



LD 2003: NEW RULES FOR HOUSING IN FREEPORT



AUGUST 2, 2023 TOWN OF FREEPORT PLANNING BOARD WORKSHOP

LD 2003

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



LD 2003

- 1) The Municipal Role in Fair Housing and Statewide Housing Production
- 2) Clarifies that municipalities can regulate short-term rentals
- 3) The Affordable Housing Density Bonus
- 4) The Extra Dwelling Units Allowance
- 5) The Accessory Dwelling Units Allowance

IN GENERAL, AS LONG AS THESE ACTIONS ARE CONSISTENT WITH LD 2003, MUNICIPALITIES MAY:

- 1) **ENFORCE** local shoreland zoning ordinances consistent with state shoreland zoning law
- 2) **REGULATE** how many square feet of land are needed for each dwelling unit (other than accessory dwelling units)
- 3) **CONDUCT** site plan review, if authorized by local ordinances, of any residential development
- 4) **REGULATE** the maximum size of accessory dwelling units
- 5) **CREATE** local ordinances that are more permissive for residential housing development than the requirements of LD 2003
- 6) **REGULATE** housing development based on documented water and wastewater capacity constraints

The Affordable Housing Density Bonus

30-A MRS 4364 Affordable Housing Density



Density bonus for affordable housing of 2.5 times the base density



2.5

Parking reductions: 2 for every 3 units

The Affordable Housing Density Bonus



More than half of the units need to be affordable



2.5

Affordable for at least 30 Years



Affordable Housing Density Bonus Where?

