



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

ORDINANCE REVIEW COMMITTEE

Monday November 20, 2017 @ 3:00 PM

Meeting Notes

Members Present:

Chair Debby Willis Joel Alexander Les Young
Louis Sigel Clare Marron
Patricia Hart, City Councilor
CEO/Assistant Planner, Barbara Skelton

Members Absent:

John Burgess

Also Present:

Dorothy Morang, Staff to Ordinance Review Committee
Mark Eyerman, Planner

1.) Welcome

Chair Willis opened the meeting and welcomed everyone.

2.) Roll Call

3.) Consideration of meeting notes of November 13, 2017

Louis Sigel moved to accept the minutes. Pat Hart seconded the motion.

Vote: 7 in favor. 0 opposed. Motion passed.

Old Business

4.) Review Accessory Dwellings

Mark went over his 11/7/2017 memo, Accessory Dwelling Unit. The intention is that they should be accessory to a single-family, owner occupied home.

Some of the amendments that need to be made to allow for accessory dwelling units are: a definition of an accessory dwelling unit; a line in the Land Use Table for Accessory Dwelling Units in the residential uses section and how they should be treated in each zoning district. He suggested CEO Review in all or most of the districts that allow single-family homes. Mark came up with some ideas of what should be included in the standards. (See attached)

Mark noted in the Comp Plan, relationship is not addressed. He said in looking at other communities, many of them found this issue troubling and don't include relationships.

Members discussed various types of accessory units from an add-on in the home to a stand-alone pod in the back yard. It was noted that accessory units today are used for many purposes – nannies, parents, care takers for aging in place, etc. Another issue is that it might not be owner occupied. One of the things that most felt was important is that it still looks like a single family home.

A discussion came up about the difference between a single-family home with an accessory unit and a 2-family home. Do you look at unit sizes, limit the accessory unit to 1 bedroom? It was noted that a 2-family is not defined and needs to be updated in the Ordinance. It was mentioned that many homeowners are putting the homes in a non-revocable trust – technically they no longer own the property. Another consideration is with properties that have a septic system – it must be determined whether it is sufficient for the additional unit.

Mark said the differences he sees between an accessory unit and a 2-family are: accessory units are not subject to density or lot size provisions and are considered to be part of the single-family home; and the accessory unit is usually limited in size and it be done in a manner that retains the residential character of the property as well as provides parking for the unit.

Mark will work on the definition of a 2-family.

5.) Review Standards for the Professional Residential (PR) Zoning District

Mark said the Comp Plan proposes this district remain pretty much the same except for providing for the treatment of small units similar to other districts. He is adding Note 9 the 7,500 SF multi-family density requirement in the dimensional table.

Members reviewed allowed uses in this zone. They discussed parking lots – they are currently not allowed in this district. There is one existing owned and used by the funeral home across the street. It was noted that it would be grandfathered. CEO Skelton mentioned a home in this district that was just demolished. The owner plans to keep the large storage garage. The garage was an accessory building to the principal building that came down. Pat said she didn't feel we should allow a parking lot in this district as a principal use.

6.) **Review and vote on Site Plan, Minor changes, Section 6.4.5**

Mark came up with a proposed amendment to allow a property owner or applicant to amend an approved plan. It is proposed to follow the same procedures used for the review and approval of the original application. He allowed for an exception where the CEO may approve de Minimis changes to plans approved by the Planning Board by planning board review or site plan review provisions that meet certain requirements. There are notification requirements to those who received original notice and the CEO shall make written findings and sign the revised plan. (See attached)

CEO Skelton said noise is sometimes a factor. Mark will add noise considerations to the list of requirements. Les mentioned truck delivery traffic at Two Gramps and Dominos as examples.

Mark will make any updates to Accessory Dwelling Units, HDR, PR & R and any other revisions discussed and incorporate them in the omnibus package.

Other

Members discussed the process for the CEO to bump an application up to the Planning Board if the Use Chart indicates it is a CEO Review. One suggestion was to make them all a P for review, which would include CEO Review and let the CEO determine the review as is done now.

CEO Skelton will get feedback to City Attorney, Jon Pottle and Gardiner Main Street Executive Director & Interim Economic Development Director, Patrick Wright.

Upcoming meeting dates with tentative topics:

December 11th

December 18th

7.) **Adjourn**

Clare Marron moved to adjourn the meeting. Louis Sigel seconded the motion.
Vote: 7 in favor. 0 opposed. Meeting adjourned at 4:33 pm.

To: Ordinance Review Committee
From: Mark Eyerman
Subject: Accessory Dwelling Units (ADUs)
Date: November 17, 2017

Background

During the preparation of the Comprehensive Plan there was considerable discussion about what are often called “in-law apartments” or “granny flats”. Historically local ordinances have often limited the occupancy of these units to a person or household that is related to the owner of the home. This type of provision is difficult to enforce and can create problems when the relative no longer wants/needs to live in the accessory unit. The adopted Comprehensive Plan includes the following language with respect to allowing “accessory dwelling units” or ADUs. This language does not address the “relationship” issue but appears to lean toward not including a relationship requirement since it talks about using ADUs to expand and diversify the supply of housing and providing homeowners income.

Action 1.9-1. Allow accessory dwelling units in single-family homes. An accessory dwelling unit is a small apartment within a single-family home either in the main building or in an accessory building such as over a garage. These are sometimes called “in-law apartments”. Accessory dwelling units provide a way to expand and diversify the supply of housing while providing property owners with additional income. Typically, these units are not subject to density or lot size provisions and are considered to be part of the single-family home. The City currently allows two-family homes or duplexes where it allows single-family homes but some of the standards make it difficult to create true accessory apartments. The zoning standards for the residential districts should be revised to allow accessory dwelling units in single-family home but require them to meet reasonable standards to assure that they are compatible with the neighborhood. These standards should limit the size of the accessory unit, require that it be done in a manner that retains the residential character of the property, provides parking for the unit, and does not negatively impact adjacent properties.

