

MEMORANDUM

TO: Diane Barnes, Town Manager

From: Ben Smith, AICP, Principal, North Star Planning 

CC: Ben Scipione, Code Enforcement Officer

RE: Combined Ordinance changes – Process, Submissions, Standards plus LD 2003

Date: April 4, 2024

Following up on the Planning Board workshop on March 26, NSP has made updates to the proposed changes to the Land Use Ordinance as suggested by the Planning Board. In addition, NSP has incorporated the work of GPCOG planners to update the Land Use Ordinance for consistency with the requirements of LD2003 to increase options for affordable housing.

Note that discussion on March 26 focused on to areas – required updates for LD2003 requirements drafted by GPCOG staff and policy discussions related to proposed changes from NSP staff.

NSP suggestions for future discussion

There were four items flagged at the March 12 workshop for further discussion on March 26, as the Planning Board wanted to ensure that any changes were consistent with the intent of making technical, procedural and clarification type changes as part of this round of work. The Board determined that three of these changes should be included in broader policy discussions at a later date.

1. Waivers from performance standards in Site Plan Review. No action at this time.
 - a. The ordinance currently allows waivers from application submission requirements for Site Plan review, but for waivers from both application submission requirements as well as performance standards for Subdivision Review. NSP staff recommends changes to allow for the possibility of waivers from performance standards in site plan review for consistency.

2. Site Plan phasing. Proposed change updated.
 - a. NSP suggested adding the option for phased site plan approvals. The Planning Board recommended more definition on the timing of construction and validity of local approvals. Suggested wording has been added to make phased site plan approvals valid for 5 years, with the first phase to be commenced within 2 years, with no construction activity on any phase until the prior phase is complete.
3. Subdivision phasing requirement related to municipal or school capacity. No action at this time.
 - a. The ordinance currently requires subdivisions to get an estimate of school capacity from the school district, and if “there is less than 20 percent excess classroom capacity existing in the school(s)…” then plan must be phased. NSP staff recommends removing this section for reasons including there are no considerations made for the type of development or subdivision being proposed (number of bedrooms, senior housing limitations), school capacity cannot be addressed by an applicant like road, water, or utility improvements to serve a specific site, and while consulting municipal departments for guidance related to projects, the school district in particular is not the appropriate entity to shape land use decisions for the community.
4. Groundwater protection Overlay District, Best Management Practices. No action at this time.
 - a. The Planning Board noted that work should be done to review and update the monitoring requirements related to development within the Overlay District.

Detailed list of LD 2003 changes from GPCOG

III. ADMINISTRATION AND ENFORCEMENT

- 3.3.A.5.c. – Administration, Growth Cap Exemptions
 - change = Accessory apartments to Accessory Dwelling Units
- 3.8.K. Administration, Performance Guarantees, Improvements Guaranteed
 - Clarification = public water systems to centrally managed water systems.

IV. SITE PLAN REVIEW AND CONDITIONAL USE PROCEDURES

- 4.6.B. – Site Plan Procedures, Submission Requirements, Royal River Overlay District: Additional Submission Requirements
 - change = Accessory apartments to Accessory Dwelling Units

V. SUBDIVISION REVIEW PROCEDURES AND CRITERIA

- 5.6.4.g, Preliminary Plan for Major Subdivision, Submissions, Water Supply
 - Clarification = public water systems to centrally managed water systems.
- 5.7.A.3.b – Final Plan for Major Subdivision, Other Approvals
 - Clarification = public water systems to centrally managed water systems.

Table 7.1 – LAND USES BY ZONING DISTRICT

- Footnotes Key
 - (4) – change Accessory Apartment to Accessory Dwelling Unit
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- Duplex
 - change from Prohibited in Royal River Overlay to Site Plan Review (Planning Board Review)
- Multiple Residential units in a permitted Building Type
 - change to Multiple Multifamily dwelling units in a permitted Building Type
- Accessory Apartment
 - change to Accessory Dwelling Unit
 - change from Prohibited in Residential Shoreland and Royal River Overlay

VII. ZONING DISTRICT REGULATIONS

- 7.5.B.5., Special Exception for Single Family Dwellings and Accessory Structures in the Resource Protection District, Existing structures made non-conforming with this ordinance
 - Added Accessory Dwelling Unit to examples of permitted accessory structures, and removed accessory apartment from the “may not include” examples so that it is clear that Accessory Dwelling Units are allowed.
- 7.6.B.2., Space and Dimensional Requirements, Calculation of Lot Size and Dimensions
 - change = Accessory apartments to Accessory Dwelling Units

Table 7.2 – SPACE AND DIMENSIONAL REQUIREMENTS

- Footnotes Key
 - Added footnotes (6), (7), and (8)
- Table
 - Added columns for Maximum Dwelling Units per Vacant Lot (Residential) and Maximum Dwelling Units per Lot with Existing Dwelling Unit
- X. PERFORMANCE AND DESIGN STANDARDS FOR SITE PLAN REVIEW AND SUBDIVISION REVIEW
 - 10.4. Building Standards
 - Primary Building Types, 1. Informal Building, 2. Cottage, 3. House, 4. Bungalow, 5. Duplex, 8. Townhouse, 10. Live/Work Flex
 - Change Section c. Allowable Units to Allowable Units per Lot, with Vacant Lots Village Center: 4 Units, Lots with Existing Dwelling: 2 additional Units
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- XI. Standards for Specific Activities
 - 11.1 Accessory Dwelling Units
 - 11.2.1 Village Center (VC) District Affordable Housing Density Bonus
 - 11.2.2 Affordable Housing Bonus for Village Residential, Farm and Forest, and Shoreland Residential Districts

XII. Definitions (new up updated)

- Accessory Dwelling Unit
- Affordable Housing, Village Center District
- Affordable Housing, Village Residential, Farm and Forest, and Residential Shoreland Districts
- Area Median Income
- Attached
- Certificate of Occupancy
- Comparable Sewer System
- Comprehensive Plan
- Density, Base
- Designated Growth Area
- Dimensional Requirements
- Dwelling, Multifamily (or Multifamily Dwelling)
- Dwelling, Single-Family Detached
- Dwelling Unit, Existing (or Existing Dwelling Unit)
- Housing
- Land Use Ordinance
- Lot
- Potable
- Principal Structure
- Centrally Managed Water System
- Restrictive Covenant
- Setback
- Structure