



LD 2003

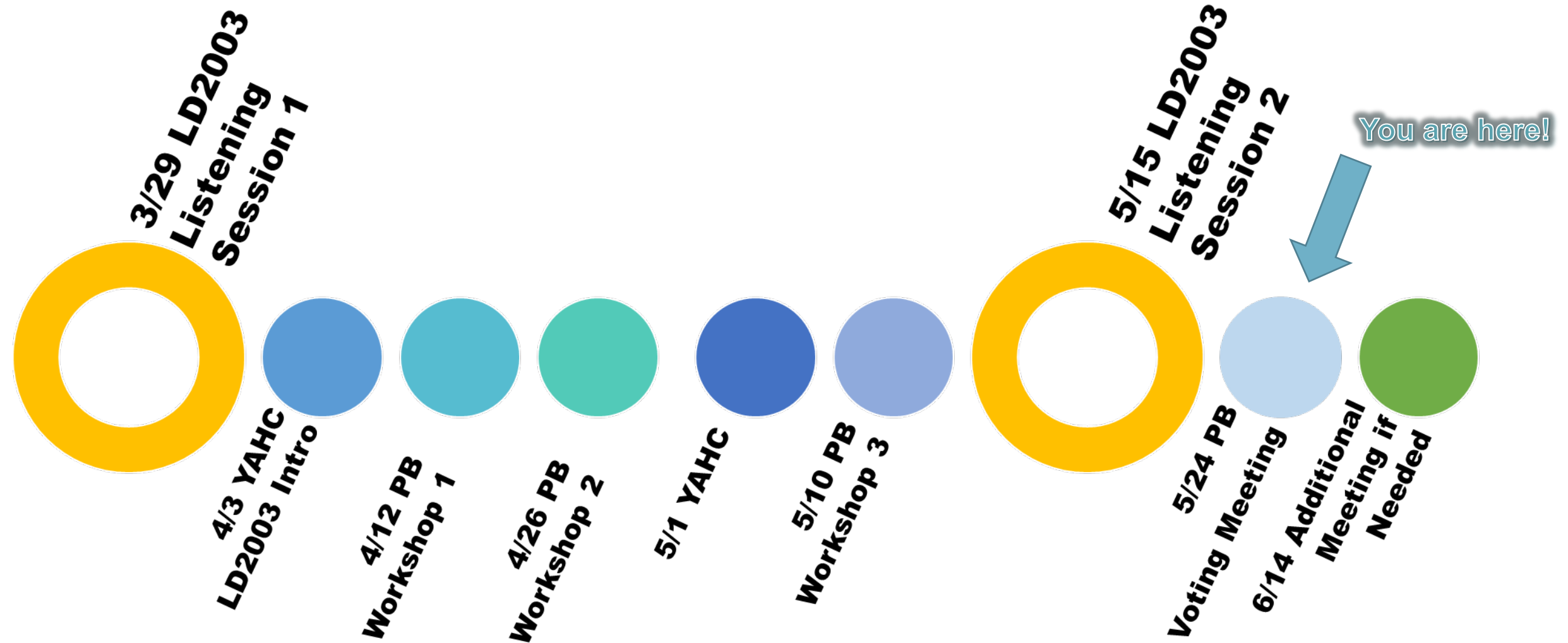
An Act to Implement the Recommendations of
the Commission to Increase Housing
Opportunities in Maine by Studying Zoning and
Land Use Restrictions

Planning Board Meeting
May 24, 2023

Outline of Presentation

- Reminder of Public Engagement Timeline
- Review of Proposed Amendments for ADUs and Affordable Housing Developments
- Additional analysis of Dwelling Unit Allowances
- 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**

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.

ADU Amendments and Comp Plan

- 2010 Comp Plan suggests new housing units should include “accessory dwelling units added to existing homes, small infill buildings in the Village, new affordable housing projects, and other creative approaches.”
- ADUs integrate well into the existing pattern of development
- Serve multiple purposes for an owner over time
- Builds upon the 2022 amendments to allow ADUs be connected to a well/septic

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 housing type, minimum lot size, minimum lot area per unit, and setbacks to permit innovative approaches to housing and environmental design.

Affordable Housing Development Amendments and Comp Plan

- 30 years of comprehensive planning call out the need for affordable housing
- 2010 Comp Plan has a strong emphasis on being a community where many types of households can afford to live here
- Affordable Housing Committee working to implement new policies and goals

Motions to Recommendation

Staff have prepared motions to recommend the proposed amendments on ADUs and Affordable Housing Developments to the Town Council.

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:

Vacant Lot



Growth Area



Up to 4 Dwelling Units



Outside Growth Area



Up to 2 Dwelling Units

1 Existing Dwelling Unit



Anywhere



Up to 2 Additional Dwelling Units

2 Existing Dwelling Units



Anywhere



No Additional Dwelling Units.. Unless the municipality allows it

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

Dwelling Unit Allowance Amendments and Comp Plan

- **Outside Growth Area:**

“...the goal of the community is to preserve the rural character within this portion of Yarmouth while protecting the property rights and development potential for landowners... From a policy perspective, these are areas in which intensive development is discouraged.”
- **Within Growth Area:**

“...those areas that are or can be conveniently served by public facilities and services, are physically suited for development, and promote a compact rather than sprawling pattern of development. From a policy standpoint, these are the areas in which much of the anticipated nonresidential and residential growth will be accommodated.”

Proposed Amendments for Outside Growth Area

- Vacant Lots (allowed up to 2 dwelling units)
 - Recommend that only vacant lots that meet the minimum lot size are eligible for allowances
 - Recommend that each dwelling unit have the minimum lot size of the zoning district within which the property is located
- Lots with 1 Existing Dwelling Unit (allowed up to 2 additional dwelling units)
 - Recommend that no additional lot area is need for the additional allowed dwelling units

Proposed Amendments for Within Growth Area

- Vacant Lots (allowed up to 4 dwelling units)
 - Due to the limited number of vacant lots, recommend that any vacant lot be eligible
 - Recommend that no additional lot area is needed for each allowed unit
- Lots with 1 Existing Dwelling Unit (allowed up to 2 additional dwelling units)
 - Recommend that Planning Board determine whether eligible lots are conforming lots or lots that have at least the median lot size for the district
 - Recommend that the Planning Board determine whether any additional lot area would be needed for each allowed unit

What about non-conforming lots?

- Refer to Chapter 701, Article III.B.1 which lays out the rules for building on non-conforming lots
- Assuming a lot is a legal lot of record and is not owned in common ownership with a contiguous parcel, a structure may be built so long as it meets all of the standards of the district, except for Lot Area, Lot Width, and Road and Shore Frontage (the last two specifically for lots within the Shoreland District).

What about
lots where a
tear down
occurs?

- Planning Board should confirm that when a tear down occurs after July 1, 2023, it should be considered a vacant lot for purposes of LD 2003

For Further Discussion

Based on the policy direction of the 2010 Comprehensive Plan and the refined recommendations, the Planning Board should confirm or suggest further refinement for each scenario inside the Growth Area and outside the Growth Area

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 24/June 14

- **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

Erin Zwirko, ezwirko@yarmouth.me.us

Julie Dubovsky, jdubovsky@yarmouth.me.us

207-846-2401