



LD 2003

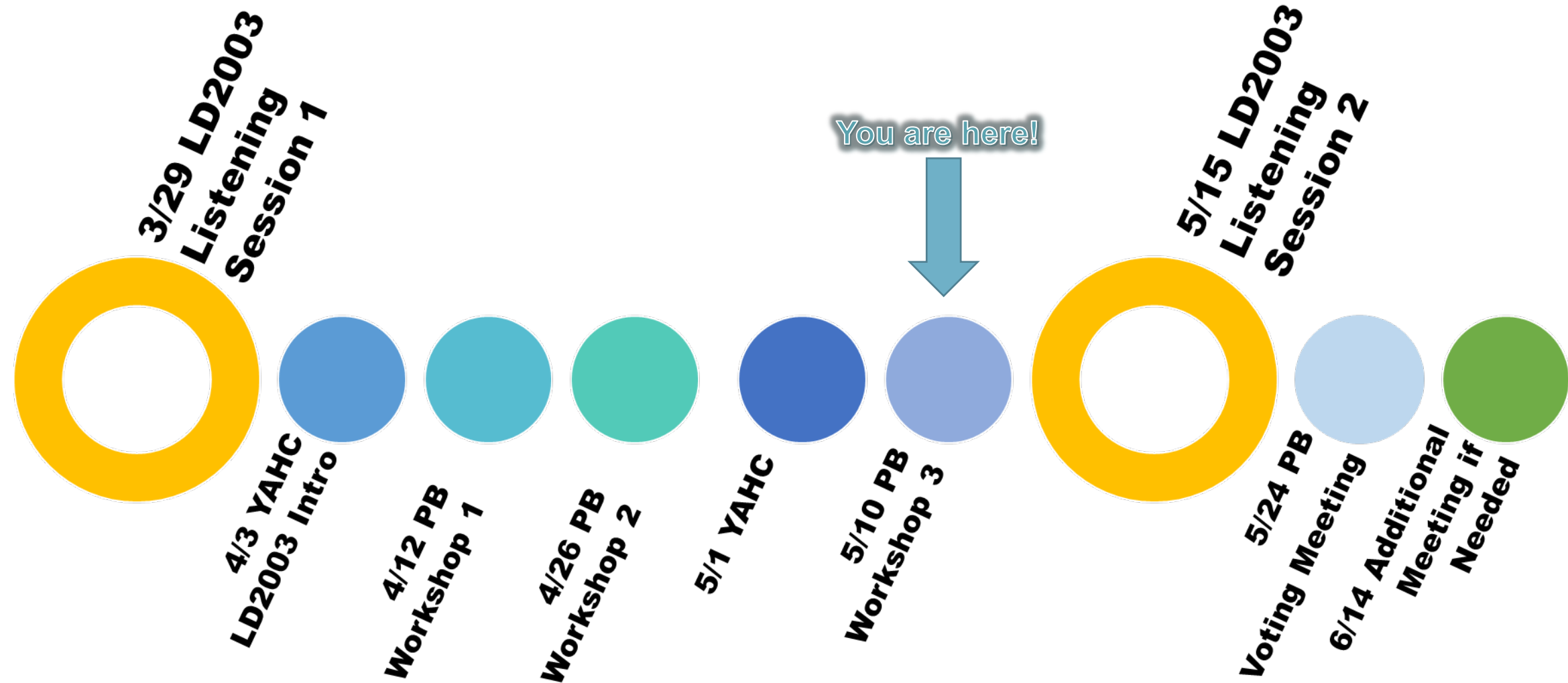
An Act to Implement the Recommendations of
the Commission to Increase Housing
Opportunities in Maine by Studying Zoning and
Land Use Restrictions

Planning Board Workshop – Dwelling Unit Allowances
May 10, 2023

Outline of Presentation

- Reminder of Public Engagement Timeline
- Overview of LD 2003 Dwelling Unit Allowances
- Proposed Amendments
- Next Steps

Public Engagement Timeline



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

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**

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.

