

**MEMORANDUM**

TO: Town of Readfield Planning Board

CC: Eric Dyer, Town Manager  
Chip Stevens, Code Enforcement Officer  
Charles Tetelman, Planner, North Star Planning

From: Jamel Torres, Senior Planner, North Star Planning

RE: Land Use Ordinance review relative to LD 2003 requirements

Date: February 14, 2024

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North Star Planning (NSP) staff attended the Planning Board meeting on January 30, 2024 and reviewed proposed modifications to the Town's Land Use Ordinance relative to the requirements of LD 2003, adopted into state law into the following state statutes:

- Affordable Housing Density Bonus ([30-A MRSA §4364](#))
- Multiple Dwelling Units on any property where housing is allowed ([30-A MSRA §4364-A](#))
- Accessory Dwelling Units ([30-A MSRA §4364-B](#))

NSP staff has made additional modifications to several sections of the Town's Land Use Ordinance, based on feedback received at the January 30, 2024 Planning Board meeting. Please refer to the next page in this memorandum for the additional modifications to the ordinance language.

## **Proposed Modifications to the Readfield Land Use Ordinance –**

NSP staff has compiled all of the proposed modifications within the Land Use Ordinance into one cohesive document, which is included in your packet. The specific modifications can be found below.

### **Article 3 Non-Conformance:**

#### **Page 1:**

- Modified the language in Section 4.G.5. to more clearly state that any increase in non-conformity is prohibited for any expansion of a structure associated with an Accessory Dwelling Unit. Also included language referring to Article 3, Section 4.E.2. for more information related to “increase in non-conformity.”

### **Article 7 Land Use Districts and Regulations (pages 2-6):**

- No new modifications since the January 30, 2024 Planning Board meeting

### **Article 8 Performance Requirements & Standards:**

#### **Pages 7-8:**

- No new modifications since the January 30, 2024 Planning Board meeting

#### **Pages 9-10:**

- Modified the language in Section 29.B.2. related to any new owner of a property with an existing Accessory Dwelling Unit being required to provide evidence to the Code Enforcement Officer that the new owner either occupies the single-family dwelling or the Accessory Dwelling Unit as their primary or legal residence to ensure the residency requirement is still being met after a sale/transfer of the subject property.

### **Article 11 Definitions**

#### **Page 11:**

- Added a new definition for Multi-Family Dwellings to help provide clarity.

## ARTICLE 3 NON-CONFORMANCE

### G. Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, as defined in paragraph 4.E.2 if applicable, and is in accordance with subparagraphs 1 through 4 below.

Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met. Any permitted expansion must be recorded at the registry of deeds. Expansion of a relocated, reconstructed or replaced non-conforming structure shall not be permitted unless the original structure is first determined to have achieved setback conformity to the greatest practical extent as provided in paragraph 4.E. When an existing non-conforming structure already meets or exceeds the maximum combined total floor area limit as established in paragraph 4.(G), no expansion shall be permitted.

1. Expansion of a structure, any portion of which is located within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
2. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
3. For structures, any portion of which is located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed 1,000 square feet. The maximum height of any portion of such a structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
4. For structures, any portion of which is located less than 100 feet, horizontal distance, from the normal high-water line of a waterbody, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed 1,500 square feet. The maximum height of any portion of such a structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.
5. An Accessory Dwelling Unit is allowed within or attached to a nonconforming structure. An increase in non-conformity is prohibited for any expansion of a structure associated with an Accessory Dwelling Unit. Refer to Article 3, Section 4.E.2. for more information related to “increase in non-conformity.”

## ARTICLE 7 LAND USE DISTRICTS AND REGULATIONS

### SECTION 5. LAND USES

Land Uses permitted in Readfield are shown on Table 1 (Table of Uses) by the type of review required or not required within each land use District under this Ordinance. Required permit review shall be secured prior to obtaining the appropriate building, plumbing or other applicable construction permits in accordance with the procedures and processes described in this Ordinance.

