R.S.A. § 4364-B.

4. Amend Article VII, Performance Standards, General Requirements, as set forth below:

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7.8 Off-Street Parking and Loading.

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3. Parking.

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	ACTIVITY	MINIMUM PARKING REQUIRED
Residential		
	with 2 or more bedrooms	2 spaces per dwelling unit
	with 1 bedroom	1.5 spaces per dwelling unit
	Elderly Housing	1 space per dwelling unit
	Accessory Dwelling Unit	0 spaces per dwelling unit

5. Amend Article VIII, Performance Standards, Specific Activities and Land Uses, as set forth below:

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8.26 Accessory Dwelling Units

Accessory Dwelling Units are permitted on any lot where a single-family dwelling is the principal structure, subject to the following standards:

- A. No more than one Accessory Dwelling Unit is allowed on any lot.
- B. Accessory Dwelling Units may be located within an existing dwelling unit on the lot, attached to or sharing a wall with such an existing dwelling unit, or may be located in a new structure on the same lot.
- C. Accessory Dwelling Units must be at least 190 square feet in total area and may not exceed: (i) 1,200 square feet in total area, or (ii) 75% of the area of the existing principal single-family dwelling unit, whichever is less.
- D. Accessory Dwelling Units are subject to the same setback requirements as the principal structure.
- E. An Accessory Dwelling Unit must comply with all shoreland zoning requirements imposed by the Town of Lovell and by the Maine Department of Environmental Protection.

- F. Prior to issuance of a building permit, the property owner 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.
- G. An Accessory Dwelling Unit may not be leased or rented to a tenant for periods of less than sixty (60) days.
- H. This section may not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions on Accessory Dwelling Units than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.