



Date: November 9, 2023  
To: Town Council  
CC: Anthony Wilson  
From: Dawn Emerson, Town Planner  
RE: LD 2003 recommendations

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On November 8, 2023, the Winthrop Planning Board held a duly noticed public hearing regarding proposed amendments to the Winthrop Zoning Ordinance.

At that meeting 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 below to the Town Council with the recommendation that it be approved as presented.

#### 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 Winthrop Comprehensive Plan.
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;
  - c. Shoreland Zoning requirements.
  - d. Minimum lot sizes for subsurface waste disposal if public sewer and water are not available or.
  - e. Verification that public water and sewer capacity is adequate for the development.

#### 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 size 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 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.~~