**TABLE 1 /  
TABLE OF USES**

**LAND USE DISTRICT**

Overlay  
District

	V	VR	AD <sub>9</sub>	R	RR	SR	RP	SP	CID	MH
<b>RESIDENTIAL—including driveways</b>										
Accessory Structure (to allowed uses)	C	C	C	C	C	C/P <sup>11</sup>	P	N	P	C
Multi-Family Dwelling	P	P	P	N	P	P	N	N	N	P
Single-Family Dwelling	C	C	C	C	C	C/P <sup>11</sup>	P <sup>5</sup>	C <sup>6</sup>	N	C
Two-Family Dwelling	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C	C	C/P <sup>11</sup>	N	N	N	C
Rooming/Boarding House Group Home	P	P	P	P	P	N	N	N	N	<u>P</u>
Mobile Homes	N	N	N	C	N	C/P <sup>11</sup>	P <sup>5</sup>	N	N	C
Mobile Home Park	N	N	N	N	N	N	N	N	N	P
Subdivisions	P	P	P	P	P	P	P <sup>5</sup>	P	N	P
Conversion of Seasonal Homes <sup>7</sup>	C	C	C	C	C	C/P	P	P	N	C
<u>Accessory Dwelling Unit</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>
<b><sup>3</sup>COMMERCIAL</b>										
Principal and Accessory Structures	P	N	N	P	N	N	N	N	P	U
Restaurants/Bars	P	N	N	P	N	N	N	N	P	U
Adult Entertainment	N	N	N	N	N	N	N	N	P	N
Recreation	P	N	P	P	N	P	N	N	P	U
Auto Sales/Repair Body Shop	P	N	N	P	N	N	N	N	P	U
Bed and Breakfast	P	P	N	P	P	P	N	N	N	U
Car Wash	P	N	N	N	N	N	N	N	P	U

Gasoline Service Station	P	N	N	N	N	N	N	N	P	U
Home Occupations	C	C	C	C	C	C	C	C	C	C

For any land uses not specifically identified in Table 1, the following type of review required or not required within each land use district shall apply: The Code Enforcement Officer shall make the final determination on the appropriate review for any land use not listed.

1. Uses similar to uses requiring a permit from the CEO and/or LPI shall require a permit from the CEO and/or LPI
2. Uses similar to uses requiring Planning Board approval shall require Planning Board approval.
3. Uses similar to allowed uses are permitted.
4. Uses similar to prohibited uses are prohibited.

**Legend**

<i>Land Use Districts</i>			<i>Overlay District</i>
V = Village District	R = Rural District	SP = Stream Protection	MH = Mobile Home
VR = Village Residential	RR = Rural Residential	RP = Resource Protection	
AD= Academic District	SR = Shoreland Residential	CID = Commercial Industrial	

**Key to Table of Uses**

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance).
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

## SECTION 6. SPACE STANDARDS AND DIMENSIONAL REQUIREMENTS

Unless otherwise permitted by this Ordinance, all lots, structures and uses must meet the minimum standards and requirements as set forth in Table 2. If more than one dwelling unit or other principal structure or use, or combination thereof, is constructed or established on a single lot, all dimensional requirements for land area and frontage shall be met for each additional dwelling unit, principal structure or use. Any lots created that are of less compliance with the following table shall not be eligible for building or use permits as they are required by this Ordinance.

Dimensions	<i>LAND USE DISTRICTS</i>									<i>Overlay District<sup>8</sup></i>
	<b>V</b>	<b>VR</b>	<b>AD</b>	<b>R</b>	<b>RR</b>	<b>SR</b>	<b>RP<sup>12</sup></b>	<b>SP</b>	<b>CID</b>	<b>MH</b>
Minimum land area <sup>14, 17</sup> (sq. ft. in thousands)	20' <sup>18</sup>	40' <sup>19</sup>	40' <sup>19</sup>	80' <sup>20</sup>	80' <sup>20</sup>	80' <sup>20</sup>	80' <sup>20</sup>	80' <sup>20</sup>	80'	80' <sup>2, 20</sup>
Minimum Road Frontage (public or private) <sup>14</sup>	100'	100'	100'	200'	200'	200'	200'	200'	200'	200'
Road setback <sup>1, 6</sup>	25/50 <sup>1, 3</sup>	25/50'	25/50'	50/75'	50/75'	25/50'	50/75'	50/75'	50/75'	50/75'
Side setback <sup>6, 11, 14</sup>	20' <sup>13</sup>	20'	20'	20'	20'	20'	20'	20'	20'	20'
Rear setback <sup>6, 14</sup>	20' <sup>13</sup>	20'	20'	20'	20'	20'	20'	20'	20'	20'
Water Body setback <sup>10</sup>	100'	100'	100'	100'	100'	100'	250'	75'	100'	NA
Tributary Stream setback <sup>6, 7</sup>	50'	50'	75'	75'	75'	75'	75'	75'	50'	NA
Wetland setback-greater than 2 acres, less than 10 acres <sup>6</sup>	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
Wetland setback-10 acres or more, or 2 or more acres adjacent to surface waterbody <sup>6</sup>	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'
Minimum lot depth	200'	200'	200'	200'	200'	200'	200'	200'	200'	200'
Maximum lot depth to frontage ratio <sup>9</sup>	5:1	5:1	5:1	5:1	5:1	5:1	5:1	5:1	NA	NA
Maximum lot coverage <sup>15</sup>	NA	NA	NA	NA	NA	20%	20%	20%	NA	NA
Minimum shore <sup>3</sup> frontage	NA	NA	NA	NA	NA	200'	200'	200'	200'	NA
Maximum height of structure <sup>4, 5</sup>	35'	35'	35'	35'	35'	35' <sup>16</sup>	35' <sup>16</sup>	35' <sup>16</sup>	35'	35'