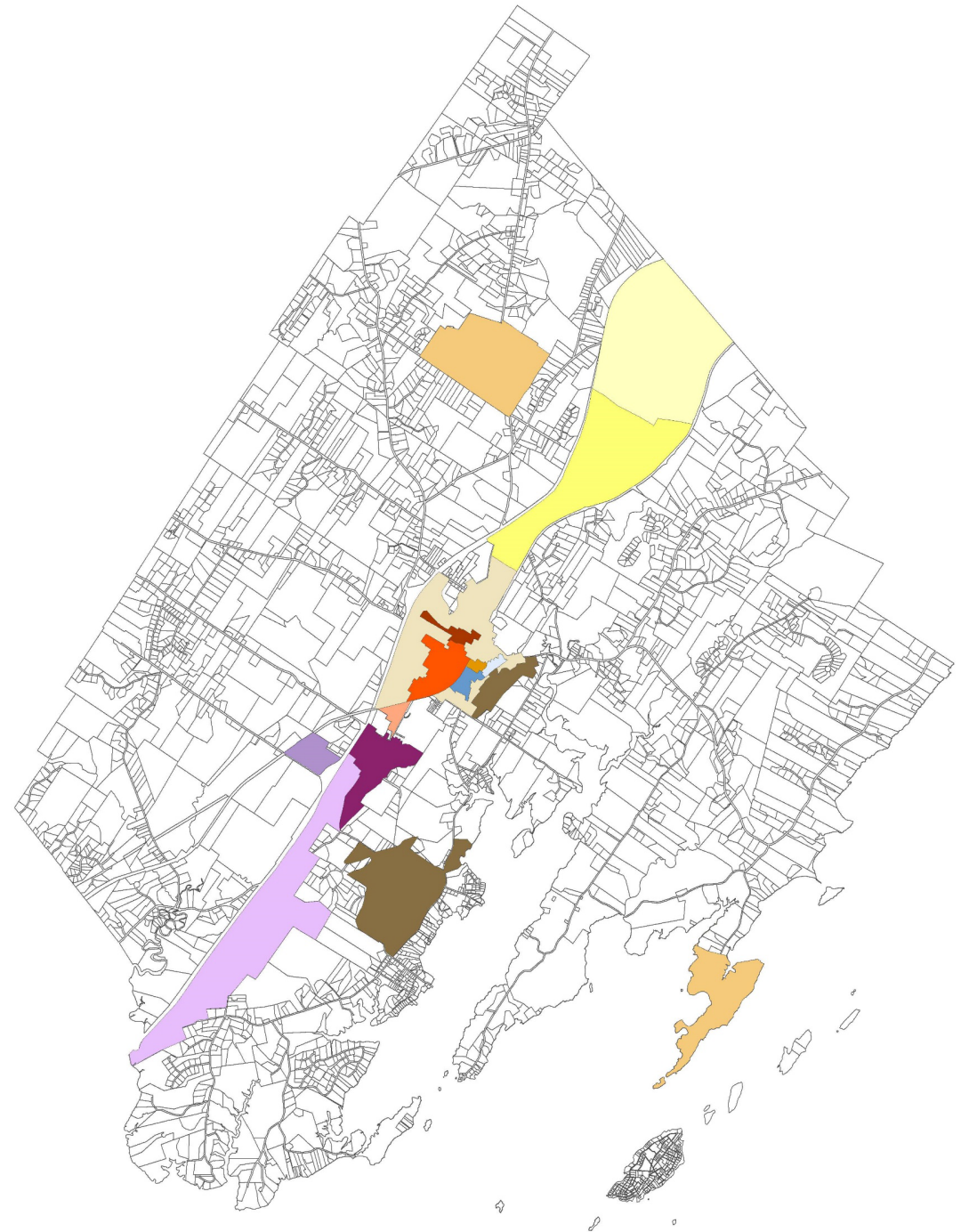
Areas that allow
multi-family
dwellings

AND

Designated
Growth Area
OR
served by water
and sewer

Multifamily Districts

- Commercial 1 C1
- Commercial 3 C3
- Commercial 4 C4
- Medium Density A MDA
- Medium Density B MDB
- Medium Density Residential 1 MDR1
- Medium Density Residential 2 MDR2
- Village Commercial 1 VC1
- Village Commercial 2 VC2
- Village Commercial 3 VC3
- Village Commercial 4 VC4
- Village Mixed Use 1 VMU-1
- Village Mixed Use 2 VMU-2
- Village 1 V1



*List of zoning districts that allow multifamily developments.
Please note multifamily allowed, subject to conditions outlined
in each zoning district section*

The Areas that allow multifamily dwellings

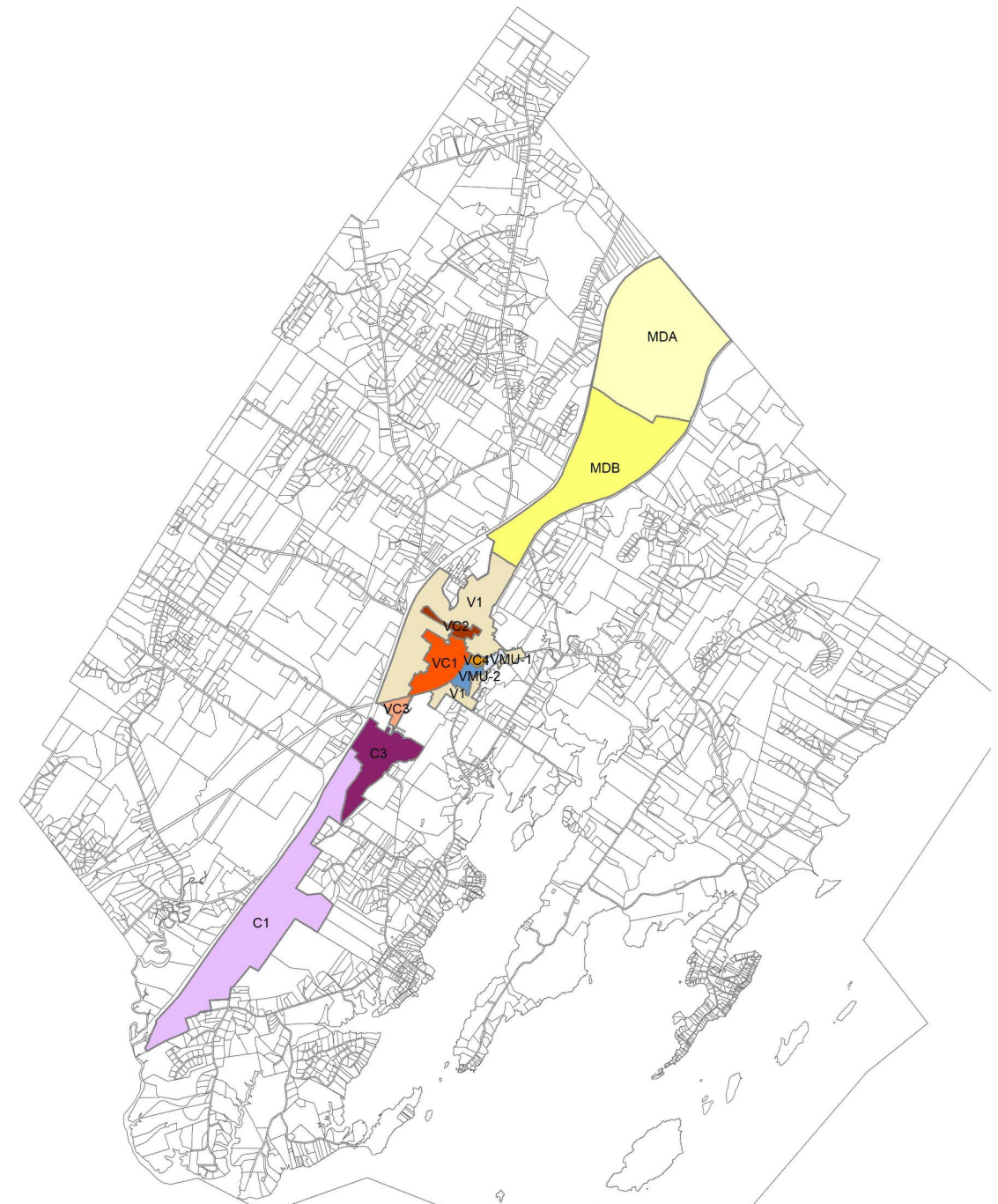
Zoning District		Growth Areas*	Multifamily Allowed**
Village I-R	V-IR	No	Yes
Medium Density Residential I	MDR-1	No	Yes
Medium Density Residential II	MDR-2	No	Yes
Commercial IV	C-4	No	Yes
Medium Density A	MDA	Yes	Yes
Medium Density B	MDB	Yes	Yes
Commercial I	C-1	Yes	Yes
Commercial III	C-3	Yes	Yes
Village I	V-1	Yes	Yes
Village Commercial I	VC-1	Yes	Yes
Village Commercial II	VC-2	Yes	Yes
Village Commercial III	VC-3	Yes	Yes
Village Commercial IV	VC-4	Yes	Yes
Village Mixed Use I	VMU-1	Yes	Yes
Village Mixed Use II	VMU-2	Yes	Yes