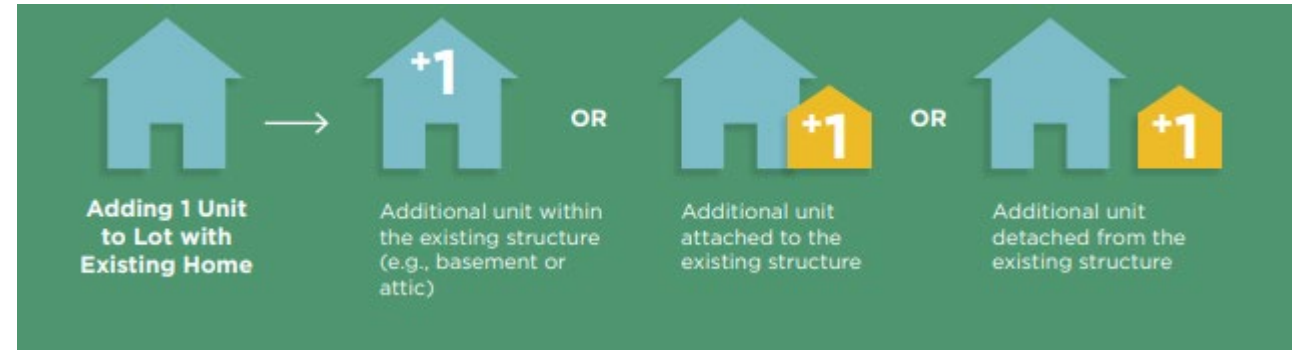
Growth Area

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

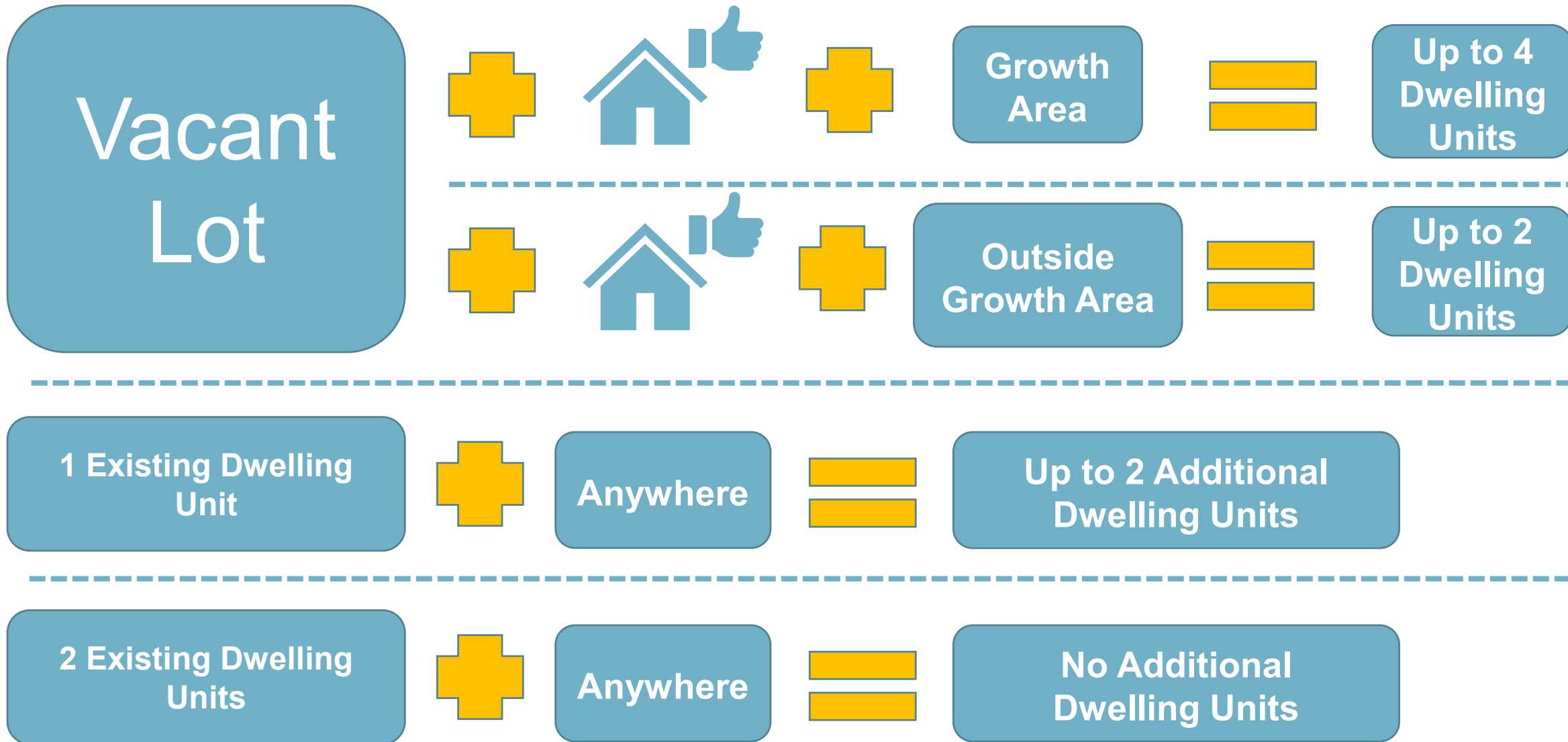


How Many Dwelling Units?



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

Or Presented Another Way:



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.



