CITY OF HALLOWELL
PROPOSED ORDINANCE

Relating to Land Use Control and Affordable Housing

BE IT ORDAINED by the City Council of the City of Hallowell that Chapter 9 of the Revised Code of Ordinances, City of Hallowell (1997) is amended by deleting the as follows:

1. Section 9-123 shall be amended to read:

SECTION 9-123 CHANGES AND AMENDMENTS

No amendment of this Chapter shall be finally adopted until after the City Council or the Planning Board has held a public hearing on the proposed amendment. Public notice shall be made at least 7 days prior to the hearing. Amendments to this Chapter shall be considered following petition, recommendation of the Planning Board, or motion of the Council.

Copies of amendments to this Chapter that ~~effect~~affect the shoreland zone, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the City Council and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the City within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

2. Section 9-151 subsection 1.5 shall be enacted to read:

1.5 Abutter. The owner of any parcel with one or more common boundaries; the owner of any parcel within 25 feet of the parcel involved in the application; and, the owner of any parcel located directly across any road, railroad or stream from the parcel involved in the application.

3. Section 9-151 subsection 2 shall be amended to read:

2. Accessory Dwelling Unit (ADU). ~~A small apartment with less than seven hundred fifty (750) square feet of floor area that is located in and is accessory to a single-family home. For the purposes of density and lot area requirements, an ADU shall not be considered to be a dwelling unit even if it allows fully independent living. An ADU must be incorporated into the building in such a manner that the building's visual character as a single-family home as seen from public streets is maintained.~~ A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An Accessory Dwelling Unit shall be subordinate to the principal dwelling unit on the lot. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An

accessory dwelling unit can be no greater than one thousand (1,000) square feet, or 50% of the principal structure, whichever is less.

4. Section 9-151 subsection 3 shall be amended to read:

3. Accessory structure or use (non-residential). A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall, is considered part of the principal structure. Personal recreational facilities may be accessory to a residential structure

5. Section 9-151 subsection 4.5 shall be enacted to read:

4.5 Affordable Housing Development.

A. 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 developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

B. 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.

C. For purposes of this definition, "majority" means more than half.

D. For purposes of this definition, "housing costs" means:

(1) 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

(2) 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.

6. Section 9-151 subsections 10.2 and 10.7 shall be enacted to read:

10.2 Area Median Income. The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development.

10.7 Attached. Connected by a shared wall to the principal structure or having physically connected finished spaces.

7. Section 9-151 subsection 13.5 shall be enacted to read:

13.5 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.

8. Section 9-151 subsection 23.3 shall be enacted to read:

23.3 Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 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.

9. Section 9-151 subsections 36.3 and 36.7 shall be enacted to read:

36.3 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.

36.7 Comprehensive Plan. A document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

10. Section 9-151 subsection 47 shall be amended to read:

47. Density Requirement. The maximum number of ~~families, individuals,~~ dwelling units~~, or housing structures per unit of land~~ allowed on a lot subject to dimensional requirements.

11. Section 9-151 subsection 47.5 shall be enacted to read:

47.5 Designated Growth Area. An area that is designated in a municipality's or multi-municipal region'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. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

12. Section 9-151 subsection 48.5 shall be enacted to read:

48.5 Dimensional Requirements. Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, shore frontage, road frontage, lot depth and height.

13. Section 9-151 subsection 51 shall be amended to read:

51. Dwelling. Any building or structure or portions thereof containing one or more dwelling units, but not including a residential care facility, continuing care facility, motel, hotel, inn, or similar use.

A. Single Family Dwelling: A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one (1) dwelling unit.

B. Duplex: A building designed or intended to be used exclusively for residential occupancy by two (2) families living independently of one another and containing two (2) dwelling units.

C. Multi-Family Dwelling: A building or buildings designed or intended to be used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units. Each individual unit which functions as separate living quarters is a dwelling unit.