## **TABLE 2 Dimensional Requirements**

1. In the Village and Village Residential Districts, road setback shall be from the edge of the right-of-way of a public or private road or from the centerline of the road, whichever is less. For all other Districts front setback shall be from the edge of the right-of-way of a public or private road or from the centerline of the road, whichever is greater.
2. Minimum land area for Mobile Home Park.
3. Land uses classified as commercial, industrial or institutional shall have a minimum of 300 feet of shore frontage.
4. Structures in compliance with the Telecommunication Towers Ordinance and agricultural structures not within a Shoreland District and not used as dwellings are exempt provided height shall not at any time place structures or potential structures on adjacent lots in jeopardy should exempt or extended structures collapse for any reason or cause.
5. Any increase in the height of a structure above that which is permitted in this Ordinance requires a variance from the Board of Appeals.
6. Steps, stairways, ramps or similar structures may be allowed within the required setback area with a permit from the Code Enforcement Officer as may be necessary to provide for a secondary means of egress from a legally existing dwelling, provided: the structure is limited to a maximum of four (4) feet in width, and that the applicant demonstrates there is no reasonable alternative means of escape from the dwelling. The Code Enforcement Officer may impose conditions to any approval as necessary to insure conformance with the purposes and provisions of the setback requirements of this Ordinance to the greatest practical extent.
7. Within the Village or Village Residential Districts or Commercial Industrial Districts, the 50 ft. setback requirement may be reduced to not less than 25 ft. provided the applicant has submitted a stormwater management and erosion control plan prepared by a qualified professional clearly demonstrating the following: (a) the on-site treatment of peak discharge rates of stormwater and erosion control utilizing the design principles set forth in Article 8, Sections 10 and 11; (b) the implementation for the stormwater treatment and erosion control plan; and (c) the approval for this setback reduction is a written part of the permit.
8. Must conform to requirements of underlying district.
9. This provision applicable to all lots created after September 15, 2004. When a lot borders both a waterbody and a road, the lot depth to frontage ratio shall be based on the frontage of the waterbody.
10. Water-dependent structures, such as docks, are not subject to Waterbody or wetland setbacks but remain subject to all other setback requirements for structures in the District in which they are located, except as allowed by the Planning Board under Article 8, Section 19.N
11. Side setbacks are not applicable where only a common wall separates the individual ownership of units in a multi-unit structure.
12. In the Resource Protection District the setback requirement shall be 250 ft., horizontal distance, from all water bodies, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified in Table 2 Dimensional Requirements shall apply.
13. In the Village District, setbacks may be reduced by up to five (5) feet for accessory structures, provided there is no alternative location that meets setbacks to the greatest practical extent, as determined by the Code Enforcement Officer applying the standards set forth in Article 3, Section 4.E.1. This exception does not apply to accessory structures to be used as dwelling units.
14. For single-lot divisions or conventional subdivision development. The Planning Board may approve reductions in dimensional standards for cluster development described in Article 8, section 21.
15. Except for cluster development (see Article 8, section 21).
16. Article 3, Section 4, NON-CONFORMING STRUCTURES shall be applied to structures that do not meet the water body or wetland setbacks.

17. For Multi-Family Dwelling developments designated as affordable housing, in accordance with Title 30-A, MRSA §4364, refer to Article 8, Section 3.C. for the required density bonus.
18. The minimum lot size (20,000 square feet) is for the first dwelling unit, with each additional dwelling unit requiring an additional 20,000 square feet.
19. The minimum lot size (40,000 square feet) is for the first dwelling unit, with each additional dwelling unit requiring an additional 40,000 square feet.
20. The minimum lot size (80,000 square feet) is for the first dwelling unit, with each additional dwelling unit requiring an additional 80,000 square feet.

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## ARTICLE 8 PERFORMANCE REQUIREMENTS & STANDARDS

The following standards shall apply to all lots created and all land use activities undertaken, where applicable, in addition to all other state and federal requirements:

### SECTION 3. MULTI-FAMILY DWELLINGS

Except where permitted under Article 8, Section 21 (Cluster Development):

