



Implementing LD 2003 Rules: Zoning, Subdivision, and Shoreland Ordinance Amendments



December 13th, 2023, Town of Freeport Planning Board Meeting

PL 2021, Ch. 672 (LD 2003)

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



Process

- Town should comply with State rules by January 1st 2024
- Planning Board held several meetings and workshops to discuss LD 2003 and ADUs (3/01/23, 4/05/23, 6/13/23, 8/02/23 and 9/12/23)
- Notices: Approximately 3,795 letters sent to property owners
- The Planning Board makes recommendations to the Town Council, and the Town Council holds its process and must take action to approve before amendments become effective



Overview 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

Overview LD 2003

- 1) The Municipal Role in Fair Housing and Statewide Housing Production
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The Affordable Housing Density Bonus

30-A MRS 4364 Affordable Housing Density



- Density bonus for affordable housing of 2.5 times the base density
- Parking reductions: 2 for every 3 units
- More than half of the units need to be affordable
- Affordable for at least 30 Years



Affordable Housing Density Bonus Where?

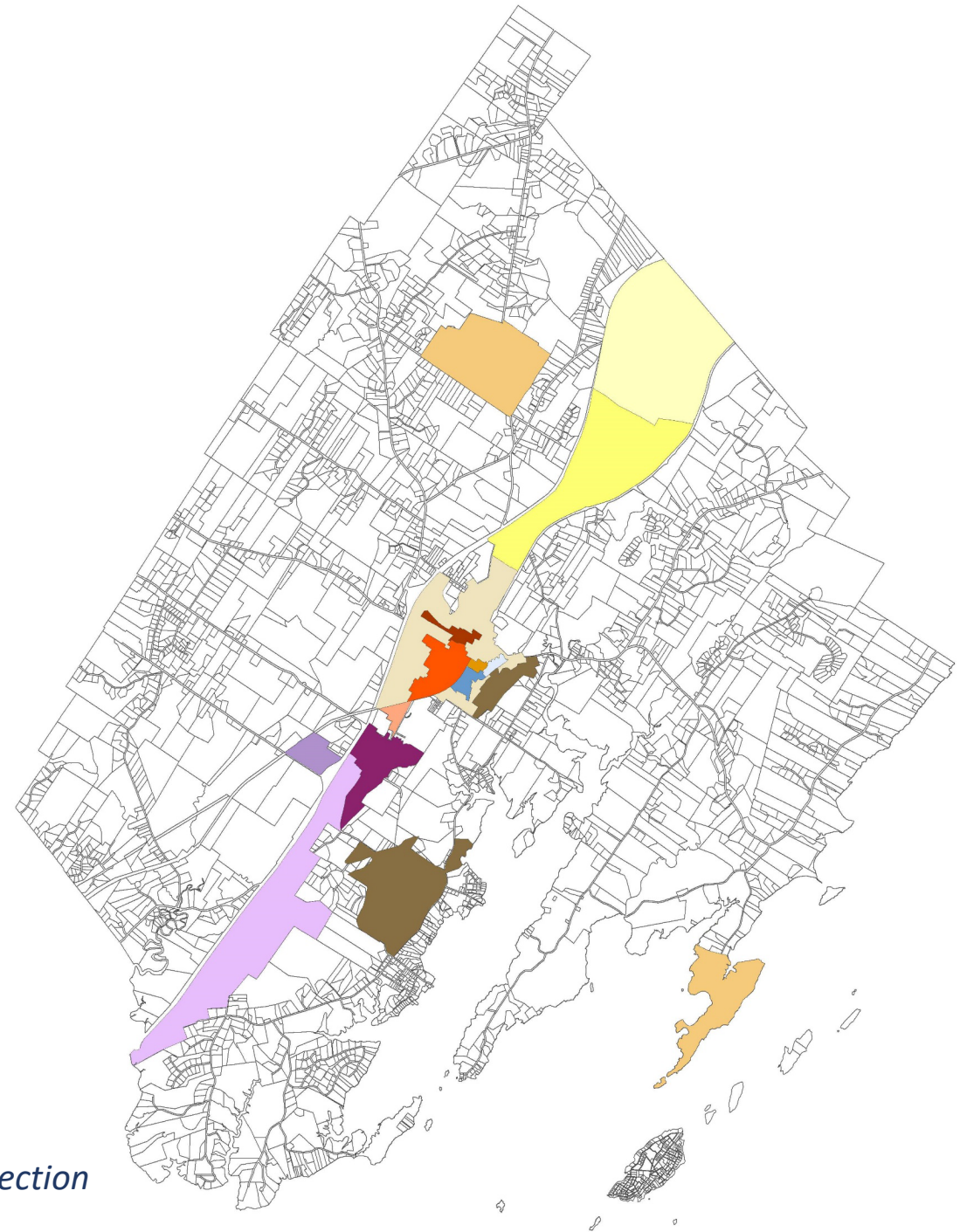
Areas that allow
multi-family
dwellings

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

Summary of Proposed Amendments to Incorporate the Affordable Housing Density Bonus

Zoning Ordinance

- Section 104. Definitions
- Adding Affordable Housing Development to zoning districts that allow multifamily
- Amending Section 514. Off-Street Parking and Loading
- New Section 536. Affordable Housing Density Bonus

Subdivision Ordinance