D. Quadplex: A structure containing four (4) dwelling units.

E. Triplex: A structure containing three (3) dwelling units.

14. Section 9-151 subsection 52 shall be amended to read:

52. Dwelling unit. ~~One or more habitable rooms arranged, designed, or intended to be used as a house-keeping unit for one or more persons living together as a family (see definition of family) with independent living, cooking, sleeping, bathing and sanitary facilities. For purposes of Minimum Land Area requirements only, a unit within a residential care facility or continuing care facility shall not be considered a dwelling unit.~~ Any part of a structure which, through sale or lease, is intended for human habitation, including but not limited to single-family and multifamily housing, condominiums, time-share units, and apartments.

15. Section 9-151 subsection 54.5 shall be enacted to read:

54.5 Existing Dwelling Unit. A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

16. Section 9-151 subsection 82.5 shall be enacted to read:

82.5 Housing. Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments. For purposes of this Ordinance, this does not include dormitories, boarding houses, or other similar types of housing units.

17. Section 9-151 subsection 136.7 shall be enacted to read:

136.7 Potable. Safe for drinking as defined by the U.S. 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 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

18. Section 9-151 subsection 137 shall be amended to read:

137. Principal structure. ~~The structure in which the primary use of the lot is conducted.~~ The primary building on a lot that houses the principal use of the property. This structure is distinguished from accessory structures, which support but are not essential to the principal use. Also known as the Primary Structure.

19. Section 9-151 subsection 146.5 shall be enacted to read:

146.5 Residential Use. Buildings, structures, land, or portions thereof, used, designed, or intended for use as a home or residence for one or more individuals. Residential uses may include single-family (principal and ADUs), duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this Ordinance the following uses are not included under this definition: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals. The abovementioned uses are considered commercial uses.

20. Section 9-151 subsection 149.5 shall be enacted to read:

149.5 Restrictive Covenant. A provision in a deed, or other covenant conveying real property, restricting the use of the land.

21. Section 9-151 subsection 159 shall be amended to read:

159. Setback Requirements. The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a ~~building~~structure or other regulated object or area as defined in local ordinance.

22. Section 9-151 subsection 176 shall be amended to read:

176. Structure. ~~Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind. Structures include buildings, platforms, decks, in-ground swimming pools, fixed above ground swimming pools, wharves, piers, and floats; excluded are patios, fences, boundary walls, walks and driveways, earthwork and sanitary sewage disposal facilities.~~ Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. § 436-A(12). The term includes structures temporarily or permanently located, such as decks, steps, landings, and satellite dishes. Structure does not include patios, fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

23. Section 9-164 subsection 9 shall be enacted to read:

9. Accessible Dwelling Unit. An ADU is allowed in a non-conforming structure if the ADU does not further increase the non-conformity, meaning the ADU does not further increase the deviation from the dimensional standard(s) creating the non-conformity.

24. Section 9-165 subsection 6 shall be enacted to read:

6. Accessory Dwelling Units. An ADU is allowed on a non-conforming lot if the ADU does not further increase the non-conformity, meaning the ADU does not further increase the deviation from the dimensional standard(s) creating the non-conformity.

25. Section 9-184 subsection 4 A shall be amended to read:

A. Public hearings for a conditional use application and for an historic district review application, held when the Planning Board determines that the proposed use could have an impact on abutting properties, and for a site plan review application and a Master Plan for a Planned Mixed-Use Development shall be published in the Kennebec Journal by the ~~applicant~~ City at least 7 days prior to when the public hearing will be held.

26. Section 9-184 subsection 6 C shall be enacted to read:

C. It shall also be the responsibility of the City to ensure that the public hearing notice is published in the Kennebec Journal (or successor publication) at least 7 days prior to the date of the public hearing.

27. Section 9-184 subsection 7 B shall be repealed:

B. ~~When the applicant is responsible for providing notice, it shall also be the responsibility of the applicant to ensure that the public hearing notice is published in the Kennebec Journal (or successor publication) at least 7 days prior to the date of the public hearing.~~ Repealed.

