

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** Planning Board  
**FROM:** Matt Nazar, AICP, Director of Development Services  
**DATE:** September 15, 2023  
**RE:** LD2003

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Language for the Planning Board's public hearing on LD 2003 proposed changes, which also addresses City Council 2023 Goals, is as follows:

**Accessory Dwelling Unit (ADU)**

In **Section 300-202. Additional definitions**, add a new definition:

DWELLING, ACCESSORY DWELLING UNIT (ADU). A self-contained dwelling unit located within, attached to, or detached from a one-family dwelling located on the same parcel of land. Self-contained shall mean that each unit contains living, cooking, and bathroom facilities.

Within the **Table of Uses, Attachment 4:**

Add "Accessory Dwelling Unit (ADU)" as a new use that is allowed in all zoning districts where One and Two Family Dwellings are allowed, using the same method of allowing them, as a permitted or conditional use. This is a permitted use in all zoning districts, a conditional use in the Industrial District (IA), and not permitted in the Government Services District (GS).

In **Section 300-524. Residential Development**, add a subsection E as follows:

- E. Accessory Dwelling Units (ADU). One Accessory Dwelling Unit shall be allowed on all parcels where a One and Two-Family Dwelling is the only residential use on the lot. ALL of the following standards apply for an ADU:
- (1) Density standards for a dwelling unit shall not apply.
  - (2) Lot size for an additional dwelling unit shall not apply.

- (3) Minimum floor area shall be at least 190 square feet.
- (4) Maximum floor area shall not exceed the floor area of the primary structure on the property.
- (5) A building addition ADU, attached to the principal structure, shall meet setback requirements for the principal structure.
- (6) A detached, accessory structure ADU, shall meet setback requirements for an accessory structure.
- (7) There shall be no on-site parking required.
- (8) All water and sewer/septic system rules for a dwelling unit shall be met.
- (9) All other federal, state, and/or local rules, ordinances, and codes applicable to a dwelling unit.

Nothing in this subsection E 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.

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### **Affordable Housing Density Bonus**

Under § 300-202. Additional Definitions, add:

AFFORDABLE HOUSING DEVELOPMENT – See § 300-316.7. Affordable Housing Development Density Bonus District for definition.

Create a new **Section 300-316.7. Affordable Housing Development Density Bonus District**, as follows:

§ 300-316.7. Affordable Housing Development Density Bonus District

- A. Intent. The intent of this section is to comply with state law related to density bonuses regarding affordable housing developments within the designated growth area.
- B. Definitions.

**AFFORDABLE HOUSING DEVELOPMENT.** “Affordable housing development” means

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.
  3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
  4. For purposes of this definition, "housing costs" include:
    - a. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
    - b. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.
- C. Criteria. Development projects that qualify as Affordable Housing Developments, as defined by this ordinance, that meets the following standard:
1. Application for approval of an affordable housing development requires the owner or applicant to demonstrate 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:
    - a. 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
    - b. 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.
- D. For Affordable Housing Developments that meet the criteria in Section C above:
- a. A density bonus of two and a half (2.5) times the number of units per square feet of lot area allowed in the base zoning district shall be allowed. Fractional

results shall be rounded down to the nearest whole number.

b. No more than two (2) off-street parking spaces for every three (3) dwelling units shall be required. Fractional results shall be rounded down to the nearest whole number. The Planning Board may require fewer spaces per unit based on the Parking Requirements standard in **Section 300-513.**

E. District. The Affordable Housing Development Density Bonus District shall be bounded as shown on the map titled **Affordable Housing Development Density Bonus District** and dated September 15, 2023. The boundaries are the same as those identifying the designated Growth Area in the 2023 Augusta Comprehensive Plan adopted by the City Council on XXXX, 2023.

The amendment below is over and above the requirements of LD2003, but the Planning Board was clear they wanted to move forward with this. The change to the ordinance is straightforward giving significant flexibility to the Planning Board on FAR for residential projects in the Capital Commerce zoning districts (these are mostly commercial districts along major road corridors). The language is modeled on a very similar allowance related to building height in these districts that the Board has used when needed.

In **300-314.2(A) Capital Commerce Districts**, amend the ordinance to enable additional multifamily housing of all types by making the following change:

(8) Any proposed Multiple-Family Dwelling construction exceeding the maximum Floor Area Ratio (FAR) shall be reviewed by the Planning Board utilizing the criteria applicable to conditional uses outlined in § 300-603E.

In 300-314.3. Civic Center District (CD), add:

B.(4) Any proposed Multiple-Family Dwelling construction exceeding the maximum Floor Area Ratio (FAR) shall be reviewed by the Planning Board utilizing the criteria applicable to conditional uses outlined in § 300-603E.

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## **Dwelling Unit Allowance**

Within the **Table of Uses, Attachment 4:**

Add Multiple-Family Dwellings (A residential structure containing three or more dwelling units) as a Conditional Use to the following zoning districts:

Planned Development District (PD)  
Medical District (MED)  
Rural River District (RR)  
Rural River 2 District (RR2)  
Rural Residential District (RRES)  
Rural Village District (RV)