Proposed Dwelling Unit Allowance Amendments

- Add new section that identifies the dwelling unit allowances and standards
 - Types of allowances and prohibitions
 - Identifies minimum lot area and lot area per unit requirements
 - Identifies setback requirements
 - Identifies water and wastewater adequacy requirements
- Add to applicability in Chapter 702, Site Plan Review
- Add as a provision in effect in Chapter 703
- Add standards to Chapter 703 regarding lots

Proposed Lot Area Amendments



One unit
requires
min. lot area



Two units
require min.
lot area x 2



Three or four units would not require
any additional lot area

What is the Development Potential?

- There are not many vacant lots in the Growth Area or outside of the Growth Area that would could take advantage of the dwelling unit allowances.
- Where there is 1 unit already, depending on the minimum lot area requirements, a larger number of lots could take advantage of the dwelling unit allowances through infill.
- Electing to prohibit dwelling unit allowances on nonconforming lots and tear down lots is limiting.

For Further Discussion

- How does the Town find the right balance between additional lot area requirements vs. creating new dwelling units in a housing crisis?
- How does the Town handle nonconforming and tear down lots?

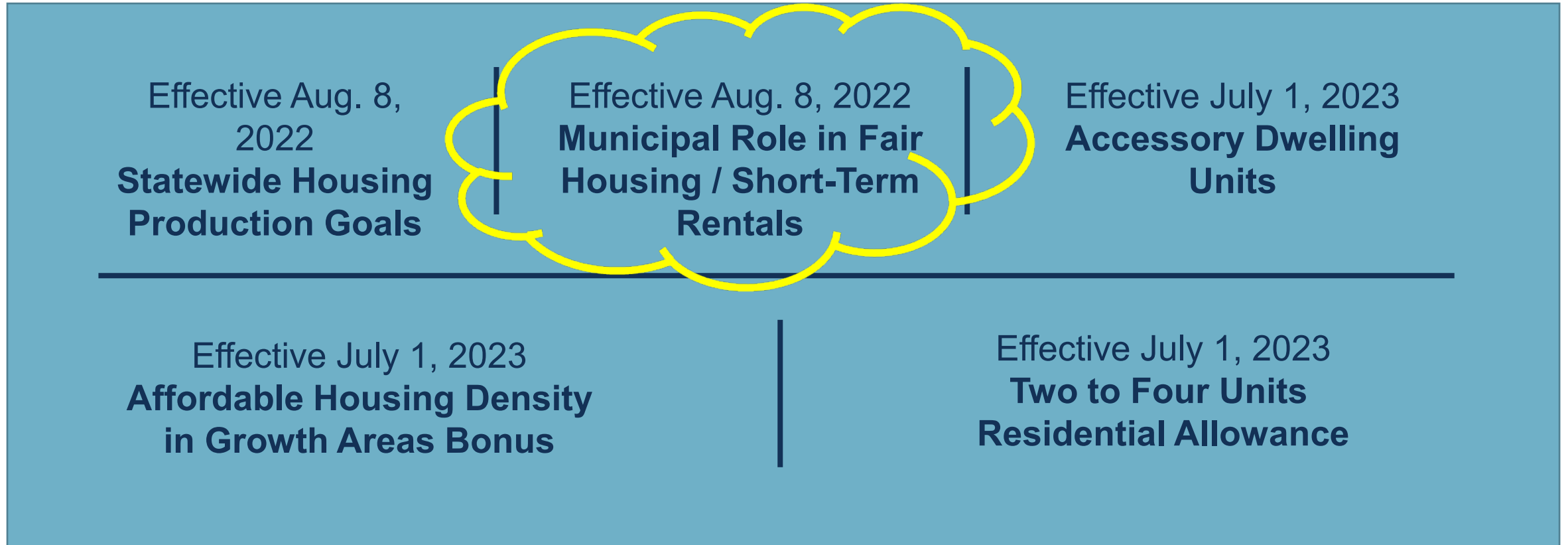
Revisions made to ADU Amendments

- Revised to use consistent terms;
- Revised the provisions related to size based on the staff recommendation;
- Eliminated the prohibition on "no more than 2 bedrooms";
- Added a provision prohibiting "double-dipping" with the Dwelling Unit Allowances;
- Added an explicit reference to Shoreland standards; and
- Identified a section in the CBDC relative to size of an ADU that needed to be made consistent.

Revisions made to Affordable Housing Development Amendments

- Added a provision for expedited permitting as discussed in the previous workshop; and
- Added a provision where the Planning Board could modify minimum lot size, minimum lot area per unit, and setbacks to permit innovative approaches to housing and environmental design.

Before Wrapping Up



Municipal Role in Fair Housing

- “Municipalities shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act... and the Maine Human Rights Act to achieve the statewide or regional housing production goal.”

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.

Thank you

Yarmouth Department of Planning & Development

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