28. Section 9-184 subsection 9 shall be amended to read:

9. Grounds for inaction on an application.

If the City is not able to confirm that the abutter notification notices were sent by the applicant, ~~or that the applicant has not paid for all costs directly to the Kennebec Journal and the Post Office associated with the abutter notification notices or with the public hearing notice in the Kennebec Journal,~~ or that the applicant has not properly posted the notice on the premises, then the Planning Board shall postpone action on the application until the City is able to confirm the above.

29. Sections 9-233 and 9-234 shall be amended to read:

SECTION 9-233 PERMITTED USES (R1)

Permitted uses in the Medium Density Residential District are:

1. Accessory buildings and structures (non-residential);
2. Accessory dwelling units (ADUs);
~~2~~3. Duplexes;
~~3~~4. Essential services; and
~~4~~5. Single family dwellings.

SECTION 9-234 CONDITIONAL USES (R1)

Conditional uses in the Medium Density Residential District (R1) are:

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Business and Professional Offices only in buildings that are predominantly residential. The total floor area used for office use shall not be more than twenty-five (25) percent of the gross floor area of the building;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Multi-Family Residences (including both rental and condominium units);
9. Municipal Uses or Public Buildings;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities; and
17. Schools~~; and~~.
~~18. Accessory Dwelling Units.~~

30. Section 9-237 subsection 1 shall be amended to read:

1. Building setback – The building must be located on the lot in a manner that maintains the established pattern of development in the immediate neighborhood. ~~Locating~~For example, locating the front wall of the building significantly further from the street than other buildings in the same block is not appropriate.

31. Sections 9-253 and 9-254 shall be amended to read:

SECTION 9-253 PERMITTED USES (R2)

Permitted uses in the Moderate Density Residential District are:

1. Accessory buildings and structures (non-residental);
2. Accessory dwelling units (ADUs);

~~2~~3. Duplexes;
~~3~~4. Essential services; and
~~4~~5. Single family dwellings.

SECTION 9-254 CONDITIONAL USES (R2)

Conditional uses in the Moderate Density Residential District are:

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Business and Professional Offices only in buildings that are predominantly residential. The total floor area used for office use shall not be more than twenty-five (25) percent of the gross floor area of the building;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Municipal Uses or Public Buildings;
9. Multi-Family Dwellings, Condominiums and Rental Units;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities; and
17. Schools~~; and~~.
~~18. Accessory Dwelling Units.~~

32. Sections 9-273 and 9-274 shall be amended to read:

SECTION 9-273 PERMITTED USES (R3)

1. Accessory buildings and structures (non-residential);
2. Accessory dwelling units (ADUs);
~~2~~3. Duplexes;
~~3~~4. Essential Services;
~~4~~5. Single family dwellings; and
~~5~~6. Timber harvesting.

SECTION 9-274 CONDITIONAL USES (R3)

1. Bed and Breakfast Establishments;
2. Boarding Homes;
3. Repealed;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Home Occupations;
8. Municipal Uses or Public Buildings;

9. Multi-Family Dwellings, Condominiums and Rental Units;
10. Nursing Homes;
11. Parks & Playgrounds;
12. Planned Unit Developments;
13. Public Library;
14. Public and Private Schools;
15. Public Utility;
16. Recreational Facilities; and
17. Schools~~; and~~.
~~18. Accessory Dwelling Units.~~

33. Section 9-293 shall be amended to read:

SECTION 9-293 PERMITTED USES (RF)

Permitted uses in the Rural-Farm District are:

1. Accessory buildings and structures (non-residential);
2. Accessory dwelling units (ADUs);
~~2~~3. Duplexes;
~~3~~4. Essential services;
~~4~~5. Farming;
~~5~~6. Forestry;
~~6~~7. Home Occupations;
~~7~~8. Manufactured Housing less than 20 feet wide;
~~8~~9. Outdoor Marijuana Cultivation Facilities;
~~9~~10. Retail sales as an accessory use;
~~10~~11. Single Family Dwellings; and
~~11~~12. Timber Harvesting.

