



# Introduction to LD 2003

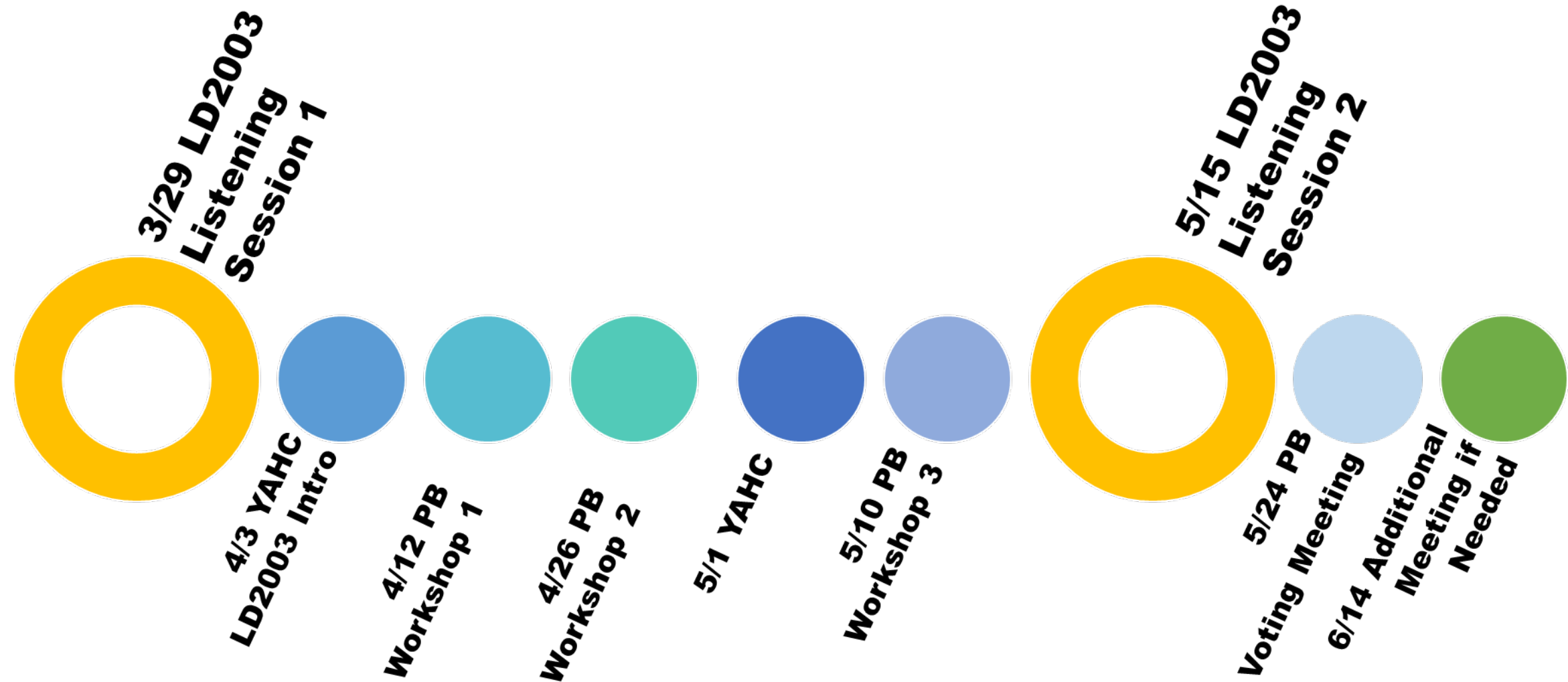
An Act to Implement the Recommendations of  
the Commission to Increase Housing  
Opportunities in Maine by Studying Zoning and  
Land Use Restrictions

Planning Board Workshop  
April 12, 2023

# Outline of Presentation

- Public Engagement Timeline
- National, state, regional, and local context
- Background on LD 2003
- Overview of components of LD 2003 Legislation
- Next Steps

