

**-PUBLIC MEETING -
Hope Planning Board
Wednesday, July 17, 2024
3:00 PM**

AGENDA

Call to Order:

New Business:

- Review proposed amendments to LUO regarding LD2003 – Max Johnstone:
- Approve amendments to LUO:

Old Business:

Other Business:

Adjournment:

Proposed Amendments Hope Land Use Ordinance LD 2003

4.6 Schedule of Uses

4.6.1. COMMERCIAL USES		DISTRICT		
		HCV	RR	SHV
	Affordable Housing Development	PB	No	PB

4.6.4. RESIDENTIAL USES		DISTRICT		
		HCV	RR	SHV
	Accessory Apartments	CEO	CEO	CEO

5.3.33 Subsurface Wastewater

~~On site subsurface wastewater disposal shall comply with applicable provisions of the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241 (Maine State Plumbing Code, Part II), as amended~~

5.3.33.1 The owner of all structures must provide written verification that the proposed building(s) can be connected to adequate wastewater services prior to certification for occupancy. Written verification must include the following:

5.3.33.1.1 If connected to a comparable sewer system, as described in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

5.3.33.1.2 If connected to a private 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*;

5.3.42 Potable Water

5.3.42.1 The owner of all structures must provide written verification that the proposed building(s) can be connected to a potable water source prior to certification for occupancy. Written verification must include the following:

5.3.42.1.1 If connected to a central 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

5.3.42.1.2 If connected to a private 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.

5.3.43 Accessory Apartments

5.3.43.1 Only one (1) Accessory Apartment shall be exempt from any density requirements or calculations related to the area in which the Accessory Apartment is constructed.

5.3.43.2 Accessory Apartments located within a designated Shoreland Zone, as determined by the Town of Hope or State of Maine Department of Environmental Protection, are not exempt from the density requirements outlined under Section 5.2 of this Ordinance. Accessory Apartments located in the Shoreland Zone shall also meet the standards set forth in the Town of Hope Shoreland Zone Ordinance.

5.3.43.3 An Accessory Apartment may be constructed only:

5.3.43.3.1 Within an existing dwelling unit on the lot;

5.3.43.3.2 Attached to a single-family dwelling unit; or

5.3.43.3.3 As a new structure on a lot for the primary purpose of creating an Accessory Apartment.

5.3.43.4 Any structure containing an Accessory Apartment must adhere to all setback and dimensional requirements outlined in this Ordinance.

5.3.43.5 An Accessory Apartment must be at least 190 square feet and no more than 1,000 square feet. Anything larger than 1,000 square feet shall not be considered an Accessory Apartment.

5.3.43.6 Only one (1) Accessory Apartment may be exempt from parking requirements.

5.3.43.7 An Accessory Apartment shall be given access to an off-street parking area provided by the owner of the parcel.

5.3.44 Affordable Housing Development

5.3.44.1 Location

5.3.44.1.1 The proposed must be in a Designated Growth Area that is cited in the most recent Comprehensive Plan that has been approved by the Town of Hope.

5.3.44.1.2 The proposal must be in an area in which Multi-Family Dwellings are permitted use under 4.6.4 of this Ordinance. This shall not apply to the Shoreland Zone.

5.3.44.1.3 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:

- i.** 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
- ii.** 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.

5.3.44.2 Density

5.3.44.2.1 The proposal must comply with the minimum lot size requirements in accordance with Title 12 Chapter 423-A.

5.3.44.2.2 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.

By way of illustration, in the Hope Corner Village or South Hope Village Districts, a five-unit structure would require 100,000 square feet (20,000 square feet per unit); whereas an Affordable Housing Development of five units would require 40,000 square feet (20,000 square feet for every 2.5 units).

5.3.44.3 An Affordable Housing Development shall provide at least two off-street parking spaces for every three units that are affordable, as determined under the definition of Affordable Housing Development.

By way of illustration, an Affordable Housing Development with six affordable housing units shall provide at least four parking spaces in total.

Definitions:

ACCESSORY APARTMENT: A self-contained dwelling unit located within, attached or detached from a single-family dwelling unit located on the same parcel. An accessory dwelling unit must be a minimum of 190 square feet and shall not exceed 1,000 square feet.

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: Official certification [granted by the Code Enforcement Officer or Fire Chief](#), that a premises conforms to provisions of the Land Use Ordinance, plumbing code, American with Disabilities Act, Life Safety 101 and NFPA 31 and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

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 Hope'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.

DIMENSIONAL REQUIREMENTS: ~~Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.~~ Requirements which govern the size and placement of structures including, but not limited to, the following requirements: structure height, setbacks, lot area, minimum frontage, and lot depth.

EXISTING HOUSING UNIT: A residential unit legally in existence on a lot at the time of submission of a permit application to build additional units on that lot.

HOUSING: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding housing, or other similar types of housing units. This also does not include transient housing or short-term rentals.

LAND USE ORDINANCE: The local ordinance of general application adopted by the Hope legislative body which controls, directs, or delineates allowed uses of land and standards for those uses.

LOT: A single contiguous parcel of developed or undeveloped land. ~~in single or joint ownership described on a deed, plot plan, or similar legal document.~~

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: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

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