

Draft (9-20-2022)  
LD 2003 Zoning Ordinance Amendments

**SEC. 19-1-3. DEFINITIONS**

**Accessory Dwelling Unit:** A ~~single subordinate~~ dwelling unit subordinate in size accessory to and wholly contained within a principal building or structure and/or attached garage in which a single-family dwelling located on the same lot. unit is the principal use.

**Affordable Housing:** Lots/units which may be purchased for occupancy by buyers with low and moderate incomes as established by the State Planning Office or the Greater Portland Council of Governments. [Pending Town Center Affordable Housing amendments referendum vote]

**Dwelling:** A building containing one (1) or more dwelling units and used for human habitation.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping, and toilet facilities. An area configured for food preparation may be considered cooking facilities even if appliances are not present. 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. (Effective October 15, 2009)

**Low Income:** Family income which is between fifty percent (50%) and eighty percent (80%) of median family income for the Portland Metropolitan Statistical Area as established by the Maine State Housing Authority. (Revised effective June 8, 2022)

**Moderate Income:** Family income which is between eighty percent (80%) and one hundred twenty percent (120%) of median family income for the Portland Metropolitan Statistical Area as established by the Maine State Housing Authority. (Revised eff. 06-08-2022)

**Multifamily development:** A building containing 2 or more dwelling units (excepting accessory dwelling units), or a mixed use building containing 1 or more dwelling units. (Effective February 12, 2005)

~~**Multiplex Housing:** Multiplex housing is housing containing two (2) or more attached dwelling units. (Effective November 14, 2015)~~

**ARTICLE VI. DISTRICT REGULATIONS**

**SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

**B. Permitted Uses**

2. The following residential uses:

- a. Single family dwelling.
- b. Manufactured housing on an individual lot.
- c. ~~Multiplex housing~~ Multifamily development.
- d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards.

4. The following accessory uses:

- k. Accessory dwelling unit

**C. Conditional Uses**

3. The following accessory uses:

- a. Home business
- b. ~~Accessory dwelling unit~~

**E. Standards**

MINIMUM LOT AREA	
(1) Boat repair facility for commercial purposes	200,000 sq. ft. (4.6 acres)
(2) <del>Reserved</del> <del>Multiplex housing</del>	<del>10 acres</del>
(3) Eldercare facilities	10 acres
(4) Golf Course (Effective February 12, 2003)	150 acres (Effective February 12, 2003)
(5) Wind energy systems (Effective October 8, 2008)	20,000 sq. ft.
(6) Other uses	80,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) <del>Multiplex housing</del> <del>Multifamily development</del>	1 unit per 66,000 sq. ft. of net residential area

**F. Site Plan Review**

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other permit:

1. ~~Multifamily development~~ ~~Multiplex housing~~ and eldercare facilities. As part of Site Plan Review for ~~Multifamily development~~ ~~multiplex housing~~, Sec. 19-7-2 (E), ~~Multifamily development~~ ~~Multiplex Housing~~ Standards, shall also apply. (Effective November 14, 2015)

**SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

**B. Permitted Use**

2. The following residential uses:
  - a. Single family dwelling
  - b. Manufactured housing on an individual lot
  - c. ~~Multifamily development~~ ~~Multiplex housing~~
  - d. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards.
4. The following accessory uses:
  - k. Accessory dwelling unit

**C. Conditional Uses**

3. The following accessory uses:
  - a. Home business
  - b. ~~Accessory dwelling unit~~

MINIMUM LOT AREA	
(1) Eldercare facilities	5 acres
(2) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(3) Other uses	80,000 sq. ft.

MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) In eldercare facilities	1 unit per 3,500 sq. ft. or 1 bed per 2,500 sq. ft. of net residential area, whichever is less
(2) Other uses	1 unit per 80,000 sq. ft. of gross lot area

## F. Site Plan Review

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other permit:

1. ~~Multifamily development~~~~Multiplex housing~~ and eldercare facilities. As part of Site Plan Review for Multifamily development ~~multiplex housing~~ Sec. 19-7-2 (E), Multifamily development ~~Multiplex Housing~~ Standards, shall also apply. (Effective November 14, 2015)

