

LD 2003: NEW RULES FOR HOUSING IN NEW GLOUCESTER



Joint Meeting: Select Board/Planning Board/Land Management Planning Committee February 27, 2024 6:30 PM
Public Hearing: March 19, 2024 7:00 PM

What is LD 2003?

A new state law that requires all communities to make changes to their local land use ordinances with the goal of increasing housing opportunities in Maine

**THE TOWN OF NEW GLOUCESTER
MUST ADOPT A LOCAL HOUSING ORDINANCE
IN COMPLIANCE WITH LD 2003
BY JULY 1, 2024**

OR

STATE STATUTE WILL BE APPLIED

LD 2003

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



THREE PRIMARY COMPONENTS

1. Accessory Dwelling Units
2. Increased Density / Additional Dwellings
3. Affordable Housing Density Bonus

1. Accessory Dwelling Units (ADUs)

“A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land not to exceed 750 square feet of finished living space”

- Allowed where housing is permitted and one single-family dwelling exists
- Not allowed where there is an existing duplex or multi-family dwelling
- Exempt from density requirements
- Allowed size of ADUs increases from 540sf to 750sf in New Gloucester



ADU: Standards

- May be located in zoning districts where residential housing is permitted
- Permit requirements are the same as for a single-family dwelling
- Subject to same setbacks as single-family dwellings
- Historic Preservation Overlay standards apply where applicable
- Groundwater Protection Overlay standards apply where applicable
- Density and lot size requirements do not apply
- Minimum of 190 SF of finished living space
- Maximum of 750 SF of finished living space
- No additional parking is required
- Proper ingress and egress is required

ADU: Septic Standards

- Septic must be functioning at the time of permit application
- Existing septic system must meet State Plumbing Code to accept additional wastewater
- A new septic design (HHE-200) demonstrating a suitable location for a replacement system if original fails
- A copy of the replacement design must be recorded at the Cumberland County Registry of Deeds

ADU: Examples



Within an existing dwelling



Attached to an existing dwelling



Detached over a garage



Separate detached dwelling



Separate detached dwelling

2. Increased Density/Additional Dwellings

WITHIN RESIDENTIAL GROWTH AREAS

Vacant Lot: Up to 4 dwelling units, attached or detached, may be constructed in growth areas (Residential Business-1, Residential Business-2, Upper Village & Village Zoning District)*

Lot with one existing dwelling unit: Up to 2 additional dwelling units may be constructed on any property in growth areas where one dwelling unit currently exists. May be one additional dwelling unit within or attached to the existing structure, or one additional detached, or one of each in growth areas*

Lot with two existing dwelling units: No new dwelling units allowed.

* Minimum lot size per dwelling unit still applies * All other dimensional requirements apply






* No cap on size of additional dwelling unit(s) * State plumbing code applies.

* Subject to performance standards including Historic Resource Overlay where applicable




