NORTHSTAR PLANNING

MEMORANDUM

TO: Lisbon Town Council

CC: Glenn Michalowski, Town Manager

From: Kate Burch, AICP, Senior Planner, North Star Planning

RE: Ordinance Change - Sec. 62.2, Site Plan Review for Multifamily Buildings

Date: February 10, 2024

Overview

In 2018, Maine state law was changed to allow municipalities to exempt multifamily buildings on a single property from subdivision review and instead go through site plan review, as long as the municipality's site plan review process covers the same criteria as subdivision (Title 30-A, §4402.6). The Lisbon Planning Board and Code Enforcement Officer discussed making this change in Lisbon, as it would make the review process easier for multifamily projects.

Currently, according to Lisbon's land use ordinance, multifamily buildings have to go through both site plan review (because it is a commercial development) and subdivision review (because it triggers the state definition of dividing a property into 3 or more dwelling units.) After this change, multifamily structures will only need to go through site plan review.

This change applies to new multifamily buildings as well as splitting an existing building into multiple units. This change only applies to multifamily buildings on a single parcel. If multiple lot splits or parcels are involved, the project will still need to go through subdivision review.

Council's first reading of this ordinance amendment is contingent on the Planning Board approving the change at the February 13, 2025 meeting.

Proposed Change

Sec. 62-2. - Applicability.

The following shall be subject to Site Plan Review and permitting:

(1) All new construction or expansion of buildings or use of land for commercial, industrial or institutional use where the activity is greater than 1,000 square feet.

(2) A change of use from residential to nonresidential use, or from one type of nonresidential use to a different nonresidential use.

(3) Any nonresidential use where an allowed or previously permitted use has been discontinued or the property has been vacant for a period of 2 years or more.

(4) ~~The construction or establishment of a multifamily structure that is not considered to be a subdivision under 30-A M.R.S.A. §4401 or nonresidential use~~. The division of a new or existing structure of 3 or more dwelling units, whether the division is accomplished by sale, lease, development, or otherwise.

(5) Any site improvements, not associated with an approved development project, which involve filling, cutting and/or earth moving of greater than 500 cubic yards of soil for other than new single-family residential construction and municipal roads.

No building permit shall be issued until the site plan and related documents for the development have been reviewed and approved by the planning board or the code enforcement officer in accordance with the procedures and standards of this chapter.