

Amendments for LUO, regarding LD2003 and the outfall of it.

Purpose:

The purpose of this proposed language to be amended into the Land Use Ordinance is to comply with the State Legislation LD-2003. This proposal is to address the Dwelling Unit portion of this legislation.

Further, there is additional language proposed to accompany LD-2003 and the concerns this legislation brings for the Town. Currently, the Land Use Ordinance does not accommodate Vacation Rentals and Short-Term Rentals. If someone wants to utilize LD2003 to create 3 or more dwelling units in an existing structure, they can do so without Subdivision Review through Title 30-A, 4402 Exceptions #6. In this, the applicant would go before the Planning Board for a Site Plan review, in which the Planning Board would verify the use. If applicant was doing a long term lease this would not be an issue, but the applicant would have to provide a description of the proposed uses on this parcel. Short-Term-Rentals and Vacation rentals are not included uses, and if an applicant wants to do this the Planning Board would have a difficult time in reviewing this application for such a use. Rather than facing this situation, if it were to arise, the Town should fold these uses into the Land Use Ordinance to allow them to exist.

The structure of the proposed language below is as follows: underlined language is to be added, while language in parentheses is to be deleted.

**Section 300 – Definitions**

Dwelling Unit, Accessory: a self-contained dwelling unit that is no less than 190 square feet in size, located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Transient Rental Platform: "Transient rental platform" means an electronic or other system, including an Internet-based system, that allows the owner or occupant of living quarters in this State to offer the living quarters for rental and that provides a mechanism by which a person may arrange for the rental of the living quarters in exchange for payment to either the owner or occupant, to the operator of the system or to another person on behalf of the owner, occupant or operator. - Title 36, section 1752, subsection 20-C.

Short-Term Rental (STR): Includes *Vacation Rentals*. Living quarters offered for rental through a *Transient Rental Platform*.

Vacation Rental: See Short-Term Rental

Timeshare: see *Motel and Hotel*.

**Section 604 Inspection of Rental Dwelling Units, Short-Term Rentals, and Vacation Rentals**

604.1 The Code Officer, Fire Chief or their designee shall inspect rental dwelling units Short-Term Rentals, and Vacation Rentals on parcels that are not the principal residence of the owner, upon the conveyance of those units or parcels or written complaint of the tenant, to ensure that basic standards of habitability and life safety are met.

~~604.1.2. Short-Term Rentals shall not advertise for rent, rent or operate without being registered with the Town with accompanying Certificate of Occupancy for the Dwelling Unit. Additionally, the registration number shall be posted with any/all advertisement(s).~~

**803.1.4 parking space table**

Single Family Dwellings	2 parking spaces (per dwelling unit)
<u>Accessory Dwelling Units</u>	<u>No additional parking spaces required</u>

--- section 910.3(10)(a) references the parking table in 803. Therefore, if we incorporate ADU & the no parking requirements there, then we should delete the below in 910. ---

**910.3(D)(10)(a)(i)**

(For an Accessory Dwelling Unit, One (1) parking space shall be required, in addition to the spaces required for the principal use.)

**917 Land Use Table**

b. residential

proposed to add

	901	902	903	904	906	907	908	909	913	916
<u>STR &amp; Vacation Rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

**918 Dimensional Tables**

Explanation to the below: If we are to accommodate up to 4 dwelling units, per LD2003 language, then we will have to amend the Dimensional requirements to allow for this. The Current maximum a lot could achieve is 3 units if the lot is tied into sewer. An example would be a parcel in the 902 Zond District on sewer with a minimum lot size of 15,000 sq ft. In this scenario, a 4 dwelling unit structure would be a multi-family structure requiring 4,000sq.ft per unit, resulting in a required 16,000 sq ft lot. With that into consideration, the proposal is to amend the Dimension Requirements Table to allow for more Dwelling units. The proposal below is to accommodate more than the minimum requirements, for LD2003 indicates that a municipality can not be more restrictive but can allow for more density. Further, LD2003 also requires allowing lots not on sewer to be able to achieve two dwelling units if they so desire (with adequate septic system). The proposal to achieve this is rather straightforward by cutting the already existing number in half. The rationale behind allowing for more Dwelling Units, on sewer, is behind interpretation. If we just do the minimum, I fear interpretation could hinder us. Therefore, the proposal below is focusing on multifamily with sewer connections and increasing the minimum dwelling units to be achieved at no less than 5 units.

These numbers are negotiable, if the Planning Board feels these should be adjusted.

**B. General Dimensional Requirements**

	901	902	903	904	906	907	908	909
Multi-family w/o sewer	(20,000) <u>10,000</u> Sq.ft per unit	(20,000) <u>10,000</u> Sq.ft per unit		(20,000) <u>10,000</u> Sq.ft per unit	(20,000) 10,000 Sq.ft per unit	(20,000) 10,000 Sq.ft per unit		(20,000) 10,000 Sq.ft per unit
Multi Family with sewer	(4,000) <u>2,000</u> sq.ft per unit	(4,000) <u>3,000</u> sq.ft per unit		(20,000) <u>10,000</u> sq.ft per unit	(4,000) <u>3,000</u> sq.ft per unit	(10,000) <u>8,000</u> sq.ft per unit		(10,000) <u>5,000</u> sq.ft per unit