

Proposal B-2 with PI Bd Tax Program 5 YR Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

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*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION
DISTRICT*

Sec. 60-144. Purpose.

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Sec. 60-145. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
 - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
 - (v) Structures accessory to the residential use; and
 - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
 - b. New one-family detached dwellings shall:
 - (i) Not be built within the Lake Auburn Watershed Overlay District; and
 - (ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

- a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
 - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
 - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
- (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (v) Avoid being sited on wetlands; and
 - (vi) Avoid being sited on slopes greater than 25%; and
 - (vii) Not be sited on any portion of a parcel that is classified as being:
 - a. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
 - b. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
 - c. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
 - d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).