Residential Growth Areas

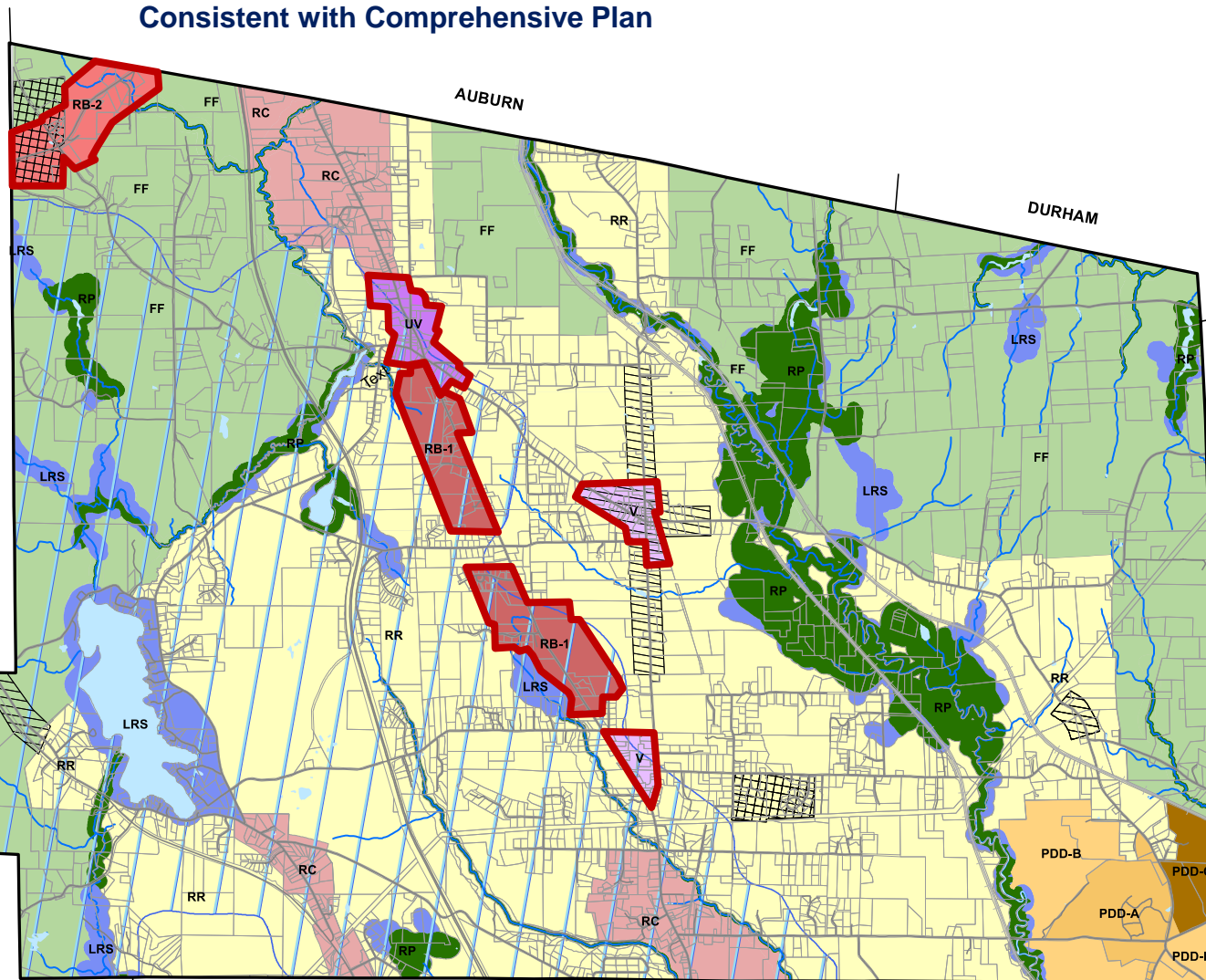
Consistent with Comprehensive Plan

Zoning Districts

-  Farm & Forest
-  Limited Residential Shoreland
-  Pineland DD A
-  Pineland DD B
-  Pineland DD C
-  Residential RB-1 
-  Residential RB-2 
-  Residential C
-  Resource Protection
-  Rural Residential
-  Upper Village 
-  Village 

Overlay Districts

-  Moho Mobile Home Park
-  Historic Historic Resource
-  Groundwater Protection



1 inch = 3750 feet
1:45,000

RAYMOND



This is to certify that this is the Official Zoning Map referred to in Article 4

2. Increased Density/Additional Dwellings

OTHER ZONING DISTRICTS

Vacant Lot: Up to two dwelling units may be constructed on a vacant lot outside of the growth areas*

Lots with one existing dwelling unit: Up to two additional dwelling units within or attached to the existing structure, or one additional detached dwelling unit, or one of each outside of growth areas*

Lots with two existing dwelling units: No additional dwelling units allowed

* Minimum lot size per dwelling unit still applies

* All other dimensional requirements apply

* No cap on size of additional dwelling unit.

* Shoreland zoning regulations apply.

* State Plumbing Code applies

* Performance standards apply

Increased Density/Additional Dwelling Minimum Lot Size

(Does not apply to Accessory Dwelling Units)

Residential Growth Districts:

- Residential RB-1: 2 acres/dwelling unit
- Residential RB-2: 5 acres/dwelling unit
- Village District: 1 acre/dwelling unit
- Upper Village District: 1 acre for single-family, multiplex, and cluster subject to standards

Other Zoning Districts:

- Farm & Forest: 5 acres/residential dwelling unit
- Limited Residential Shoreland: 2 acres/dwelling unit. Other Shoreland Zoning restrictions apply
- Residential C (Commercial & Industrial): 2 acres/dwelling unit
- Resource Protection (Shoreland Zoning): 5 acres/dwelling unit of Net Residential Area. Other Shoreland Zoning restrictions apply
- Rural Residential: 2 acres/dwelling unit