- A. Each building shall contain no more than four dwelling units.
- B. A minimum of two on-site parking spaces shall be provided for each dwelling unit. Multi-Family Dwelling developments designated as affordable, in accordance with Article 8, Section 3.E. below, may not exceed two on-site parking spaces for every three units.
- C. The minimum lot size for a multi-family dwelling shall be the product of the number of dwelling units in the building times the Town's minimum lot size requirements for a single-family residence for the district in which the multi-family dwelling is located.
  1. In addition to the requirements and regulations set forth in this ordinance, Multi-Family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MRSA §4364 are eligible for a density bonus. Refer to Article 8, Section 3.E. below for the affordable housing designation criteria and the associated density bonus.
- D. Each multi-family dwelling unit shall meet the greater of the following setback requirements: 50 feet from the side and rear lot lines, or 100 feet from any adjacent dwelling.
- E. In accordance with Title 30-A MRSA §4364, Multi-Family Dwelling developments designated as affordable housing shall be allowed a density bonus of 2.5 times the number of units allowed for a development not designated as affordable. In order to be designated as affordable housing, the development shall meet the following criteria:
  1. The development eligible for the density bonus shall be located in the Village, Village Residential and Academic Zoning Districts in order to utilize the affordable housing density bonus, given these districts have been designated as the Town's designated future growth areas in the Town of Readfield's 2023 Comprehensive Plan.
  - ~~1.2.~~For rental units, a household with an income at no more than 80% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half the units in a proposed

development. That means that rent and certain other housing expenses will not require more than 30% of the household's income.

2.3. For homeownership projects, a household with an income at no more than 120% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in a proposed development. That means that mortgage payments (including mortgage insurance) will not require more than 30% of the household's income.

3.4. Units that will be affordable at these levels must be restricted through a restrictive covenant that is enforceable by a party acceptable to a municipality for at least 30 years, and states that the units must be restricted in rent or sales accordingly. The required covenant shall be recorded at the Kennebec County Registry of Deeds.

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## SECTION 29. ACCESSORY DWELLING UNITS

The purpose of this Section is to encourage a diversity of housing options that help maintain a viable year round population; provide homeowners with a means of obtaining, through tenants in either the Accessory Dwelling Unit or the single-family dwelling, rental income, companionship, security and services; develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life; and protect neighborhood stability, property values and the single-family residential appearance of the property and the neighborhood by ensuring that Accessory Dwelling Units are installed on the conditions of this Section.

A. Within the Resource Protection and Stream Protection Zoning Districts Accessory Dwelling Units are prohibited.

B. Outside of the Resource Protection and Stream Protection Zoning Districts, the Code Enforcement Officer may issue a permit for the installation/construction of an Accessory Dwelling Unit provided the following standards and criteria are met:

1. The single-family dwelling and the Accessory Dwelling Unit must be owned by the same person and may not be sold separately.
2. The owner must occupy either the single-family dwelling or the Accessory Dwelling Unit as their primary or legal residence. Continued occupancy of the Accessory Dwelling Unit upon sale or transfer of the property is conditioned upon the new owner agreeing to the owner occupancy requirement. Any new owner of a property with an existing Accessory Dwelling Unit shall provide evidence to the Code Enforcement Officer that the new owner either occupies the single-family dwelling or the Accessory Dwelling Unit as their primary or legal residence.
3. The Accessory Dwelling Unit shall contain a minimum floor area of 190 square feet and contain a maximum of seven hundred (700) square feet.
4. Accessory Dwelling Units shall be allowed on legal, non-conforming lots of record so long as they meet the requirements set forth in Article 3 Non-Conformance in the Land Use Ordinance.
5. Accessory Dwelling Units may be constructed/located only:
  - a. Within an existing dwelling on the lot;
  - b. Attached to or sharing a wall with a single-family dwelling unit; or
  - c. As a new structure on a lot for the primary purpose of creating an Accessory Dwelling Unit
6. Proper ingress and egress shall be provided to the Accessory Dwelling Unit.
7. Only one (1) Accessory Dwelling Unit is allowed per lot.
8. The applicant shall comply with all applicable zoning, building, plumbing, electrical and fire safety codes in effect at the time that the Accessory Dwelling Unit is proposed.
9. No use, dimensional or other variances shall be granted for the installation/construction of an Accessory Dwelling Unit.

10. An Accessory Dwelling Unit that complies with the requirements of this Section shall not be counted towards net residential density.

11. If the property is found to be in non-compliance with the requirements contained in this Section, the non-compliance shall be considered a violation of this Ordinance and may subject the owner and/or occupant to further enforcement action and possible civil penalties.

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## ARTICLE 11 DEFINITIONS

### SECTION 2. DEFINITIONS

In this Ordinance the following terms shall have the following meanings:

**Accessory Dwelling Unit:** A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. Refer to Article 8 Performance Requirements Standards, Section 29 Accessory Dwelling Units for applicable standards and regulations.

**Multi-Family Dwellings:** A building containing three or more dwelling units located within the same structure and under the same ownership. Refer to Article 8 Performance Requirements Standards, Section 3 Multi-Family Dwellings for applicable standards and regulations.

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