

An Ordinance Amending the Zoning Ordinance of the Town of Turner, Maine, Relating to Affordable Housing

SECTION 1. General

D. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Turner including any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

Also note that other applicable federal or state regulations apply to development within the Town of Turner, including the provisions of state statute 30-A MRSA §4364.

SECTION 3 District Purposes, District Uses and Space and Bulk Standards of Districts

H. District Uses

The land uses permitted in each district, in conformance with the Performance Standards (Section 4) and Site Plan Review (Section 5) of this Ordinance, are shown in the following tables.

KEY: Yes - permitted (no local permit necessary) (May require building permit). Must comply with standards contained in Section 4 of this Ordinance.

No - prohibited

CEO - permit from code enforcement officer required

PB - Requires Planning Board Review

LPI - Local Plumbing Inspection

- (1) Multi-family dwellings/apartments may be allowed as an accessory use in commercial structures.

- i) Multi-family development designated as affordable housing and intended to meet the requirements of 30-A MRSA §4364 is eligible for a density bonus. See Section 4, Performance Standards, Multi-family Dwellings.

SECTION 4 Performance Standards

A. Multi-Family Dwellings

1. In districts where permitted, multi-family development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Town of Turner Subdivision Ordinance, the following and other provisions of this Ordinance.

2. Dimensional requirements for all multi-family development shall meet or exceed the following:
 - a. Within the area regulated by Title 38 M.R.S.A. Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single family dwelling units.
 - b. In the Village District, the lot size shall be equal to or exceed the requirements of the State Plumbing Code per dwelling unit.
 - c. In the General Residential I and II Districts, ~~lot size~~ base residential density shall equal or exceed 80,000 sq.ft. for the first three units and 20,000 sq.ft. for each additional unit in excess of three per structure.
 - d. Street frontage for eight units or less shall be not less than the required frontage for a single-family dwelling. Street frontage for more than eight units shall be not less than twice what is required for a single family dwelling except in the Village District where street frontage shall be a minimum of 200 feet.
 - e. A density bonus of up to 250% of the base residential density in Section 4.F.2.c ~~10% of the total lots or units~~ shall be allowed in multi-family developments if the project meets the affordable housing project definitions in 30-A MRSA-4364, ~~in the determination of the Planning Board, sewage disposal capacity exists and the applicant agrees to market such lots or units within defined affordable guidelines. Deed restrictions or other binding provisions must be made that continue the affordability to future purchasers or renters.~~

DD. In-law Apartments

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of space and bulk standards of Section 3.I. Apartments not meeting the standards for in-law apartments shall be considered as a separate dwelling unit and shall meet all applicable standards of this Ordinance and all other Ordinances and Codes.

- ~~1.~~ The in-law apartment shall be accessory to the use of the premises as a single-family detached dwelling and only one in-law apartment shall be created as part of a single-family dwelling.
- ~~2.~~ The in-law apartment shall be created within or attached to a single-family dwelling, or within a separate structure.
- ~~3.~~ ~~The person(s) occupying the in-law apartment must be a relative (a parent, grandparent, brother, sister, child or grandchild related by blood, marriage, adoption or domestic partner) of the principal occupant(s) of the single family dwelling and the burden of proof of this relationship shall be on the home owner.~~
- ~~4.~~3 The creation of the in-law apartment unit shall not alter the single-family character of the property. The following shall be met in creating the unit.

- a. ~~The in-law apartment must have a door that opens into the main dwelling and~~ the in-law apartment shall have separate front, rear or side entrance from the outside to comply with applicable Code standards for egress.
- b. ~~Provisions for one additional parking space shall be made.~~ No additional curb cuts or driveways may be created to facilitate the in-law apartment.
- c. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

~~54.~~ One of the units must be owner occupied.

~~6.~~ Prior to the issuance of a permit for the creation of an in-law apartment by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of in-law apartment unit for the purposes set forth in this subsection.

~~7.~~ On each anniversary date of a permit issued under this Section the owner of the property shall provide the Code Enforcement officer with a sworn Statement that the person(s) residing in the in-law apartment meet the requirements in Section 3 above.