- Amending Article 3. Definitions to match Zoning and adding submission requirements

Shoreland Zoning

- Definitions to match Zoning

NEW: Section 536. Affordable Housing Development Density Bonus

- Section 536.A Affordable Housing Density Bonus
- Section 536.B Location (eligibility tied to location)
- Section 536.C Affordability Standards
- Section 536.D Water and Wastewater
- Section 536.E Parking Requirements
- Section 536.F Subdivision Requirements
- Section 536.G Shoreland Zoning Requirements

The Extra Dwelling Units Allowance

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



Applies to any area where residential uses are allowed

Up to 4 dwelling units allowed if in a designated Growth Area

The Extra Dwelling Units Allowance

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

- A lot without a dwelling unit already on it can have two units if it is not within a designated growth area or served by water and sewer in a municipality without a comprehensive plan
- A lot without a dwelling unit already on it can have four units if it is either in a designated growth area or served by water and sewer in a municipality without a comprehensive plan
- A lot with an existing dwelling unit may have up to two additional dwelling units, either one additional attached dwelling unit, one additional detached dwelling unit, or one of each

Summary of Proposed Amendments to Incorporate the Extra Dwelling Units Allowance

Planning Board Direction:

For fairness, Freeport will be more permissive than the State and allow up to 3 dwelling units (or 4 dwelling units in Designated Growth Areas) regardless of whether the lot already contains more than one existing dwellings.