* Designated Growth Areas based on the 2011 Comprehensive Plan.

** Multifamily allowed, subject to conditions outlined in each zoning district section.

Growth Areas

- Commercial 1 C1
- Commercial 3 C3
- Medium Density A MDA
- Medium Density B MDB
- Village Commercial 1 VC1
- Village Commercial 2 VC2
- Village Commercial 3 VC3
- Village Commercial 4 VC4
- Village Mixed Use 1 VMU-1
- Village Mixed Use 2 VMU-2
- Village 1 V1



Designated Growth Areas based on the 2011 Comprehensive Plan. Note that the Growth Area can change with the next update of the Comprehensive Plan.

Affordability Definition



For rental housing 80% of the Area Median Income

For owned housing 120% of the Area Median Income

Rent or mortgage and certain other housing expenses cannot require more than 30% of the household's income



FY 2022 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](https://www.hud.gov) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2022 Income Limits Summary

Selecting any of the buttons labeled "Click for More Detail" will display detailed calculation steps for each of the various parameters.

FY 2022 Income Limit Area	Median Family Income	FY 2022 Income Limit Category	Persons in Family						
	Click for More Detail		1	2	3	4	5	6	7
Portland, ME HUD Metro FMR Area	\$112,700	Very Low (50%) Income Limits (\$) Click for More Detail	39,100	44,700	50,300	55,850	60,350	64,800	69,300
		Extremely Low Income Limits (\$)* Click for More Detail	23,450	26,800	30,150	33,500	36,200	38,900	41,910
		Low (80%) Income Limits (\$) Click for More Detail	62,550	71,500	80,450	89,350	96,500	103,650	110,800

NOTE: Freeport town is part of the **Portland, ME HUD Metro FMR Area**, so all information presented here applies to all of the **Portland, ME HUD Metro FMR Area**. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the **Portland, ME HUD Metro FMR Area**.

