

**PROPOSED ZONING BYLAW AMENDMENT**  
**Forwarded by the Planning Board for Annual Town Meeting Consideration**  
**Public Hearing held March 29, 2016**

**Bold underline** = new language    ~~striketrough~~ = language removed

**ARTICLE ##. AMEND ZONING BYLAWS SECTION 164-31. Apartment Development**

To see if the Town will vote to amend Section 164-31 Apartment Development, by amending the section as follows:

**§164-31          Apartment Development**

**A. Applicability.** Apartments may be developed only in districts as provided in §164-13. **The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for special permits.** A special permit for apartments, shall be granted only in accordance with Subsections B through ~~D~~**E** of this section and only upon these findings being made by the Board of Appeals:

- (1) By virtue of its sponsorship, financing, or design, the housing will serve an important unmet housing need of the community, such as the need of area residents for year-round housing, and there is enforceable assurance that the housing will continue to meet such need for at least twenty (20) years. **The Board may require a mix of one-bedroom, two-bedroom, and three or more bedroom units to ensure that the project meets community housing needs.**
- (2) The housing will not adversely affect business operation on that or other premises within the district or be detrimentally affected by such uses.
- (3) **The apartment development contributes to the public convenience or welfare.**
- (4) **The apartment development will not create undue traffic congestion, or unduly impair pedestrian convenience and safety.**
- (5) **The apartment development proposes conditions sufficient to mitigate noise, litter, light pollution and other impacts which may affect neighborhood character.**
- (6) **Architecture and site design are consistent with the requirements of the Architectural Review Committee and Site Plan Review Committee, which shall report to the Board of Appeals in accordance with Sections 164-33 and 164-33.1.**

**(7) The apartment development is consistent with Town goals and the Orleans Comprehensive Plan.**

**(8) A copy of any Special Permit application shall be filed with the Planning Board, which shall review and make a recommendation to the Board of Appeals within 30 days of receipt of the application. The Board of Appeals shall consider any such recommendation prior to issuance.**

**B. Lot Area and Density**

**Lot Area. Minimum lot area for apartment development shall be as follows:**

<b><u>RB, LB, GB Districts:</u></b>	<b><u>60,000 s.f. contiguous buildable upland</u></b>
<b><u>VC District:</u></b>	<b><u>20,000 s.f. contiguous buildable upland</u></b>

**Minimum Lot Area per dwelling unit (contiguous buildable upland).**

<b><u>RB District:</u></b>	<b><u>14,000 s.f. per dwelling unit</u></b>
<b><u>LB and GB Districts:</u></b>	<b><u>7,000 s.f. per dwelling unit</u></b>
<b><u>VC District:</u></b>	<b><u>3,000 s.f. per dwelling unit</u></b>

**In mixed residential and commercial developments in the GB, LB, and VC Districts, the area devoted to commercial building and the area for required parking shall be subtracted from the lot area for the purposes of determining the density of residential units.**

~~Alternatively, In such mixed use developments in each structure in which the floor area devoted to dwellings is less than that devoted to business, minimum lot area shall equal three thousand five hundred (3,500) square feet contiguous buildable upland area per dwelling unit, plus the area covered by the building, plus the area required for parking servicing the business use.~~

~~**Lot Area.** Minimum lot area shall equal sixty thousand (60,000) square feet contiguous buildable upland area. Seven Thousand (7,000) square feet of contiguous buildable upland area shall be provided per dwelling unit, except that in the Rural Business District fourteen thousand (14,000) square feet of contiguous buildable upland area shall be provided per dwelling unit.~~

**C. Other Dimensional Requirements.** The normally applicable district frontage, yard, and building height requirements shall be observed. **The building height provisions of Section 164-19.1. E. may be used for Third Floor Housing in the Village Center District for apartment development.**

**D. Design Requirements.** No structure shall contain more than ~~twelve (12)~~ **fifteen (15)** dwelling units. No dwelling unit shall have its lowest floor below grade at its entire perimeter.

- E. No Special Permit shall be issued by the Zoning Board of Appeals for an apartment or other multi-family housing development where the density exceeds two (2) units per acre of buildable upland area unless the Board of Health certifies that the septic system is designed to achieve an effluent nitrogen concentration of 19 milligrams per liter (mg/l) or less, as measured at the discharge.

**JUSTIFICATION:**

*The amendment allows an increase in the number of housing units that may be developed in the Village Center District, consistent with the Orleans Comprehensive Plan and other studies. The Town goal is to encourage a stronger residential component in the Village Center to provide needed housing opportunities and support a healthy local economy. Studies have indicated that business zoned land in the Town exceeds current and future demands, and there is a need to increase residential options in order to attract the kind of development that is desirable.*

*Any proposed apartment development under this bylaw would require a Special Permit with a public hearing, and the Zoning Board of Appeals would need to make specific findings as to the suitability of any such project before it was approved.*