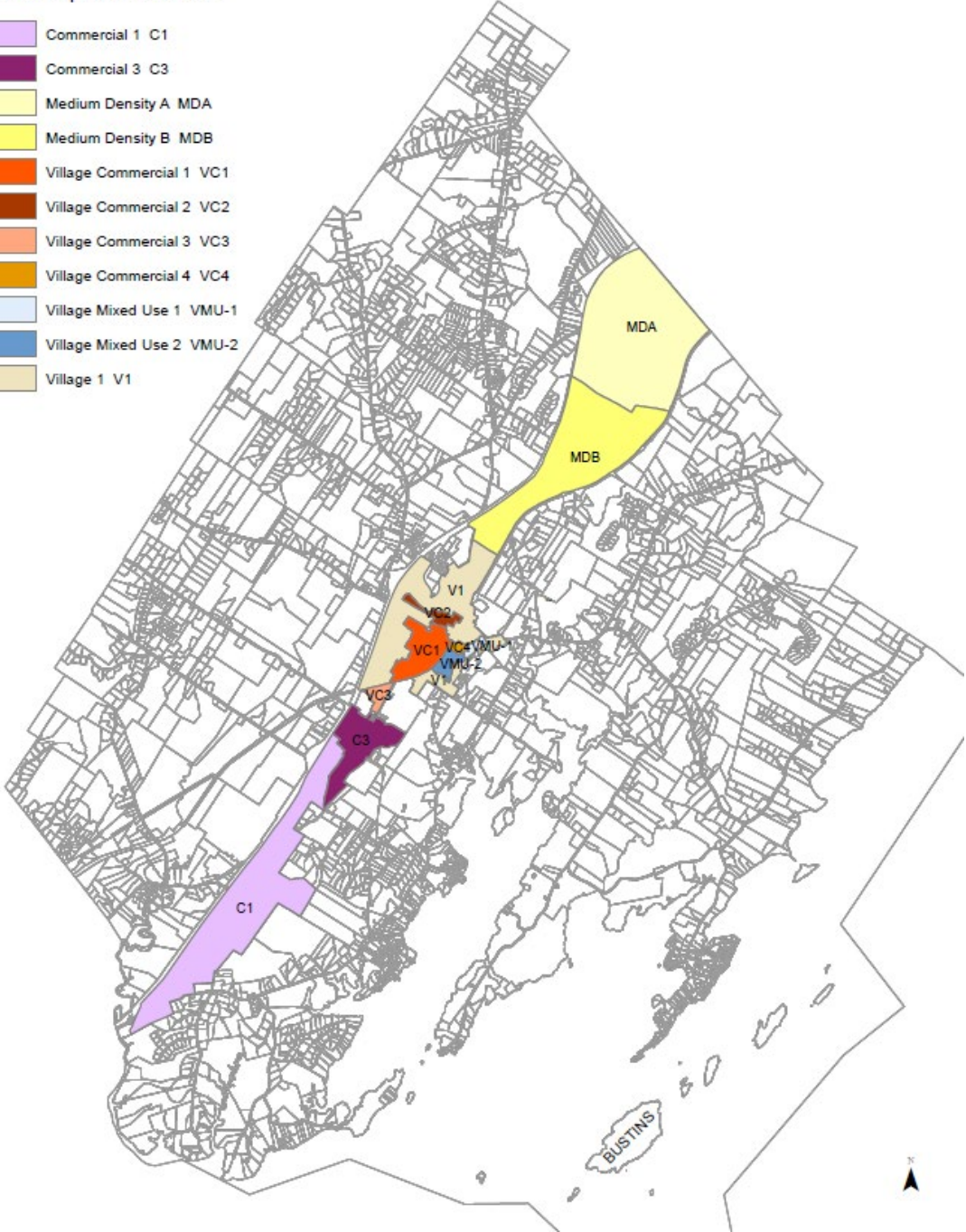
Zoning Ordinance - Amendments to Section 201. General Restrictions

- Strike out Section 201.C
- Section 201.L. Dwelling Unit Allowance
- Section 201.L.1. Sanitary and Potable Water Standards

Map of Designated Growth Areas

Designated Growth Areas 2011 Comprehensive Plan

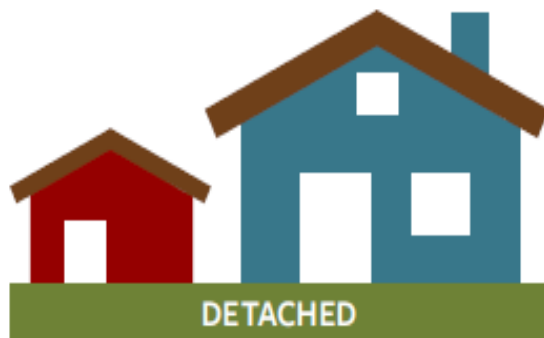
- Commercial 1 C1
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The Accessory Dwelling Units Allowance (ADUs)