## SEC. 19-6-3. RESIDENCE C DISTRICT (RC)

### B. Permitted Uses

2. The following residential uses:
  - a. Single family dwelling
  - b. Manufactured housing on an individual lot
  - c. Manufactured housing park, subject to the provisions of Sec. 19-7-7, Manufactured Housing Parks
  - d. ~~Multiplex housing~~ Multifamily development
  - e. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
  - f. Rooming or boarding home

4. The following accessory uses:

j. Accessory dwelling unit

### C. Conditional Uses

3. The following accessory uses:
  - a. Home business
  - b. ~~Accessory dwelling unit~~

E. Standards

MINIMUM LOT AREA	
(1) Boat repair facility for commercial purposes	200,000 sq. ft. (4.6 acres)
(2) <del>Multiplex housing</del> <u>Reserved</u>	5 acres
(3) Eldercare facilities	5 acres
(4) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(5) Others	20,000 sq. ft.
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) <del>Multiplex housing</del> <u>Multifamily development</u>	1 unit per 15,000 sq. ft. of net residential area
(2) In <u>single lot</u> subdivisions	1 unit per 20,000 sq. ft. of net residential area
(3) In <u>single lot</u> subdivisions that conform to Sec. 19-7-2. Open Space Zoning	1 unit per 15,000 sq. ft. of net residential area
(4) A single family home on a lot that is not part of a subdivision	1 unit per 20,000 sq. ft. of gross lot area
(5) In eldercare facilities	1 unit per 2,500 sq. ft. or 1 bed per 2,100 sq. ft. of net residential area (Effective May 9, 2007)
(6) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area
(7) Other housing	1 unit per 20,000 sq. ft. of gross lot area

F. Site Plan Review

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit or other permit:

1. ~~Multifamily development~~ ~~Multiplex housing~~, eldercare facilities, and boarding care facilities. As part of Site Plan Review for ~~multifamily development~~ ~~multiplex housing~~, Sec. 19-7-2 (E), ~~Multiplex Housing~~ Multifamily development Standards shall also apply. (Effective November 14, 2015)

#### SEC. 19-6-4. TOWN CENTER DISTRICT (TC)

##### B. Permitted Uses

2. The following residential uses:
- a. Single family dwelling
  - b. Bed and breakfast
  - c. ~~Multifamily development~~ ~~Multifamily dwelling unit~~. (Effective May 12, 2010)
  - d. Congregate housing, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards
  - e. Rooming or boarding home
  - f. Accessory dwelling unit

##### D. Standards

1. Performance Standards
- h. A ~~Mmultifamily development dwelling unit~~ shall be accessory to a nonresidential use and located in a building where more than fifty percent (50%) of the floor area of the structure is occupied by nonresidential uses. For multi-story buildings, more than fifty percent (50%) of the structure may be allocated for multifamily ~~dwelling units~~ ~~development~~ as long as the first floor is nonresidential. (Effective May 12, 2010)

MINIMUM LOT AREA	
(1a) Single family dwelling unit	80,000 sq. ft.
(1b) Single family dwelling unit in the Town Center Core Subdistrict	10,000 sq. ft.
(2) Multifamily <del>dwelling unit</del> <u>development</u>	7,500 sq. ft.
(3) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(4) Other uses	None
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	

(1) Multifamily <del>development housing in</del> a mixed use building	1 unit per 3,000 sq. ft. of gross lot area (Effective May 12, 2010)
(2) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area

### 3. Design Requirement

#### g. Landscaping and Site Development

1. Front setback. The land in the front yard setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the Town Center. This area shall be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians. Multifamily ~~dwelling development~~ (5 or more dwelling units) shall be designated with the main entrance facing the front yard. Design elements of single family homes such as front steps and a front porch shall be incorporated whenever practicable. The front setback shall be carefully landscaped with attention to details evident to pedestrians and shall include street trees. The development of front courtyard gardens is strongly encouraged. Multifamily ~~dwelling development~~ (5 or more dwelling units) shall include at least one (1) street tree per unit in the front yard landscape plan.

