

2023 Amendment to the Lovell Zoning Ordinance Regarding Residential Density and Dimensional Requirements

Complies with state law obligating municipalities to allow additional residential density.

LD 2003, a state law enacted in 2022, obligates municipalities to allow additional residential density in any area in which housing is allowed. Additional dwelling units allowed under this provision may, however, be subject to municipal regulation specifying minimum lot area per dwelling unit and other dimensional and setback requirements, provided that those requirements are not greater than applied to existing dwelling units. LD 2003 provisions related to municipal regulation of accessory dwelling units 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

Clarifying the calculation of Lovell's minimum lot area per dwelling unit requirement and making that requirement explicit in the Section 6.3 Table of Dimensional Requirements.

Expressing Lovell's minimum lot area and minimum lot area per dwelling unit requirements in acres rather than square feet in order to conform to the expression in state law.

Lovell Zoning Ordinance Provisions to be Amended

Section 2.2 Definitions

Section 6.3 Dimensional Requirements

Section 6.5 Additional District Standards

Section 8.7 Hotels, Motels

2023 Amendments to the Lovell Zoning Ordinance Regarding Residential Density and Dimensional Requirements

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

1. Amend Article II, Definitions of Terms Used In This Ordinance, as set forth below:

Acre: An area of land measuring ~~42,500~~ 43,650 square feet.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles or ~~hotels/motels~~ metel-units. Within the shoreland zone, the term shall include any rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented.

Lot Area Per Dwelling Unit: The ratio of lot area, expressed in acres, to the number of dwelling units on the lot, other than accessory dwelling units authorized by 30-A M.R.S. § 4364-B.

2. Amend Article VI, District Regulations, as set forth below:

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6.3 Dimensional Requirements.

Lots and structures in all districts shall meet the requirements of the following table.

| Requirement | V | MR | R | R5 | LC | CI | SLR |
|--|----------|------------------------|------------------------------------|------------------------------------|------------------------|------------------------|------------------------------------|
| Minimum lot area of individual lots or lots within subdivisions (Acres sq. ft) ^{E,F} | A | 85,000 2 | 85,000 2 | 85,000 2 | 85,000 2 | 42,500 1 | 85,000 2 |
| <u>Minimum Lot Area per Dwelling Unit (Acres)</u> | <u>A</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> |
| <u>Maximum Net Residential Density of Subdivisions (Dwelling Units per net Residential Acre)</u> | A | 0.5 | 0.2 0.5 ^B | 0.2 0.5 ^B | 0.5 | n/a | 0.2 0.5 ^B |
| Minimum lot width (feet) | A | 200 | 200 | 400 ^C | 200 | 100 | 200 |
| <u>Minimum Setbacks, front (feet) Front, from private way (feet)</u> | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| <u>Minimum Setbacks, front (feet) Front, from public way</u> | 50 | 75 | 75 | 75 | 75 | 75 | 75 |
| <u>Minimum Setbacks, sSide</u> | 20 | 20 | 20 | 20 | 20 | 20 ^{CD} | 20 |
| <u>Minimum Setbacks, rRear</u> | 20 | 20 | 20 | 20 | 20 | 20 ^{CD} | 20 |
| <u>Maximum Llot Ccoverage (%)</u> | A | 20 | 20 | 20 | 30 | 60 | 60 GF |

A - Minimum lot area, minimum lot area per dwelling unit, maximum net residential density of subdivisions, minimum lot width, and maximum lot coverage in the Village districts will be determined by site conditions. See Section section 6.5.A for the standards.

B - ~~The maximum net residential density in a subdivision shall be 0.2 dwelling units per acre.~~

C—400 foot minimum lot width is required for all new lots with frontage and direct vehicular access on existing public streets. Minimum lot width for lots without frontage or direct vehicular access on existing public streets shall be 200 feet.

CD - When a lot contains or borders a zoning district boundary, the side and rear setbacks shall be 40 feet.

DE - Does not apply to utility structures of 500 square feet and smaller, see Section 8.23.

EF - The minimum lot area in a subdivision shall be 2 acres~~85,000 square feet~~.

FG - The total footprint area of all structures, parking lots and other non-vegetated surfaces shall

not exceed twenty (20) percent of the lot or portion thereof, located within the Shoreland Limited Residential District, including land previously developed.

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6.5 Additional District Standards.

A. Village Districts.

1. There is no minimum lot area in the Village Districts. The minimum lot area per dwelling unit, maximum net residential density of for subdivisions, minimum lot width, and the maximum lot coverage shall be determined by an individual assessment of the characteristics of the lot and the design of the proposed development. The Planning Board shall review all proposed developments and make a determination that the proposal complies with the standards of Articles VII and VIII and the state's Minimum Lot Size Law. Development of a lot in a subdivision approved by the Planning Board after the effective date of this ordinance shall not require individual review. However all other developments within these districts shall be reviewed as a conditional use.

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

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8.7 ~~Hotels, Motels.~~ Hotels/Motels