30-A MRS 4364- B Accessory dwelling units

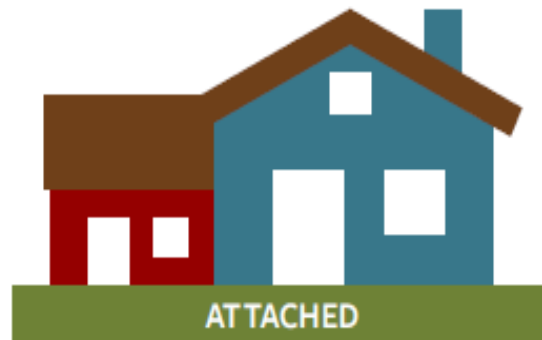
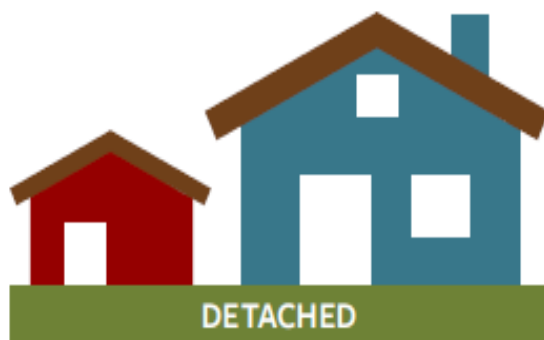
- Allowed where housing is permitted, and one single-family dwelling exists.
- Not allowed if there is a duplex already – but optional
- Exempt from parking and density requirements (DU/AC)
- Can be within existing single-family structure, attached or detached



The Accessory Dwelling Units Allowance (ADUs)

Freeport already allows Accessory Dwelling Units

- They are allowed where housing is permitted, and one single-family dwelling exists.
- They are exempt from density requirements (DU/AC)
- They are not allowed in the Shoreland Zone unless connected to the public water and sewer



Summary of Proposed Amendments to Promote Accessory Dwelling Units (ADUs) and Incorporate State Rules

Planning Board Direction:

Allow ADUs in lots that already contain two dwellings (a duplex or two single-family units)
Increase the maximum size to 75% of the existing single-family house or 1,100 square feet, whichever is less

Remove the owner-occupancy and one-bedroom limit requirements

Remove the requirement of general harmony with neighborhood and architectural style

Zoning Ordinance -

- Section 104. Definitions
- Section 202. Non-conformance
- Section 514. Off-Street Parking and Loading
- Major amendments (changes) to Section 532. Accessory Apartments

Correction to Section 532. Accessory Dwelling Units (ADUs)

Section 532. Accessory ~~Apartments~~ Dwelling Units (ADUs)

The purpose of these standards is to authorize Accessory Dwelling Units (ADUs); to allow more efficient use of the existing housing stock and infrastructure, to provide a means for residents to remain in their homes and neighborhoods, to affirmatively further fair housing opportunities, and to provide a broader range of more affordable housing while promoting the public health, safety and general welfare of the community. An accessory apartment is a small dwelling unit that is accessory and subordinate to the principal use of a property as a single family dwelling. These standards are intended to allow the addition of one accessory apartment ADU to be located on the same lot as a Single-Family Dwelling or a Duplex Dwelling only if such addition will preserve the single family residential character of the property. in accordance with 30-A M.R.S.A. § 4364-B. The following standards shall ~~be met~~ apply to ~~create and maintain~~ the construction and use of an accessory apartment ADU:

1. No more than one (1) ADU may be created on any lot containing either
 - (i) one or ~~more~~ two existing or proposed Single-Family Dwellings or
 - (ii) one Duplex Dwellings.

Subdivision Ordinance Additional Amendments and General Clean-up

Proposed Amendments to the Subdivision Ordinance to Comply with State Subdivision Approval Standards M.R.S. 30-A sub-4404

- General clean-up cross-references and definitions
- Updates to reference documents and agencies
- Adding language to match State standards into Article 11 Approval Standards

Questions or Concerns?

