

DESCRIPTION OF PROPOSED AMENDMENTS TO ST. GEORGE LAND USE ORDINANCE

The Select Board and the Planning Board have proposed two amendments to the town's Land Use Ordinance. One is required to satisfy conditions imposed by the Department of Environmental Protection on its approval of the Land Use Ordinance after its adoption in 2023. The other is required under the Maine affordable-housing legislation known as L.D. 2003 enacted in 2022 and amended in 2023. The amendments will be voted on by secret ballot on May 13, 2024, as part of the town meeting.

Brief descriptions of the amendments follow.

Amendment No. 1

When the Department of Environmental Protection reviewed the Land Use Ordinance following its enactment, it questioned whether the ordinance complied with the DEP's shoreland zoning requirements. After discussion with the department, the town agreed to make four changes.

1. *Lot Coverage.* The Land Use Ordinance, like the town's former shoreland zoning ordinance, limits the portion of a lot that can be covered by buildings and other nonvegetated surfaces to 70 percent in a commercial fisheries/maritime activities district, 50 percent in a limited commercial district, and 20 percent elsewhere. But it turns out that the 50-percent coverage permission does not, and never did, comply with the DEP's rule. No one is quite sure how this happened when the old ordinance was adopted, but the amendment will correct the error.

2. *Shore Frontage.* Under the former ordinance (and DEP's rule), a nonresidential use in the shoreland zone must have a minimum shore frontage of 300 feet if the lot fronts onto non-tidal water and 200 feet if it fronts onto tidal water. Because of a typographical error, these requirements were reversed. The amendment will correct the error.

3. *Piers, Docks and Wharfs.* The general rule is that no more than one pier, dock or wharf is allowed on any one lot unless the shore frontage is twice the minimum requirement (for two piers), three times (for three piers), and so on. There is an exception for lots in a CFMA district adjacent to tidal waters, but due to an error the new ordinance applies to both tidal and non-tidal waters. The amendment will correct the error.

4. *Signs.* The DEP had some technical objections to the way the ordinance handled signage in the shoreland zone. The town and the DEP agreed to the changes reflected in the proposed amendment.

The DEP has advised that if the voters do not approve the amendment, the town will have to operate as if the changes had been approved, because they do not conform to the rules. This would likely cause confusion among permit applicants, who should be able to know the requirements by reading the town's ordinance.

Amendment No. 2

The Maine affordable-housing legislation requires municipalities to amend their land use ordinances to allow "accessory dwelling units" and "affordable housing developments."

Accessory Dwelling Units.

Our current ordinance requires a minimum lot size for residential uses of 50,000 square feet in the shoreland zone and one acre (43,560 square feet) elsewhere. This minimum must be met separately for each residential dwelling unit proposed for a lot, so if there were to be two residential dwelling units, the lot would have to be two acres or 100,000 square feet. Similarly, the ordinance requires two off-street parking spaces for each residential dwelling unit, and it applies the 20-percent lot coverage limitation to all structures.

L.D. 2003 requires the town to allow one accessory dwelling unit on a lot without regard to lot size or coverage and prohibits the town from requiring any additional off-street parking for an accessory dwelling unit. These requirements will not apply in the shoreland zone. For example, 100,000 square feet of lot area will still be required to add an ADU in the shoreland zone.

The statute's definition of ADU is quite open-ended and could be read to apply to any additional unit. But the Department of Economic and Community Development has adopted a rule under which the town may narrow the definition. Based on this, the proposed amendment provides that to qualify as an ADU the unit must have no more than 1,500 square feet of floor area. Because the purpose of the law is to increase the housing stock for resident rather than tourists, the proposed ordinance provides that an ADU must not be rented out for less than a year at a time.

Affordable-Housing Developments

L.D. 2003 requires the town to allow affordable-housing developments within "designated growth areas" to exceed the density limitations in our ordinance by a factor of 2.5 times. For example, a one-acre lot could accommodate two dwelling units (1 x 2.5, rounded down; a four-acre lot could accommodate ten units (4 x 2.5). It also prohibits the town from requiring more than two off-street parking spaces for every three dwelling units in an affordable-housing development.

A designated growth area is an area designated as such in the town's Comprehensive Plan. In St. George, these are essentially the land on either side of Route 131 in the village center of Tenants Harbor and the commercial area in Port Clyde. As a practical matter, there is some potential for this sort of development in those areas, but not a lot.

As with Amendment No. 1, the town will be required to allow ADUs and greater affordable-housing density whether or not the voters approve the amendment. Again this would cause confusion, because the public would not be able to find the requirements in the ordinance.

March 25, 2024