Increased Density/Additional Dwelling Standards

- **Additional dwelling units** are subject to the same dimensional, setback, and minimum lot size requirements as a single-family dwelling unit including required frontage
- **Each additional dwelling unit** must be connected to sufficient water supply and wastewater services



Two
Single-
Family
Homes
One
Lot



Increased Density/Additional Dwelling Other

- **Subdivision Review:** The allowance for additional dwelling units is not an exemption from state subdivision law or local Planning Board review, where otherwise required (3-lots or dwelling units within 5 years)
- **Existing Restrictions:** Existing deed restrictions and covenants remain valid
- **New Deed Restrictions:** Private parties can continue to restrict the number of housing units on a lot, including ADUs, in a private easement, covenant, or deed restriction
- **Location:** The potential for future lot divisions should be considered when adding additional dwelling units



3. Affordable Housing Density Bonus

- **Affordable Housing Developments in Village & Upper Village Zoning**

Districts:

Shall be permitted to have density of **2.5 times** the base density otherwise permitted. This is a new provision required by LD 2003. A density bonus of 2 times the base density already exists in both village zoning districts

- **In all other districts where residential use is permitted:** May have a density of **2 times** the base density, provided that it shall not exceed the maximum allowable density by >10%. New Gloucester previously considered the need for affordable housing and **already meets** this standard in Section 5.1.3 in the current ordinance...no change

- **Affordable Housing Development Standards:** Must be located on a property that complies with the minimum lot size requirements. Each dwelling unit must be connected to adequate water and wastewater services

Affordable Housing Increased Density Bonus

Where?

Districts that
allow Multi-
Family
Dwellings



In a
Designated
Growth
Area

- Districts that meet both criteria: Village & Upper Village
- Affordable Housing Developments: subject to Site Plan and Subdivision Review, Multiplex Development, Historic Resource and Groundwater Protection Overlay standards where applicable

Affordable Housing Density Bonus Examples



Existing established Affordable Housing Development single-family dwelling units (Yarmouth) ←

Existing Affordable Housing Units Phase I & 2 completed consisting of 9 energy efficient single-family dwelling units. Phase III approved for 10 additional homes (Mt Desert) →



Proposed Affordable Housing Development consisting of single-family and multi-family structures. (Brunswick) ←

Affordable Housing Criteria

- **Restrictive Covenants:** Required by deed or other recordable instrument. Must be enforceable by the Town or a third-party acceptable to the Town and the covenant must remain in full force and effect for at least 30 years and must provide for the below income restrictions:
- **For dwelling units offered for rent:** all units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy;
- **For dwelling units offered for sale:** all units affordable shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy;
- **All initial sales and rental contracts** must be reported to the Town.

New Gloucester Will Continue:

DEVELOPING Growth Management programs, Including comprehensive plans and zoning consistent with those plans

ENFORCING local shoreland zoning ordinances consistent with state shoreland zoning law

REGULATING how much land is needed for each dwelling unit (other than accessory dwelling units)

CONDUCTING site plan review, if authorized by local ordinances, of any residential development

ESTABLISHING the maximum size of accessory dwelling units

PERMITTING housing development based on documented water and wastewater capacity constraints and State Plumbing code

What If Changes Are Not Approved?

- The New Gloucester residents serving on the Select Board, Land Management Planning Committee and Planning Board have diligently reviewed and recommended ordinance language that both complies with LD 2003 and respects the land use goals established by residents in the 2021 Comprehensive Plan.
- If New Gloucester residents decide not to pass the ordinance at Town Meeting and by Referendum as required by the Town Charter, the State law, as written, will go in effect for New Gloucester.

What Happens Next?

- **MARCH 19, 2024: Public Hearing**
- **MAY 6, 2024: Town Meeting**
- **JUNE 11, 2024: Election/Referendum Day**
- **JULY 1, 2024: Effective Date of New Gloucester Amended Housing Ordinance or State Statute**

Questions?

- For more information, contact the New Gloucester Planning Department at: townplanner@newgloucester.com or 926-4126 x 4
- For complete LD 2003 Legislation: <https://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280082953>
- For Maine Department of Community and Economic Development Guidance: https://www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/DECD_LD%202003_digital-%20Feb%202023%20update%20website_0.pdf