Examples: Affordable Housing Density Bonus

Zoning District	Multifamily Allowed?	Growth District?	For example, if a lot allowed the following number of units (based on zoning district requirements)	Allowed Units – with Affordable Housing Development Density Bonus
Median Density B (MD-B)	Yes	Yes	8	$(2.5) * 8 = 20$
Rural Residential 1 (RR-1)	No	No	2	None*

**RR-1 is not eligible for an Affordable Housing Development bonus because multifamily housing is not allowed.*

Please note the examples do not consider developments in existing subdivisions, developments in the shoreland, deed restrictions, previously approved site plans and or any other conditions that may be existing in a lot.



Affordable Housing Development Parking Requirements

Example			
Required Number of Parking Spaces in the MDB District (General Requirement)	Required Number of Parking Spaces for Affordable Housing Developments	Number of Dwelling Units (Affordable Housing Development)	Example Required Number of Parking Spaces
2 per dwelling unit	Maximum of 2 parking spaces for every 3 dwelling units	20	$20 \text{ units} / (2/3) = 13.333$ (Town may round up or down)



The Affordable Housing Density Bonus

- Must comply with zoning setbacks and other standards
- Must comply with Shoreland Zoning
- Must comply with water and wastewater
- Subdivision and Site Plan Review standards are still valid
- Covenants/deed restrictions are still valid