Necessary Amendments

To allow for accessory dwelling units, we will need to include the following in the omnibus amendment package:

1. A definition of an accessory dwelling unit. Here is a first cut:
Accessory Dwelling Unit: A small dwelling unit that is accessory to an owner-occupied single-family home that meets the performance standards of ____.
2. A line in the Land Use Table for “Accessory dwelling units” in the residential uses section with an indication of how they are treated in each zoning district. Since an ADU is

intended to be accessory to a single-family home, we should probably allow them with CEO review in all/most of the districts that allow single-family homes. That includes the following (see 7.6 Land Use Table): SLR, SL, R, RG, HDR, PR, PD, CC, MUV, CPD, and PHD with note 3.

3. A set of performance standards. Here are some ideas for what should be addressed in those standards:

- a. The ADU is an accessory use in an owner occupied single-family home.
- b. The ADU shall be provided with water supply and sewage disposal systems meeting the requirements of City and State ordinances and codes. If sewage disposal will be provided through a subsurface wastewater disposal system, the system shall be appropriately sized to handle the additional flow.
- c. The size of the ADU is limited to a maximum floor area of forty percent (40%) of the useable floor area of the principal dwelling unit or six hundred (600) square feet whichever is greater.
- d. The ADU may be located within the principal building or in an accessory building/structure.
- e. The addition of the ADU must maintain the residential character of the single-family home. If the unit is located in the principal building, the entrance to the unit from the outside must be through an existing exterior door or through a door located on the side or rear of the building.
- f. If the ADU is located in a new or expanded accessory building, the exterior appearance of that structure shall be compatible with appearance of the principal building.
- g. One (1) off-street parking space shall be provided to serve the ADU. This space shall be in addition to the parking provided for the single-family home. If the home has less than the required off-street parking, only the one (1) additional space must be provided. If the single-family home has three or more existing parking spaces, no additional parking shall be required.
- h. The parking for the ADU shall not be located in the area between the front wall of the building and the front property line except on a driveway.

To: Ordinance Review Committee
From: Mark Eyerman
Subject: Review of PR District Standards
November 17, 2017

The Comprehensive Plan proposes that the Professional/Residential District remain essentially unchanged except for providing for the treatment of small units similar to other districts. We can address that by simply adding Note 9 to the 7,500 SF multi-family density requirement in the dimensional table.

Even though the Plan doesn't recommend any changes in the allowed uses in the PR District, we should review the Land Use Table just to be sure we are comfortable with everything. I did a quick review of the uses that are allowed and there are a couple of things we should think about. Parking lots are not permitted as a principal use of a parcel. Technically, the parking lot for the funeral home is probably nonconforming since parking is the principal use of that parcel. Restaurants are also not allowed – should they be? That might be an appropriate use for one of the larger buildings.

Similarly, we should look at the dimensional requirements other than the small unit change. The only thing that jumps out at me is the maximum lot coverage provision of 40%. But I'm not sure what maximum lot coverage includes – I couldn't find it in a quick search of the ordinance so help Barb and Dot. For comparison, 80% is the maximum in the CB and DF and the CC is 70% while a number of other districts have a maximum coverage of 50% or more. So 40% seems low for the PR District.

There are no zone specific performance standards for the PR District. It might make sense given the streetscape going up the hill to include a requirement that parking has to be located to the side or rear of the building since this is one of the gateways to the downtown.

To: Ordinance Review Committee
From: Mark Eyerman
Subject: Site Plan Amendments
Date: November 17, 2017

It looks like I messed up when we did the revisions to the development review provisions in Section 6. We did not include any provision for the amendment of an approved plan. So Barb's question about de Minimis changes really raises a bigger issue - there should be a section dealing with amendments to approved plans. So I have put together a section to do that:

6.6 Amendment of Approved Plans

A project shall be carried out in accordance with the approved plan including any conditions of approval. If the property owner or applicant wants to amend an approved plan, they shall submit an application for a plan amendment to the Code Enforcement Officer setting out the proposed changes to the plan and how the revised plan will meet the applicable review criteria. The review of the request for a plan amendment shall follow the procedures used for the review and approval of the original application. The request for a plan amendment will be reviewed by the body that approved the plan except as provided below.

The Code Enforcement Officer may approve de Minimis changes to plans approved by the Planning Board under the Planning Board Review or Site Plan Review provisions that meet all of the following requirements:

- 6.6.1 The amendment does not involve a condition of approval imposed by the Planning Board.
- 6.6.2 The amendment will not increase the number of dwelling units in the project.
- 6.6.3 The amendment will not increase the amount of impervious surface on the site by more than five hundred (500) square feet or five percent (5%) of the impervious area on the previously approved site plan whichever is less.
- 6.6.4 The amendment will not increase the gross floor area of all buildings by more than five hundred (500) square feet or five percent (5%) of the gross floor area on the previously approved site plan whichever is less.
- 6.6.5 The amendment will not increase the amount of traffic or parking.

If the Code Enforcement Officer exercises the right to review a de Minimis amendment meeting these requirements, he/she shall provide written notice of the amendment request to the members of the Planning Board, all property owners who received notice of the Planning Board review of the initial application, and all other parties that participated in the review at least seven (7) days prior to acting on the amendment. In reviewing the request for an amendment, the CEO shall consider any input from these parties and the applicable review

criteria. If the CEO approves the de Minimis amendment, he/she shall make written findings and shall sign the revised plan.