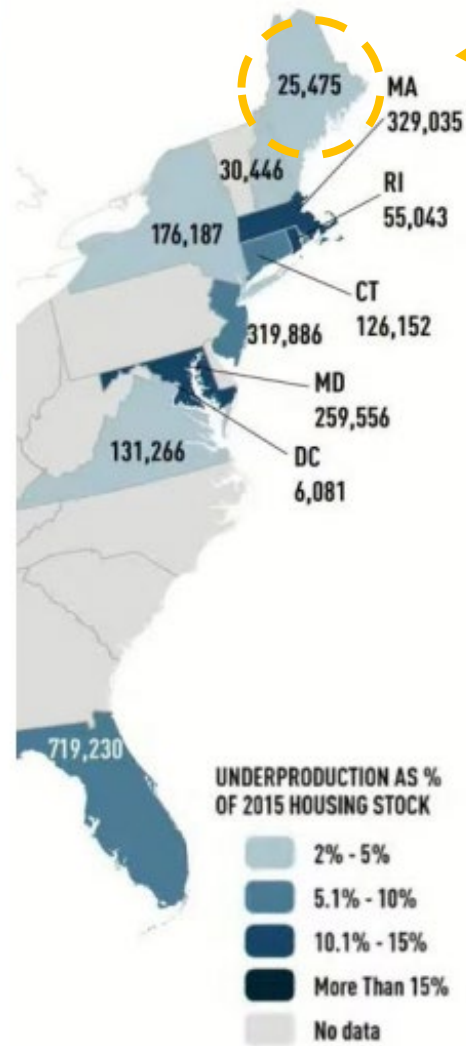
# Public Engagement Timeline



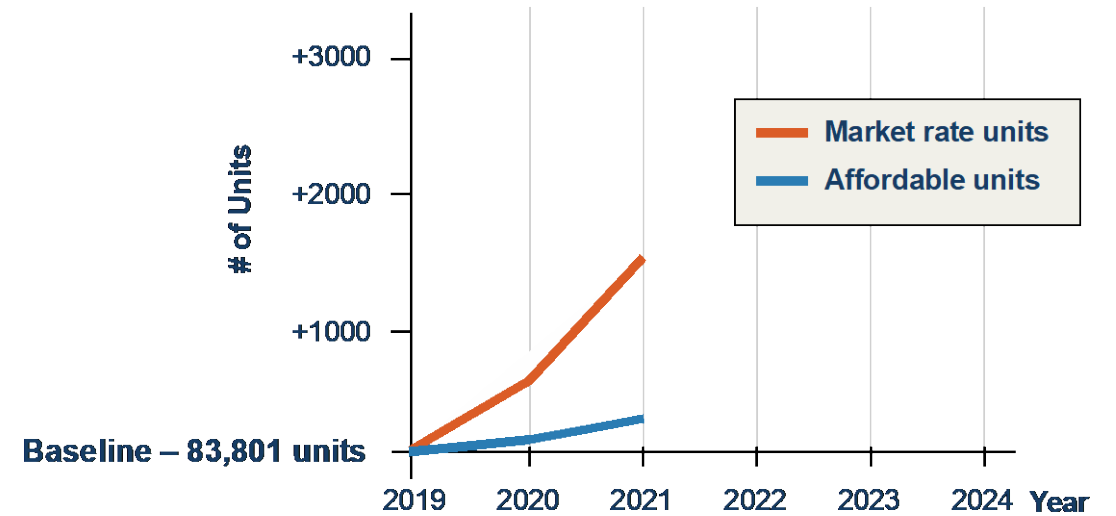
Once the PB makes a recommendation, it is forwarded to the Town Council for action.