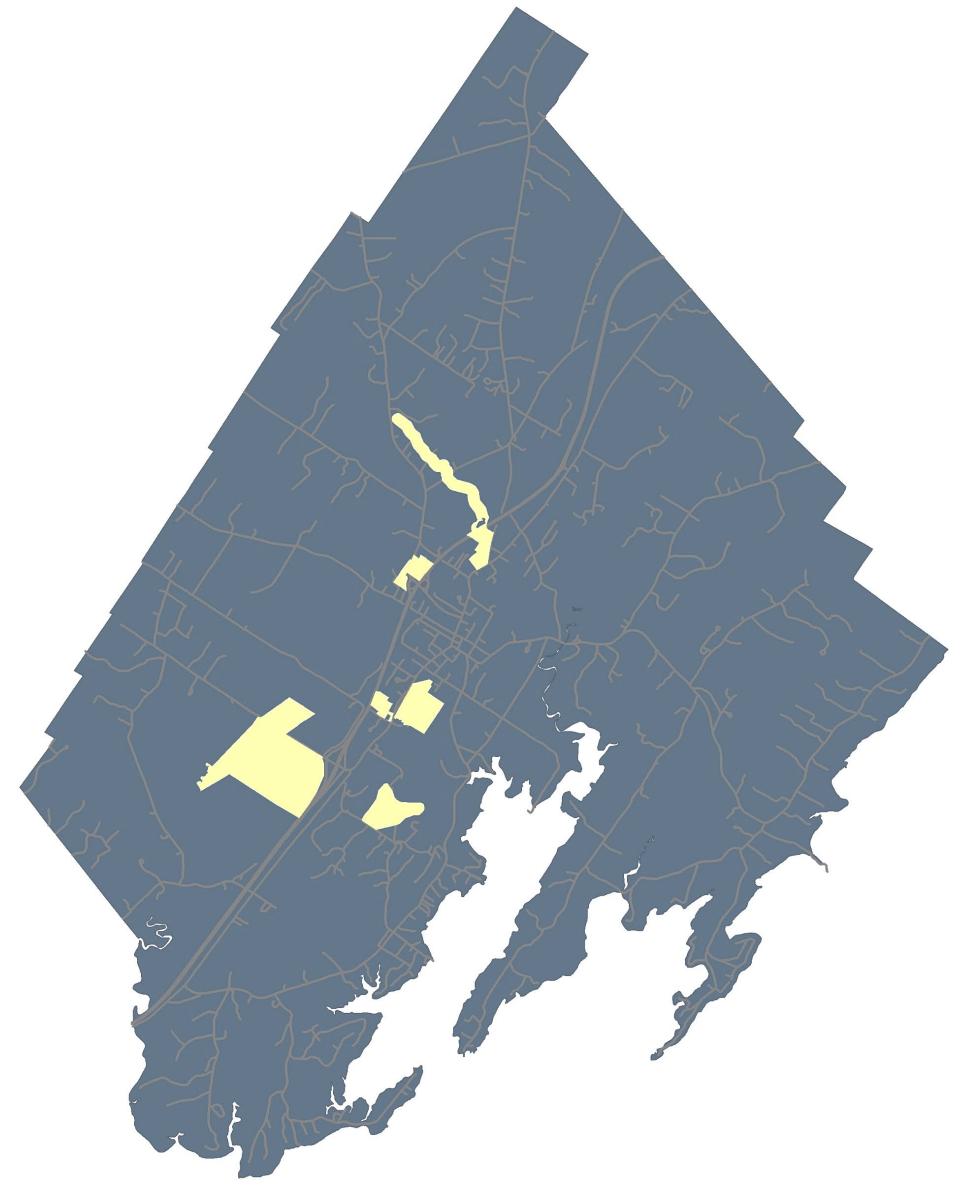
The Extra Dwelling Units Allowance

30 - A MRS 4364 – A Residential areas, generally; up to 4 dwelling units allowed



Extra Dwelling Units Allowance

Where? Applies to any area where housing is allowed



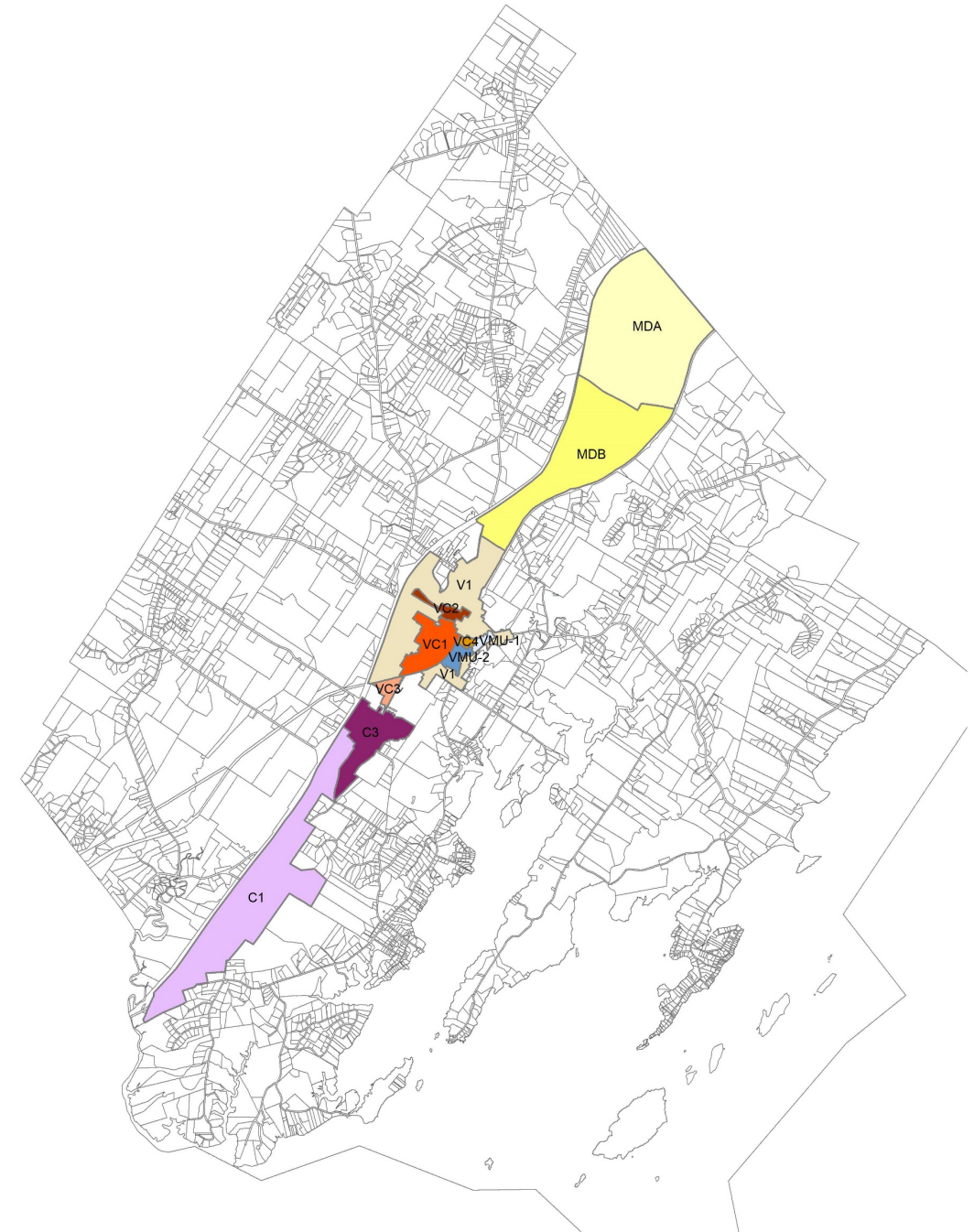
Yellow areas indicates zoning districts that do not allow residential uses

