

## Land Use Ordinance FAQ

### Why do we need a new Ordinance?

North Haven's current Land Use Ordinance (LUO) was established in 1996, and has only been amended slightly since. In the intervening years, as development patterns in town have changed, a housing shortage has mushroomed into a crisis, state laws have changed, and ambiguities in the language of our ordinance itself have been noted by the Maine Supreme Judicial Court, we have not significantly altered the text of our ordinance.

The purpose of this new Land Use Ordinance is partially to rectify the weaknesses in our current law. But more importantly, it's intended to help direct the future growth and development of North Haven in a sustainable direction that is faithful to the goals in our Strategic Plan. It's also meant to give individual property owners more clarity and information, and more freedom to develop their own property according to their wishes.

### What is changing?

The big changes in this package of ordinances fall under three main categories:

- Sustainable growth
- Clarification of existing rules
- Specificity

#### Sustainable Growth:

The ordinance significantly reduces minimum lot sizes. It also reduces setbacks and density requirements. This is intended to make it easier for individual landowners to develop housing, but in a way that will be in keeping with the traditional scale of development in town.

In the Village District, where lot sizes have traditionally been smaller, the new ordinance allows for dwelling units on lots of as little as 8,000 square feet. In the Rural District, the minimum lot size is now 1 acre.

To further address our housing shortage—and to bring our ordinance into compliance with new state law—this ordinance allows accessory dwelling units (ADUs) to be added to existing and new residences. Please see the ordinance for more details.

#### Clarification of existing rules

In the past, rules were occasionally scattered amongst a handful of separate ordinances. For example, the 600-foot setback from the Fresh Pond was included in the LUO, not the Fresh Pond Watershed Protection Ordinance.

In this package of ordinances, we have moved specific provisions into the ordinance that pertains to that use or body of water. This is intended to make it easier for the CEO, the Planning Board, and the public to locate the appropriate rule for a given situation. It should also prevent a situation in which two town ordinances are in conflict with one another.

#### Specificity

This ordinance goes into much more detail than our existing LUO about specific uses of land and how those uses are approved or denied. Table 3.6.1 is intended to give any community member an opportunity to quickly search for an intended use and ensure it is allowed in a given area.

## Comparison of Land Use Ordinances

		Current Ordinance		Proposed Ordinance			
Feature	District	Standard	Ordinance Reference	Standard	Ordinance Reference	Notes	
<b>Minimum Dimensions</b>	Lot Size	Village	20,000 sq. ft.	3.3D	8,000 sq. ft.	Table 3.7.1	Setback from the road depends on the width of the road and is measured from the center of the road plus 1/2 the width of the road. Road widths are in Appendix B. Sample road setback for a two rod road (one rod =16.5 ft.): 16.5 ft. + 35 ft. = 51.5 ft.
	Road Frontage	Village	100 ft.		75		
	Road Setback	Village	35 ft.		15		
	Side Setback	Village	10		5		
	Rear Setback	Village	10		5		
	Lot Size	Rural	2 acres	3.4D	1 acre		
	Road Frontage	Rural	150 ft.		125		
	Road Setback	Rural	50 ft		35		
	Side Setback	Rural	10		10		
	Rear Setback	Rural	10		10		
<b>Performance Standards</b>	Guest House	Village & Rural	One per lot, smaller than principal, <20% lot coverage, meets all other provisions	4.1	"Guest House" terminology replaced with "Accessory Dwelling Units"	Table 3.7.1, 4.1.1	Maine LD 2003 further describes ADU's. This law becomes effective July 1, 2023
	Livestock	Shoreland	Grazing allowed	3.5 B4	Based on lot size	4.1.16	
	Campgrounds	Rural	Not described		Parcel must be at least 10 acres and each lot requires a minimum of 5,000 sq. ft. of land	4.1.7	
	Clear Cutting	Village & Rural	Not described		1-2.5 acres requires a permit from CEO. Greater than 2.5 acres requires plan from professional forester	4.1.8	
	Erosion Control	Village & Rural	Not described		All new construction designed to minimize stormwater runoff	4.1.9	
<b>Land Uses</b>			Permitted and Conditional uses presented in narrative	3.3, 3.4	Permitted and Conditional uses presented in a table	Table 3.6.1	

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<b>Board of Appeals</b>	Undo hardship standard only	All Districts		5.5	Undo hardship as well as Practical Difficulty, Disability and Vehicle Storage, and Set-back	5.3.3 (2)	
<b>Application Procedure</b>		All Districts	For CEO and Planning Board	5.1, 5.2		5.5, 5.6, 6.4, 7.3	New Ordinance clarifies the process for applications to the CEO or PB
<b>Fees</b>	New construction: Commercial \$.12/sq.ft., Residential \$.10/sq.ft., Minor Structures \$.05/sq.ft.,	All Districts		5.3	Determined by the Select Board	5.4	Cost schedule will be determined by the North Haven Select Board
<b>Site Plan Review</b>	Not Present	All Districts			Only uses that have been recognized as being allowed uses in the applicable zoning district, or as the result of approval by the Planning Board as a Conditional Use, may proceed to Site Plan review	Part VII	Site Plan review is not intended to establish the right of a use, but rather to ensure that, given the proposed intensity of such use is appropriate.
<b>Flag Lots</b>	Are allowed provided all dimensional requirements are met except for road frontage and road setback requirements.	All Districts		2.3 D	Not allowed	4.1.25	Private right of way is the alternative
<b>Earth Moving</b>		Not described			Based on the amount moved	Table 3.6.1.D	Less than 10 cu.yds. doesn't require a permit.
<b>Flood Hazard Area</b>	Not described	All Districts			All construction in FEMA Flood Hazard Area must be constructed with lowest floor, including the basement, > 1 foot above the 100-year flood elevation.	4.1.11	