



Date: Amended 12.4.23 (green text)  
To: Winthrop Town Council  
Cc: Anthony Wilson, Town Manager  
From: Dawn Emerson, Town Planner  
RE: LD 2003 recommendations for Public Hearing

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The State adopted LD 2003 which is an act to increase housing opportunities and reduce unnecessary regulatory barriers. Local land use regulations need to be reviewed and amended accordingly to achieve the following:

1. Affordable Housing Development Density Bonus: Allow additional density for affordable housing developments (as defined by the State).
2. Allow accessory dwelling units by right on the same lot as a single-family home (under certain conditions).
3. Allow between 2 and 4 housing units per lot where housing is permitted.

On November 8, 2023, the Winthrop Planning Board held a duly noticed public hearing regarding proposed amendments to the Winthrop Zoning Ordinance to achieve the aforementioned goals. No one from the public spoke for or against the amendments. Once the public hearing was closed the board members deliberated and voted unanimously to forward the language to the Town Council with the recommendation that it be approved.

The text below has been reviewed by the Town Attorney. The Zoning Map will be updated to reflect the Affordable Housing Overlay District.

### Article III – Zoning Districts

#### 10.G (11) Affordable Housing Development Overlay District

1. The intent of this section is to comply with state law related to density bonuses for Affordable Housing Developments, as defined by this ordinance.
2. The Winthrop Affordable Housing Development Overlay District consists of the area within the boundaries identified as the designated Growth Area in the ~~2010~~ Winthrop Comprehensive Plan served by public water and sewer as depicted on the Winthrop Zoning map.
3. For Affordable Housing Developments a density bonus of two and a half (2.5) times the number of units allowed per square feet of lot area in the base zoning district shall be allowed. Fractional results shall be rounded down to the nearest whole number.
4. Projects that meet the definition of Affordable Housing Development, as defined by this ordinance, are subject to:
  - a. The Winthrop Subdivision Regulations

- b. Demonstration of long-term affordability by (1) execution of a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) recording the restrictive covenant in the appropriate registry of deeds to ensure affordability for at least thirty (30) years after completion of construction:
- i. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
  - ii. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.
- c. Shoreland Zoning requirements.
  - d. Minimum lot sizes for subsurface waste disposal if public sewer and water are not available.
  - e. Written verification that each unit of the housing development is connected to adequate water and wastewater services before receiving a certificate of occupancy. Written verification must include the following:
    - i. If a housing 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 housing 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 housing 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; and
    - iv. If a housing 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 Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

## Article IV. Performance Standards

### 12. General Requirements

G. Off Street Parking and Loading Requirements (fractional units to be rounded down)

Dwellings	2 parking spaces per dwelling unit
<u>Dwellings, Accessory</u>	<u>0 parking spaces</u>
<u>Dwellings, multi-family</u>	<u>2 spaces for every 3 dwelling units</u>

13. Specific Activities

D. Multi-family Dwelling Units

- (1) Two-Family Dwelling Units - Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units except that density requirements do not apply to an Accessory Dwelling.
- (2) Multi-Family Dwelling Units - Multi-family (3 or more) dwelling units shall meet the following criteria:
  - (b) In all other Zoning Districts, the minimum lot area per dwelling unit shall be the minimum lot size required for a single-family dwelling and five thousand (5,000) square feet for each additional dwelling unit beyond the first unit except that in the Village District each additional unit requires an additional lot area per dwelling unit equal to the minimum lot size required for single family dwellings.

G. Accessory Dwelling Unit

One Accessory Dwelling Unit shall be allowed on all parcels where single and two-family dwellings are allowed. The following standards apply for an Accessory Dwelling:

- a) Lot size shall not apply for an accessory dwelling unit.
- b) Minimum floor area shall be at least 190 square feet.
- c) Maximum floor area shall not exceed the floor area of the primary dwelling unit on the property or 1200 square feet, whichever is less.
- d) ADU's must meet all structural setback requirements.
- e) There shall be no additional on-site parking required for an accessory dwelling.
- f) All water and sewer/septic system rules for a dwelling unit shall be met.
- g) All other federal, state, and/or local rules, ordinances, and codes applicable to a dwelling unit.

Note: Nothing in this subsection prohibits additional dwelling units from being constructed on a parcel of land where all other ordinance standards for the additional units can be met, including but not limited to density, setback, parking, and other standards.

Article VI. – 16. Definitions

**Affordable Housing Development -**

1. For rental housing, a development in 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

Note: The State will adopt rules which include criteria for a municipality to use in calculating local area median income and housing costs.

**Dwelling** - a fixed structure, containing one or more dwelling units.

**Dwelling units** - a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and toilet facilities eating. ~~The term shall not include mobile homes, trailers, or recreational vehicles.~~ Recreational vehicles are not residential dwelling units.

**Dwelling Unit, Accessory (ADU)**- A secondary dwelling unit containing living, sleeping, cooking, and toilet facilities located within, attached to, or detached from a one-family dwelling located on the same parcel of land. ADU's are exempt from minimum lot size and parking requirements.

~~**Residential dwelling unit**—a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.~~

**Dwelling, Multi-Family** – A structure containing three or more dwelling units.

~~**Multi-unit residential**—a residential structure containing three (3) or more residential dwelling units.~~