34. Section 9-313 shall be amended to read:

SECTION 9-313 PERMITTED USES (DT)

Permitted uses in the Downtown District are:

1. Accessory Buildings (non-residential);
2. Bed and Breakfast Establishments (see Note 1);
3. Business and Professional Offices;
4. Coin operated or card activated machines providing goods or services, but excluding coin or card activated fuel pumps, without limitation on hours of operation (see Note 2);
5. Essential Services;
6. Financial Institutions;
7. Home occupations;
8. Marijuana Retail Stores, provided that on-premise sales of marijuana and marijuana products are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day (see Note 2);
9. Municipal Uses or Public Buildings;
10. Residential Uses (see Note 1);
11. Restaurants, provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day (see Note 2);

12. Retail businesses (except restaurants), providing that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day (see Note 2);
13. Personal Services;
14. Artist's studios;
15. Art galleries;
16. Theaters and other performance venues (see Note 2); ~~and~~
17. Churches, Parish Houses, Rectories, Convents (see Note 1)~~.~~ and
18. Accessory dwelling units (ADUs).

Note 1 – Residential uses (including ADUs) shall be permitted only above the base flood elevation and shall not be permitted on or below the street level along Water Street between Temple Street and Wilson Lane.

Note 2 – This use is not permitted in the Office/Municipal Sub-District of the DT District.

35. Section 9-323 shall be amended to read:

SECTION 9-323 PERMITTED USES (BA)

Permitted uses in the Northern Gateway Business A District are:

1. Accessory Buildings and Structures (non-residential);
2. Amusement Centers;
3. Automobile Service and Sales Businesses (see Note 4);
4. Business and Professional Offices;
5. Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
6. Commercial Centers and Complexes (see Note 5);
7. Commercial Indoor Recreation Centers;
8. Community Centers;
9. Duplexes;
10. Essential Services;
11. Financial Institutions;
12. Home Occupations;
13. Hotels, Motels, Inns, Bed and Breakfast Establishments;
14. Light Manufacturing (see Note 5);
15. Marijuana Retail Stores, provided that on-premise sales are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day (see Note 6);
16. Multi-Family Dwellings;
17. Personal Services;
18. Restaurants provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day;
19. Retail Businesses (except restaurants) provided that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day;
20. Single-family Dwellings;
21. Wholesale Businesses (see Note 5); ~~and~~
22. Churches, Parish Houses, Rectories, Convents~~.~~ and
23. Accessory dwelling units (ADUs).

36. Section 9-380 shall be amended to read:

SECTION 9-380 PERMITTED USES (BD)

Permitted uses in the Southern Gateway Business D District are:

1. Accessory Buildings and Structures (non-residential);
2. Accessory dwelling units (ADUs);
~~2~~3. Bed and Breakfast Establishments
~~3~~4. Business and Professional Offices;
~~4~~5. Child Care Centers or Homes;
~~5~~6. Churches, Parish Houses, Rectories, Convents;
~~6~~7. Community Centers;
~~7~~8. Duplexes;
~~8~~9. Essential Services;
~~9~~10. Financial Institutions;
~~10~~11. Home Occupations;
~~11~~12. Personal services; and
~~12~~13. Single family dwellings.