# National & State Housing Crisis

**From 2000 to 2015, the U.S. Fell 7.3 Million Homes Short of Meeting Housing Needs**



## Homes Permitted in the Region

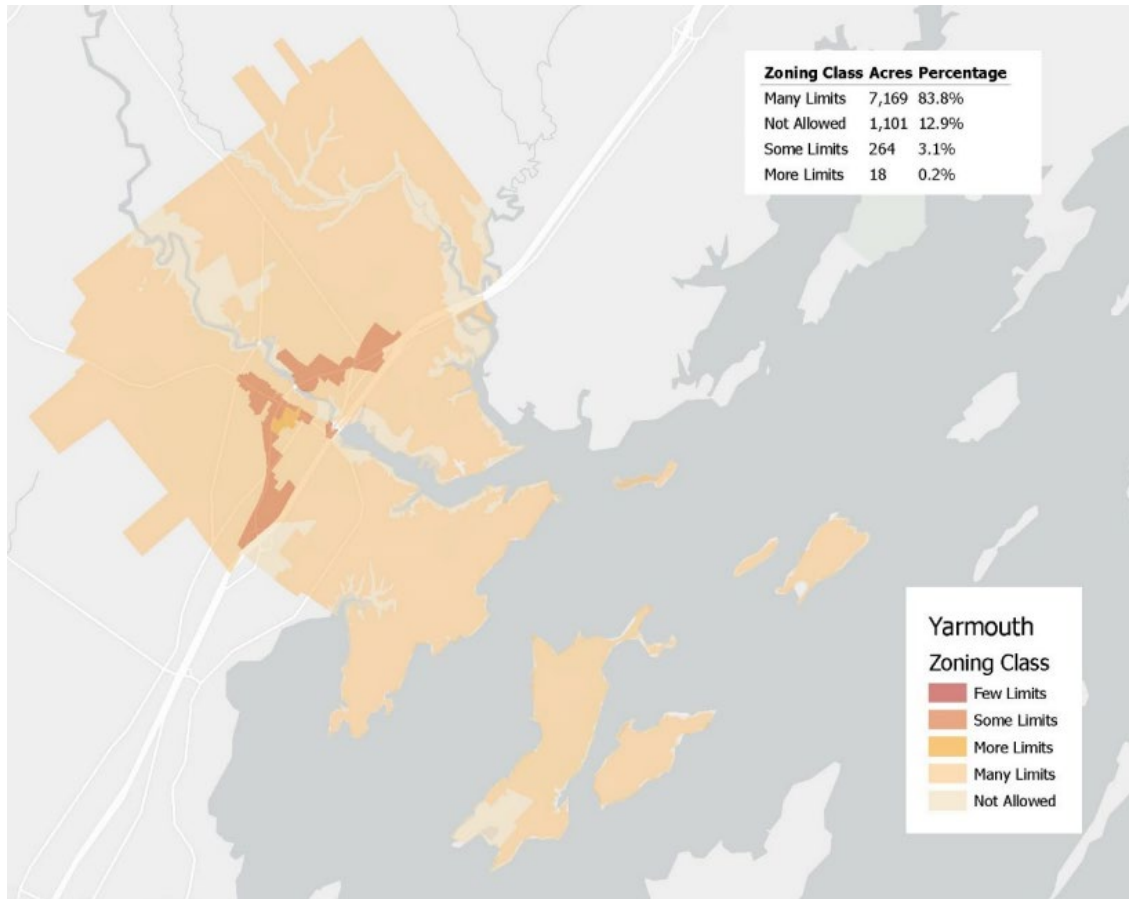


**GPCOG Regional Goal: create 8,380 new housing units for low and middle-income families in five years.**

Source: GPCOG Metro Regional Coalition Housing Choices Progress Report, April 12, 2022. Retrieved from: <https://www.gpcog.org/DocumentCenter/View/2398/Housing-Report-presentation-for-041222-meeting->

# Local Context

## Zoning Barriers to Multifamily Housing Production



Source: Levine Planning Strategies, LLC. 2022

## In Yarmouth

- Local focus on housing solutions remains critical
- Household income not keeping up with housing prices and rental costs
- Limited supply + high demand = challenging housing affordability and scarce opportunities

# Background on LD 2003

## Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land use Restrictions

- 130<sup>th</sup> Legislature establishes commission with emergency passage of Resolve 2021, chapter 59 by House Speaker Fecteau
- Commission held 7 meetings in 2021 to consider the issue
- The resulting legislation was approved by the Legislature and signed into law in April 2022
- Zoning mandates are effective July 1, 2023

## Department of Economic and Community Development (DECD)

- Directed to oversee legislation and adopt rules to administer and enforce in consultation with other departments
- Guidance released September 2022 and updated in February 2023
- Draft rule issued in February, and the final rule anticipated in May
- DECD staff reviews public comment and considers any revisions before sending to the Attorney General for approval

## Local Implementation

- Important to align Town zoning with State law to avoid confusion, conflict, or lawsuits
- Consider whether the Town wants to be more permissive and flexible to create housing production opportunities



Amend ordinances by implementation date

# LD 2003 in Brief

Effective Aug. 8, 2022  
**Statewide Housing  
Production Goals**

Effective Aug. 8, 2022  
**Municipal Role in Fair  
Housing / Short-Term  
Rentals**

Effective July 1, 2023  
**Accessory Dwelling Units**

Effective July 1, 2023  
**Affordable Housing Density in  
Growth Areas Bonus**

Effective July 1, 2023  
**Two to Four Units  
Residential Allowance**

# Housing Production Goals & Fair Housing

- Legislation requires statewide and regional housing production goals be developed by DECD and the Maine State Housing Authority
- DECD to set benchmarks for meeting goals
- DECD to consider information from municipalities on current and potential housing development and permits
- In support of production goals, municipalities may regulate short-term rentals

