

**PROPOSED AMENDMENTS TO MOUNT VERNON LAND USE ORDINANCE
RELATED TO AFFORDABLE HOUSING DENSITY- SECTION 4 OF LD 2003**

Revised 04 22-2024

08/31/2023 Revisions taking into account DECD Regulations 19-100 C.M.R. Ch. 5, effective April 18, 2023, and P.L. 2023, ch. 192, effective June 16, 2023.

KVOCOG comments to proposed revisions have been incorporated.

(Deletions to exiting language are stricken out and additions are underlined).

Amend Section 3, Definitions of the Mount Vernon Land Use Ordinance as follows:

Affordable Housing Development:

- 1) 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
- 2) 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.
 - For purposes of this definition, “majority” means more than half.
 - For purposes of this definition, “housing costs” means:
 - For a rental unit, the cost of rent and any utilities (and electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
 - 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.

Area Median Income: the midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

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

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.

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This system may be privately owned.

Certificate of Compliance: A document signed by the Code Enforcement Officer/Building Inspector stating that a structure is in compliance with all of the provisions of this Ordinance.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over two thousand (2,000) gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

Comprehensive Plan: Any part of the overall plan or policy for development and conservation within the municipality as defined in 30 M.R.S. § 4961 and consistent with 30-A M.R.S. §4326(1)-(4); or as subsequently developed pursuant to the Comprehensive Planning and Land Use Regulation Act, 30-A, § 4311 et seq.; specifically, the Comprehensive Plan of the Town of Mt. Vernon 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..

Density Requirements: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area: Designated growth area” means 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. The location of the Limited Commercial District, in the Town of Mount Vernon is as defined in Section 4(C)(4) and as designated on the Official Land Use Map in APPENDIX VII of this Land use Ordinance.

Dimensional Requirements: ~~Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.~~ Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage, and lot depth.

Dwelling Unit~~A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating.~~ Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

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. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

Housing: any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

Land Use Ordinance: (Zoning Ordinance) an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot:: A lot is an area of land, ~~in one ownership or one leasehold,~~ developed or undeveloped, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership, developed or undeveloped, defined by lot boundary line on a subdivision plan duly approved and recorded in the Kennebec County Registry of Deeds.

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.

Principal Structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot. Principal structure does not include commercial buildings.

Restrictive Covenant: a provision in a deed, or other covenant conveying real property, restrictive the use of the land.

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

Single-Family Dwelling Unit: a structure containing one (1) dwelling unit.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground as defined in 38 M.R.S. §436-A(12).

Zoning Ordinance: (Land Use Ordinance) a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Add Section 5(C)(35) to Section 5, Land Use Standards:

35. AFFORDABLE HOUSING

Multifamily housing developments that meet the definition of affordable housing must comply with minimum lot size, road frontage, shoreline frontage requirements, all provisions of this Land Use Ordinance, and must comply with all shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S. § 3. Affordable housing developments are not exempt from the requirements for site plan review (Section 6) and subdivision (Section 7) under this Ordinance and applicable state law. Affordable housing developments located in the Limited Commercial Zone, or which are served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system are eligible for certain density bonuses as required by P.L. 2021, c. 672 (LD 2003) as follows:

a)

Notwithstanding any other provision of this Ordinance, for affordable housing developments, no more than two (2) off-street parking spaces are required for every three (3) units, provided that if the number of parking spaces may be rounded up or down to the nearest whole number; and

b)

In the Rural District, notwithstanding any other provision of this Ordinance, for affordable housing developments, multi-family housing may contain up to fifteen (15) units.

c)

The owner of an affordable housing development provides written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for compliance pursuant to Section 11(G) of this Ordinance. Written certification must include:

i.

If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii.

If a housing unit is 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 under 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with the *Subsurface Wastewater Disposal Rules* adopted under Title 22, section 42 and 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

iii.

If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;

iv.

If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 02-672 C.M.R. Ch 10, section 10.25(J); *Land Use District and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and accessible for domestic use. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

d)

This section regarding affordable housing may not be construed to interfere or abrogate or annul the validity of any restrictive 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.

Add Section 6(E)(41) to Section 6, Site Plan Review:

41. ADDITIONAL PERFORMANCE STANDARDS FOR AFFORDABLE HOUSING DEVELOPMENT

In addition to all other applicable requirements, the developer must establish:

a)

That a majority of the total units on the lot meet the definition of affordable.

b)

The development is located within the Limited Commercial Zone, as established in this Ordinance, which constitutes Mount Vernon's designated growth area pursuant to 30-A M.R.S. § 4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

c)

Is located in an area in which multifamily dwellings are allowed as of July 1, 2024;

d)

Complies with minimum lot size requirements in accordance with Title 12, chapter 423-A and the minimum lot size, road frontage, and set back requirements of this Ordinance.

Add Section 11(G)(5) to Section 11, Administration, Enforcement and Penalties:

5.

In addition to all other requirements, the Building Inspector shall not issue a Certificate of Compliance for an affordable housing development or accessory dwelling unit until the requirements of Section 5(B)(10) and Section 5(C)(35) of this Ordinance have been satisfied.