37. Section 9-388 shall be amended to read:

SECTION 9-388 PERMITTED USES (SSPDD)

Permitted uses in the Stevens School Planned Development District are:

1. Accessory Buildings and Structures (non-residential);
2. Accessory dwelling units (ADUs);
~~2~~3. Essential Services;
~~3~~4. Municipal Uses and Public Buildings;
~~4~~5. Parks and Playgrounds;
~~5~~6. Planned Mixed-Use Developments that conform to the requirements of Section 9 392;
~~6~~7. Public Utilities;
~~7~~8. Schools;
~~8~~9. Residential Uses approved by the Planning Board as part of a single Open Space Development pursuant to Hallowell's Subdivision Ordinance provided that the dwelling units are located in that portion of the Stevens School Planned Development District that is south of the gas pipeline now or formerly owned by Mobil Oil Company and west of an imaginary line that runs parallel to, and 548 feet westerly of, the easternmost boundary line of the Stevens School Planned Development District;
~~9~~10. Re-use of existing structures for Business and Professional Offices and Residential Uses; and
~~10~~11. Private and public streets.

38. Section 9-414 shall be amended to read:

SECTION 9-414 CONDITIONAL USES (RP)

Conditional uses in the Resource Protection District are:

1. Agriculture/aquaculture;
2. Small non-residential facilities for educational, scientific, nature interpretation, or religious purposes;
3. Temporary piers, docks, and wharves extending over or below the normal high water line of a water body;
4. Public and private recreational facilities involving minimal structural development;
5. Boat launches;
6. Parking in accordance with the performance standards of Section 9 416; and
7. Accessory structures (non-residential).

39. Section 9-434 shall be amended to read:

SECTION 9-434 CONDITIONAL USES (OP)

Conditional uses in the Open Space District are:

1. Accessory Buildings and Structures (non-residential);
2. Campgrounds in accordance with the performance standards provided in Section 9 606;
3. Essential services;
4. Municipal Recreational Facilities and Related Structures;
5. Parking areas associated with recreational or other facilities or infrastructure; and
6. Timber Harvesting.

40. Section 9-513 subsection B shall be amended to read:

B. Principal and Accessory Structures (Non-Residential)

(1) All new principal and accessory structures (non-residential) shall be set back from the normal high-water line of water bodies and tributary streams, and the upland edge of a shoreland wetland as provided for in the underlying district standards. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified in the district standards shall apply.

In addition:

(a) The water body, tributary stream, or shoreland wetland setback provision shall neither apply to structures which require direct access to the water body or shoreland wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place a~~n~~ non-residential accessory structure meeting the required water body, tributary stream or shoreland wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures shall not exceed thirty-five (35) feet in height or the maximum height standard of the district in which it is located whichever is greater. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. Accessory structures may be placed in accordance with the standards of City's Floodplain Management requirements and need not meet the elevation requirements of this paragraph.

(4) The total footprint area or lot coverage of all structures, parking lots and other non-vegetated surfaces within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the DT and R1 Districts, where lot coverage shall not exceed seventy (70) percent and the BA District where it shall not exceed fifty (50) percent.

(5) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a shoreland wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

41. Section 9-533 subsection 8 (A) (2) (b) shall be amended to read:

(b) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line~~(s)~~s; or, in the absence of all other data,

42. Section 9-536 subsection 10 shall be amended to read:

10. Accessory Structures (non-residential) – Accessory structures, as defined in Section 9 543, located within Zones AE and A, shall be exempt from the elevation criteria required in Section 9 536, Subsection 6 & 7 above, if all other requirements of Section 9 536 and all the following requirements are met. Accessory Structures shall:

A. be 500 square feet or less and have a value less than $3000;

B. have unfinished interiors and not be used for human habitation;

C. have hydraulic openings, as specified in Section 9 536, subsection 12.B., in at least two different walls of the accessory structure;

D. be located outside the floodway:

E. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and

F. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

43. Section 9-543 subsection 1 shall be amended to read:

1. Accessory Structure (Non-Residential) – means a small detached structure that is incidental and subordinate to the principal structure and not used for human habitation.

44. Section 9-5436 subsection 30 shall be amended to read:

30. Minor Development – means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Section 9 536, subsection 10., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

45. Section 9-554 subsection 7 shall be enacted to read:

7. For historic district review applications when a change in square footage or volume of the existing structure is proposed, it is the responsibility of the applicant to notify abutters. The requirements for abutter notifications are outlined in Chapter 9-184.2.

