

## Chapter 701, Zoning

### Amend Article I.D, Definitions by adding the following definitions:

**Affordable:** The percentage of income a household is charged in rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from rent or the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees does not exceed 30% of a household’s gross monthly income. This is not an exhaustive list of housing costs.

**Affordable Homeownership Unit:** A homeownership unit for which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household’s monthly income on housing costs.

**Affordable Housing Development:** A development where more than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated affordable to a household whose income does not exceed certain thresholds based on the tenure of the household.

**Affordable Rental Unit:** A rental unit for which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household’s monthly income on housing costs.

### Amend Article II by adding the following section:

#### DD. AFFORDABLE HOUSING PROGRAMS

It is within the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. This section outlines the Town of Yarmouth affordable housing programs.

1. Reserved
2. Affordable Housing Developments Density Bonus
  - a. Purpose: The purpose of this section is to define the performance standards with which affordable housing developments must comply in order to be eligible for the incentives outlined in P.L. 2021, Chapter 672 and its implementing rules.
  - b. Affordability Standards:
    - i. More than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated as affordable rental units or affordable homeownership units.
    - ii. Prior to issuing a Certificate of Occupancy for an affordable housing development, the owner of the affordable housing development must execute a restrictive

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- covenant that is enforceable by a party acceptable to the Town and record the restrictive covenant in the Cumberland County Registry of Deeds to ensure affordability for at least 30 years after completion of construction.
- iii. The restrictive covenant shall require that occupancy of all of the affordable rental units in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
  - iv. The restrictive covenant shall require that occupancy of all of the affordable homeownership units in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy through the term of the restrictive covenant.
  - v. The restrictive covenant shall outline sales prices, resale prices, initial rents and rent increases, and income verification processes, for affordable units to ensure affordability for the entire affordability term to the extent legally possible. The deed restriction shall also outline marketing and tenant selection for the affordable units consistent with state and federal fair housing laws. The deed restriction shall also identify a monitoring agent for the affordable units.
  - vi. Affordable homeownership units, if converted to affordable rental units, or vice versa, shall become subject to the income limits and other requirements of such units.
- c. Location Standards
- i. The affordable housing development is located in a designated growth area of the Town of Yarmouth Comprehensive Plan or served by a public, special district or other centrally managed water system and a public, special district, or other comparable sewer system.
  - ii. The affordable housing development is located in an area in which multifamily or multiplex dwellings are allowed by this ordinance or Chapter 703, Character Based Development Code.
  - iii. If applicable, complies with the minimum lot size requirements in accordance with Title 12, Chapter 423-A.
- d. Water and Wastewater Standards. Prior to the issuance of a Certificate of Occupancy, written verification that each unit of the affordable housing development is connected to adequate water and wastewater services shall include the following:
- i. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.
  - ii. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
  - iii. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
  - iv. If a unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and*

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Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

- e. Incentives. If the requirements of this section are met, the following incentives are allowed for the affordable housing development:
  - i. A dwelling unit density bonus of 2.5 times the base density that is otherwise allowed in that location. Where the density bonus results in a fraction, the number of units is rounded up to the nearest whole number. In areas where there are no base density requirements, there is no density bonus.
  - ii. No more than two off-street parking spaces are required for every three dwelling units in the affordable housing development. Where the maximum off-street parking spaces results in a fraction, the total number of parking spaces may be rounded up or down to the nearest whole number.
  - iii. The Planning Board, in reviewing proposed Affordable Housing Developments, may modify said provisions related to minimum lot size, minimum lot area per unit, and setback size, to permit innovative approaches to housing and environmental design.
  - iv. The Town shall perform its review of Affordable Housing Developments in as expedited a manner as is practical, without impairing the scope of thoroughness of its review. The expedited review shall consist of a pre-application meeting with Town of Yarmouth staff and Yarmouth Water District staff, and two Planning Board public hearings consisting of a preliminary review and a final review. Additional meetings with the Planning Board may only be scheduled upon mutual agreement by the Planning Board and the applicant.
- f. Nothing in this section exempts an affordable housing development to comply with the requirements of Chapter 601, Subdivision, the applicable provisions of this ordinance, including Chapter 701, Article IV.V, and Chapter 702, Site Plan Review.

**Amend Article IV.F, “RR” – Rural Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.G, “LDR” – Low Density Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.H, “MDR” – Medium Density Residential, List of Permitted Uses**

Affordable Housing Development

**Amend Article IV.K, “C” – Commercial, List of Permitted Uses**

hh. Affordable Housing Development

**Amend Article IV.O – Village - II District, Paragraph 1 Permitted Uses**

e. Conversion of a structure in existence prior to February 12, 1981, to a maximum of three (3) dwelling units. No conversion shall result in a total of more than three (3) dwelling units per lot. Density requirements do not apply. Where three dwelling units result from a conversion, the provisions for

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Additions shown in underline format. Deletions shown in ~~strikeout format~~.

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Affordable Housing Development may apply. Where a portion of the structure is in office use only, two (2) dwellings are permitted.

**Amend Article IV.T, “GD” – General Development District, List of Permitted Uses**

gg. Affordable Housing Development

**Amend Article IV.X, Village III District, Paragraph 1 Permitted Uses**

p. Affordable Housing Development

**Chapter 702, Site Plan Review**

**Amend Article I.B.1, Major Development**

g. Affordable Housing Development.

**Chapter 703, Character Based Development Code**

**Amend Article 1.C.3.d to add:**

xiv. Chapter 701, Article II.DD, Affordable Housing Programs

**Amend Table 5.J.1, Building & Lot Principal Use**

Permitted Districts	CD4	CD4-C	SD1
<b>RESIDENTIAL</b>			
Single Detached Dwelling	Y	Y	Y
Accessory Dwelling Unit	Y	Y	<u>Y</u>
Attached Dwelling – Duplex	Y	Y	Y
Attached Dwelling – Multiplex (3-8)	Y	Y	
Attached Dwelling – Multifamily (>8)	Y	Y	
Attached Dwelling – Mixed Use	Y	Y	
Artist Live/Work Space	Y	Y	
<u>Affordable Housing Development</u>	<u>Y</u>	<u>Y</u>	

**Amend Table 5.K.1, Parking Requirements**

PRINCIPAL USE	Parking maximum and minimum range:
Residential	1 per dwelling unit Min; 2 Max. <sup>1</sup>
<u>Affordable Housing Development</u>	<del>2 per 3 dwelling units</del>
Lodging	1 per 2 bedrooms Min; 1 per bedroom Max
Office	2 per 1,000 sf Min; 4 per 1,000 sf Max
Retail	2 per 1,000 sf Min; 4 per 1,000 sf Max
Restaurants	1 per 4 seats Min; 1 per 2.5 seats Max
Other	3 per 1,000 sf or as per use Parking Analysis

Deleted: No Min;  
Deleted: Max.

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1. An Accessory Dwelling Unit does not require any additional parking beyond what is required for the single-family dwelling.

**Amend Article 7, Definitions**

**Affordable Housing Development:** A development where more than half of the total proposed and existing dwelling units on the same lot or within a common scheme of development are designated affordable to a household whose income does not exceed certain thresholds based on the tenure of the household. See Chapter 701, Article I.D (Definitions) and Article II.DD (Affordable Housing Programs).

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