The Extra Dwelling Units Allowance

- 2 houses per lot if the lot is vacant (no houses) and it is not in a designated growth area or served by water and sewer in a municipality without a comprehensive plan
- 4 houses per lot if the lot is vacant (no houses) and it is in a designated growth area or served by water and sewer in a municipality without a comprehensive plan
- 3 houses if there is already a house in the lot (up to 2 additional units)

Growth Areas

- Commercial 1 C1
- Commercial 3 C3
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Designated Growth Areas based on the 2011 Comprehensive Plan. Note that the Growth Area can change with the next update of the Comprehensive Plan.

Lot Area Per Dwelling Unit



If the requirement is 1 acre per unit for single-family dwellings



Can't require 3 acres for two-family dwelling units

Please note that that subdivision density standards still apply and may be different than non-subdivision density standards

Lot Area Per Dwelling Unit



If the requirement is 1 acre per unit for single-family dwellings



Can require 2 acres for two-family dwelling units, 3 acres for three units, etc

Please note that that subdivision density standards still apply and may be different than non-subdivision density standards

Empty Lot Where Housing Is Already Allowed



NOTE: The three and four units can be within one structure or multiple structures.

THREE AND FOUR UNITS ALLOWED IF:

- Located in "growth area" consistent with section 4349-A, subsection 1, paragraph A or B.
- Located in area with existing water/sewer capabilities in towns without comprehensive plans.

Existing Home



**Adding 1 Unit
to Lot with
Existing Home**



OR



OR



Additional unit within
the existing structure
(e.g., basement or
attic)

Additional unit
attached to the
existing structure

Additional unit
detached from the
existing structure



**Adding 2 Units
to Lot with
Existing Home**



OR



Additional units attached to
the existing structure and
detached from existing
structure

Additional units within
the existing structure
and detached from the
existing structure

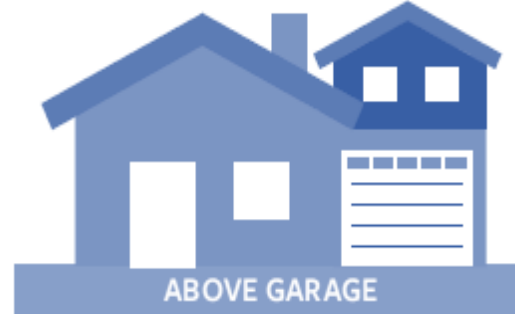
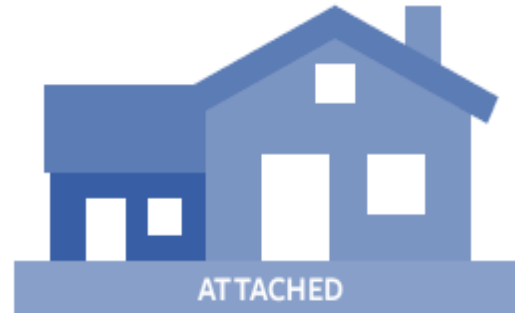
The Extra Dwelling Units Allowance

- Must comply with zoning setbacks and other standards
- Must comply with Shoreland Zoning
- Must comply with water and wastewater
- Subdivision and Site Plan Review standards are still valid
- Covenants/deed restrictions are still valid



The Accessory Dwelling Units Allowance

30-A MRS 4364- B Accessory dwelling units



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Accessory Dwelling Units

- Allowed where housing is permitted, and one single-family dwelling exists
- Not allowed if there is a duplex already – but optional
- Exempt from density requirements (DU/AC)
- Can be within existing single-family structure, attached or detached