46. Section 9-601 shall be amended to read:

SECTION 9-601 ACCESSORY BUILDINGS (NON-RESIDENTIAL)

No garage or other non-residential accessory structure shall be located in a required front yard setback. When located to the rear of the main building, the accessory structure shall be set back at least ten (10) feet from the side or rear lot lines, provided that all accessory structures, other than those that are water oriented, shall meet the shoreland setback requirements of the district in which they are located.

47. Section 9-608 Subsection 3 (A) shall be amended to read:

3. Siting and Buffering Standards:

A. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes (where possible) and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Board prior to approval. Approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and

affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except deminimus changes as determined by the ~~Planning Director~~Code Enforcement Officer which do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.

48. The Heading of Section 9-626 shall be amended to read:

SECTION 9-626 MULTI-FAMILY AND TWO-FAMILY DWELLING UNITS (NOT APPLICABLE TO ADUS)

49. The Heading of Section 9-631 shall be amended to read:

SECTION 9-631 RESIDENTIAL USE (NOT APPLICABLE TO ADUS)

50. Section 9-640 shall be amended to read:

SECTION 9-640 ~~TWO~~MULTIPLE DWELLINGS ON ONE LOT

The distance between ~~two~~ dwelling units in separate structures on one lot or parcel, shall be at least equal to the minimum side yard set-back for the district in which the dwellings are to be located.

1. Undeveloped Parcels (no existing dwelling unit on property)

   A. If the parcel is located in an area in Hallowell served by a public, special district or other centrally managed water system, or if the parcel is in the Growth Area of the municipality's Comprehensive Plan, the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this may be subject to subdivision review. Subdivision Ordinance requirements still apply.

   B. if the parcel is located outside the designated Growth Area, as delineated in the municipality's Comprehensive Plan, the lot owner of record for the property may have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures. Subdivision Ordinance requirements still apply.

2. Developed Parcels (lots with existing dwelling units already on lot)

   A. If the parcel contains one (1) existing dwelling unit, up to two (2) additional dwelling units may be constructed. The additional units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.

   B. If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.

3. All residential dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal Shoreland Zoning Ordinance.

4. All residential dwelling units permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions 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.

5. If more than one principal dwelling unit is constructed or established on a single lot, all dimensional requirements for land area shall be met for each additional dwelling unit and/or principal structure. For example, if the minimum lot size is one-acre per dwelling unit, the lot size requirement for a second principal dwelling would be two acres.

6. No additional road frontage is required for additional principal dwelling units on one lot.

7. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or (Subdivision Ordinance) relating to division of a tract or parcel of land.

8. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot will not be treated as a vacant lot; it will be treated as if the dwelling unit was still standing (see Undeveloped Parcels versus Developed Parcels above).

51. Sections 9-648 and 9-649 shall be enacted to read:

SECTION 9-648 ACCESSORY DWELLING UNITS (ADUS)

1. ADUs are exempt from any density requirements or lot area requirements related to the area in which it is constructed, except that for any ADUs within the Shoreland Zone, it may only be established on a lot where the ADU itself can meet the minimum lot area and minimum shore frontage requirements of Section 15(A) (e.g., for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage).

2. An ADU may be constructed:

   A. Within an existing dwelling unit on the lot;

   B. Attached to a single-family dwelling unit; or,
   C. As a new structure on the lot for the primary purpose of creating an ADU.

   D. Within an existing accessory structure if the setback requirements of the municipality are met.

3. Any structure containing an ADU must adhere to all setback and dimensional requirements outlined in this Ordinance.

4. The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. Other size limitations apply if located within a subdivision.

5. An accessory dwelling unit can be no greater than 1000 square feet, or 50% of the principal structure, whichever is more restrictive. Calculation of total gross floor area for an ADU shall not include: garage areas or unfinished attic or basement space. Unfinished attic space shall not include any electrical receptacles, finished walls or finished flooring. Total floor area of an ADU shall be measured from the interior faces of the inside walls.