## Requirements

- ✓ Municipalities must ensure that ordinances and regulations affirmatively further the purposes of the federal Fair Housing Act and the Maine Human Rights Act



# ADUs

- ADU can be within the home, attached to it, or a new structure
- Existing accessory structures may be converted into ADUs
- If within or attached to a single-family dwelling unit, the setbacks and dimensional requirements are the same as the single-family dwelling unit
- Municipalities may be more permissive for ADUs
- Owner of ADU must show water/well and sewer/septic infrastructure capacity

## Requirements

- ✓ Municipalities must allow at least one ADU on any lot with a single-family dwelling where housing is permitted.
- ✓ Municipalities must allow regardless of whether the lot conforms to existing dimensional requirements.
- ✓ Municipalities must not require additional parking for ADUs.
- ✓ Municipalities must set a minimum size of 190 square feet.

# Affordable Housing Density Bonus

- Majority of units are affordable as defined by the rule and subject to a restrictive covenant of at least 30 years
- Be in a designated growth area and/or served by sewer and water and/or private systems
- Meet shoreland zoning requirements, subdivision, and other lot infrastructure requirements
- Municipalities may be more permissive

## Requirements

- ✓ Municipalities must allow affordable housing developments anywhere multifamily is allowed.
- ✓ Municipalities must allow a 2.5x bonus to the base density if project qualifies as affordable housing development.
- ✓ Municipalities may only require 2 parking spots per every 3 units.

# Residential Dwelling Unit Allowance

- If a lot contains 2 dwelling units already, no additional units may be built unless OK under local municipal ordinance
- Municipalities can determine what to do with lots where a dwelling unit is torn down after 7/1/2023
- A municipality may establish lot area per dwelling unit requirements, but cannot be more than what the first unit requires
- Municipalities may be more permissive in the housing allowance
- Meet shoreland zoning requirements, subdivision, and other lot infrastructure requirements

## Requirements

- ✓ Municipalities must allow up to 4 dwelling units per lot on a vacant lot if housing allowed and in Growth Area.
- ✓ Municipalities must allow up to 2 dwelling units per lot on a vacant lot if housing allowed and outside of Growth Area.
- ✓ Municipalities must allow the addition of up to 2 additional dwelling units if a lot already has 1 dwelling unit.

# Growth Area

Encompasses the following Zoning Districts:

- Medium Density Residential
- Village II and Village III
- CD4 and CD4-C
- SD-1
- Commercial, Commercial II, and Commercial III
- Water Oriented Commercial
- Portion of the General Development District
- Industrial



# How Many Dwelling Units?



If there are 2 units already, no additional density is mandated.

# Lot Area per Dwelling Unit

- A municipality may establish lot area per dwelling unit requirements, but cannot be more than what the first unit requires.
- A municipality may not create dimensional or setback requirements that are greater than what is required for a single-family home.



# Next Steps

## APRIL

- **Planning Board Workshop 1:**
  - Provide an **overview of LD 2003**
  - Discuss requirements of the provisions
  - implementation of the **ADU provisions**
  - Hear **public comments**
- **Planning Board Workshop 2:**
  - Review the implementation of **affordable housing density** provisions
  - Present proposed ordinance changes
  - Hear **public comments**

## May

- **Planning Board Workshop 3:**
  - Review the implementation of **residential dwelling unit allowances**
  - Present proposed ordinance changes
  - Hear **public comments**

## May/June

- **Planning Board Voting Meeting:**
  - Review all three elements
  - Discuss proposed ordinance changes
  - Hear **public comments**
  - **Potential vote**

**May 15: Listening and Discussion session** on LD 2003 provisions and applicability in Yarmouth.

# Proposed ADU Amendments

- Update the ADU Definition across Chapters 601, 701, and 703
- Explicitly allow ADUs in Districts where Single-Family Dwellings are allowed
- Eliminate the parking requirement for ADU
- Clarify the minimum size of ADUs



# For Further Discussion

- Owner occupancy requirement
- Increase the ADU size
- Eliminate the maximum of two bedrooms
- Aesthetic and landscaping requirements
- Allow ADUs with other uses

# Thank you

**Yarmouth Department of Planning & Development**

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