The Accessory Dwelling Units Allowance

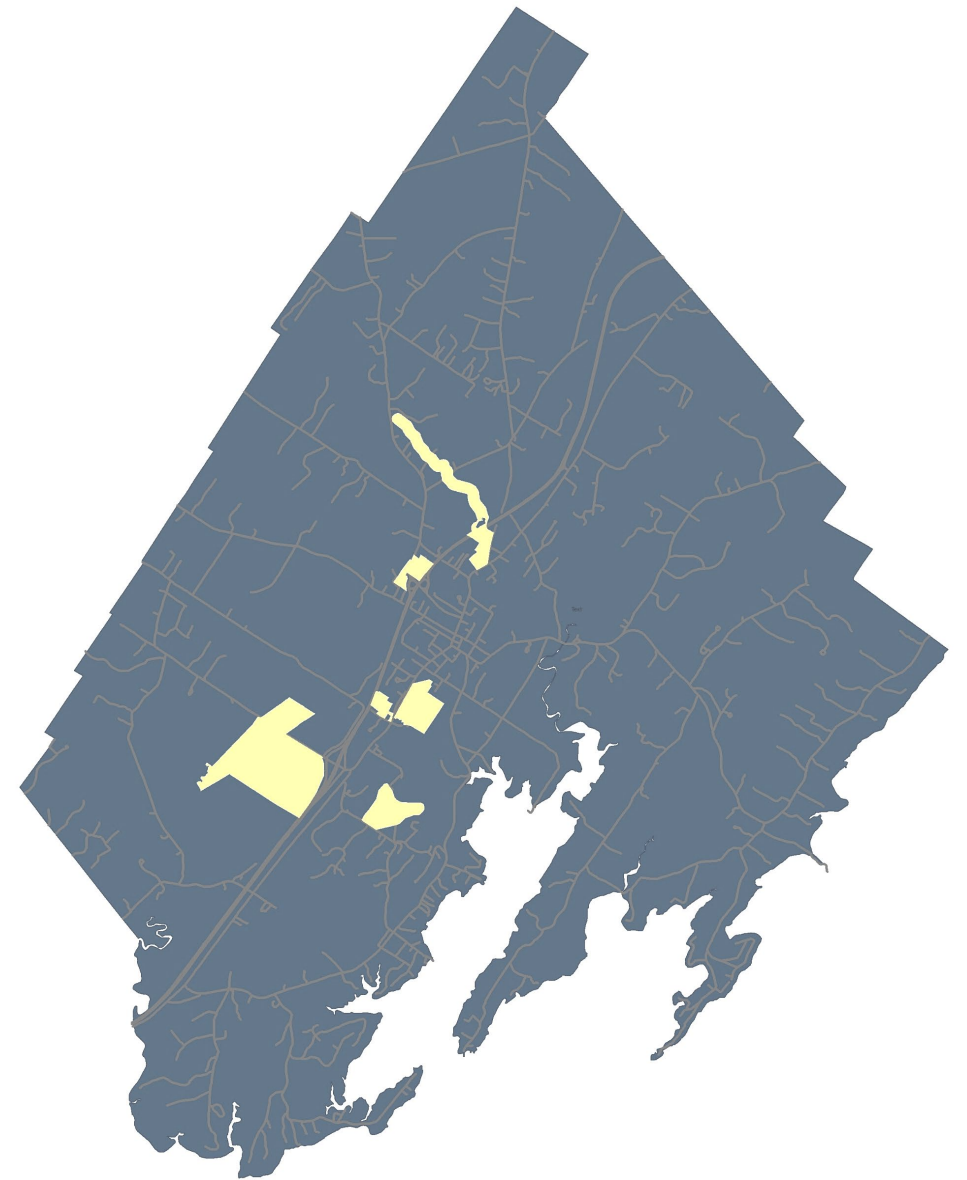
- No additional parking requirement
- Setbacks can't be greater than for a single-family house
- For existing accessory structures (garages), setbacks can follow accessory structure setbacks
- Minimum size 190 square feet
- Can't count towards rate of growth ordinance



Accessory Dwelling Units Where?

Applies to any area where
housing is allowed

**Freeport already allows
Accessory Dwelling Units**



Yellow areas indicates zoning districts that do not
allow residential uses

The Accessory Dwelling Units Allowance

- Municipalities can impose a maximum size
- Must comply with Shoreland Zoning
- Must comply with water and wastewater
- Subdivision standards are still valid
- Covenants/deed restrictions are still valid



QUESTIONS?



YOUR THOUGHTS ON LD 2003 AND HOUSING IN FREPORT



You may also send us your thoughts via a letter or email:

Letters:

Town of Freeport c/o Planning Department
30 Main Street
Freeport, ME 04032

Emails:

Cecilia Smith: csmith@freeportmaine.com