6. Additional parking requirements for the ADU beyond those required for the single-family dwelling are not permitted.

7. An ADU is allowed on a non-conforming lot or in a non-conforming structure if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviation from the dimensional standard(s) creating the non-conformity.

8. An After-the-Fact permit may be obtained for an ADU that was not built with municipal approval as long as the Accessory Dwelling Unit otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.

9. All residential dwelling units, including ADUs, permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions 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.

10. If connected to the Hallowell sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; If connected to a comparable sewer system as defined 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 system;

11. If connected to a 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, State of Maine Subsurface Wastewater Disposal Rules, as amended;

12. If connected to Hallowell's water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. Note: If Town does not have a public water system: If connected to a centrally managed water system as defined 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 system;

13. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.

14. Design Criteria:

    A. An ADU shall be designed to maintain the architectural design, style, appearance, and character of the principle structure as a single-family residence. If an ADU extends beyond the existing footprint of the principle structure, such an addition must be consistent with the

existing façade, roof pitch, siding, windows, doors, trim, and other exterior elements of the building. In the interest of energy efficiency and conservation, active and passive solar features are exempted from this requirement.

B. Exterior stairs are restricted to the rear or sides of the structure wherever practicable.

C. Wherever practicable, no more than one curb cut per lot shall be permitted, unless the lot has multiple curb cuts at the time of the application being filed.

D. A detached accessory structure housing an ADU must be designed and constructed in the style of a barn, garage, carriage house, or similar traditional outbuilding.

SECTION 9-649 AFFORDABLE HOUSING DEVELOPMENT

1. Affordable housing developments are permitted in zoning districts that permit multi-family housing and are in Hallowell's designated growth area, as outlined in the Comprehensive Plan.

2. The Planning Board shall review all applications for affordable housing developments per the City of Hallowell's Subdivision Ordinance.

3. Water/Wastewater

The property owner of record must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:

A. If connected to the Hallowell sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; If connected to a comparable sewer system as defined 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 system;

B. If connected to a 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, State of Maine Subsurface Wastewater Disposal Rules, as amended;

C. If connected to Hallowell's water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. If connected to a centrally managed water system as defined 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 system;

D. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.

4. The owner or agent of the affordable housing development must (1) execute a restrictive covenant, (2) record the restrictive covenant in the Kennebec County Registry of Deeds to ensure that, for at least 30 years after completion of construction:

A. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local Area Median Income (AMI) at the time of initial occupancy; and

B. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local Area Median Income (AMI) at the time of initial occupancy.

C. Area Medium Income will be determined by Maine Housing at the time the application is submitted.

5. Each dwelling unit shall be equipped with approved, hardwired smoke and CO detectors, according to the Nation Fire Protection Association's Life Safety Code.

6. Multi-family dwelling units that fit the above criteria for Affordable Housing are allowed to have a dwelling unit density of 2 ½ times the base density that is otherwise allowed in the Growth Area and require two (2) off street parking spaces for every three (3) units. For example, if a developer can build one unit on a two-acre site under this Ordinance, and designates the development as affordable, the developer would be eligible to build two units on the two-acre site (1 X 2.5).

7. Two (2) off-street parking spaces are required for every three (3) units.

52. Section 9-704 Subsection 9 shall be enacted to read:

9. For a conditional use permit application, it is the responsibility of the applicant to notify abutters. The requirements for abutter notifications are outlined in Chapter 9-184.2

53. Section 9-865 Subsection 4 shall be enacted to read:

4. Abutter Notification. For all site review applications (major or minor), it is the responsibility of the applicant to notify abutters. The requirements for abutter notifications are outlined in Chapter 9-184.2.

First Reading: September 8, 2025
Public Hearing: October 14, 2025
Second Reading: October 14, 2025
Third Reading: _____

Ordinance No: _____
Effective Date: _____

_____
City Clerk