

**GARDINER CITY COUNCIL MEETING
AGENDA SUPPLEMENT**

Item Number:

Agenda Topic: 1st Reading for Dwelling Unit Definition (Land Use Ordinance Amendment)

For Agenda of: May 3rd 2006

Date Submitted: April 27th 2006

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Exhibits Attached: Proposed Amendments to Land Development Code

Summary:

Last Fall, the Board of Appeals heard a case where the definition of “Dwelling Unit” was challenged. After the case was heard, the City began researching how to clarify this definition in the Land Use Ordinance and the process that describes how multi-family structure can be converted into a single family use structure. Upon completing the research, a draft was proposed to the Council for discussion and sponsorship (sponsored at the 3/16 meeting).

In summary, the new definition provides a broader definition to take into consideration other factors than just physical features, such as number of bedrooms, or kitchens, as follows: *In determining whether a room or group of rooms in an existing structure constitute a separate dwelling unit under this Ordinance, the following factors shall also be considered: (a) historic occupancy and use of the property concerned; (b) design and layout of the room or rooms concerned in relation to other rooms in the same structure; and (c) compliance of the property with applicable building and life safety code requirements for two-family or multi-family use.* Please see attachment for full definition. Having a broader definition creates more options for those interested in pursuing a change from multifamily to single family use.

The converted use will be recorded in the Registry so that the record will show it is permitted as a single-family use. Any intent to change back to multi-family would go under a formal application and review process.

The Planning Board unanimously supported the proposed changes as attached with the Council packet.

Intended Action

Conduct the 1st reading on the proposed amendment.