#### E. **Site Plan Review**

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to the issuance of any building permit, plumbing permit, or other permit:

1. Construction involving any permitted use other than farming, ~~and a single family dwelling~~, or multifamily development (4 or less dwelling units), except that construction of or conversion to a single family dwelling or multifamily development in the Town Center Core Subdistrict shall be subject to site plan review by the Planning Board.
2. Conversion of an existing building or structure or portion thereof from a less intensive category of use to a more intensive category use according to the following scale of uses with Category 1 being the least intensive and Category 10 being the most intensive:

- 1
- 2 Use Category 1. Multifamily ~~development dwellings~~ and bed and breakfasts
- 3 Use Category 2. Banking, professional, and business offices
- 4 Use Category 3. Personal services and village retail shops
- 5 Use Category 4. Veterinarian offices and medical clinics
- 6 Use Category 5. Restaurants, including a delicatessen, ice cream parlor, and a
- 7 sit down restaurant
- 8 Use Category 6. Gas station and repair garages
- 9 Use Category 7. Institutional uses, including but not limited to churches,
- 10 governmental, and school uses
- 11 Use Category 8. Day care facilities
- 12 Use Category 9. Congregate housing
- 13 Use Category 10. Cottage industry manufacturing
- 14

- 15 3. Conversion of an existing building or structure or portion thereof within the
- 16 same category or to a less intensive category of use on the above scale of use
- 17 categories unless:
- 18

- 19 a. The current use category received site plan approval,
- 20 b. There will be no exterior alterations other than signage, and
- 21 c. No multifamily ~~dwelling units, development (5 or more dwelling units),~~
- 22 rooming house, or bed and breakfast will be created.
- 23

24 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

25

26 **B. Permitted Use**

27

- 28 2. The following residential uses:
- 29

- 30 a. Single family detached dwelling existing as of April 1, 2008 (Effective July 8,
- 31 2009)
- 32 b. Multifamily ~~development dwelling units~~ (Effective July 8, 2009)
- 33 c. Congregate housing, subject to the provisions of Sec. 19-7-6. Eldercare
- 34 Facility Standards (Effective July 8, 2009)
- 35 d. Rooming or boarding home
- 36 e. Accessory dwelling unit
- 37

38 **D. Standards**

39

- 40 1. Performance Standards
- 41

- 42 l. ~~A m~~Multifamily ~~development dwelling units~~ shall be accessory to a
- 43 nonresidential use and located in a building more than fifty percent (50%)



of the floor area of the structure is occupied by nonresidential uses. For multi-story buildings, more than fifty percent (50%) of the structure may be allocated for multifamily ~~development dwelling units~~ as long as the first floor is nonresidential. (Effective July 8, 2009)

MINIMUM LOT AREA	
(1) Single family dwelling unit	
i. adjacent to the RA District	80,000 sq. ft.
ii. Adjacent to the RC District	20,000 sq. ft. (Effective July 8, 2009)
(2) Multifamily <del>development</del> <del>dwelling unit</del>	15,000 sq. ft.
(3) Wind energy systems	20,000 sq. ft. (Effective October 8, 2008)
(4) Other uses	None
MAXIMUM NUMBER OF DWELLING UNITS PER AREA	
(1) Multifamily <del>development housing in a mixed use building or multiplex housing</del>	1 unit per 7,500 sq. ft. of net residential area (Effective July 8, 2009)
(2) Rooming or boarding home	1 bed per 5,000 sq. ft. of gross lot area

#### E. Design Requirements

- g. Landscaping and Site Development. Front setback. The land in the front yard setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of a neighborhood business district. This area shall be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians. Multifamily ~~dwelling development~~ (5 or more ~~dwelling units~~) shall be designated with the main entrance facing the front yard. The front setback shall be carefully landscaped with attention to details evident to pedestrians and shall include street trees. The development of front courtyard gardens is strongly encouraged. Multifamily ~~dwelling development~~ (5

or more dwelling units) shall include at least one (1) street tree per unit in the landscape plan.

**F. Site Plan Review** (Effective July 8, 2009)

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other special permit.

1. Construction involving any permitted use other than farming ~~and~~ a single family dwelling or multifamily development (four or less dwelling units).
2. Conversion of an existing building or structure or portion thereof from a less intensive category of use to a more intensive category of use according to the following scale of uses with Category 1 being the least intensive and Category 9 being the most intensive:

Use Category 1.	Multifamily <u>development dwellings</u> and bed and breakfasts
Use Category 2.	Banking, professional, and business offices, and day care facilities
Use Category 3.	Personal services and village retail shops
Use Category 4.	Veterinarian offices and medical clinics
Use Category 5.	Restaurants, including a delicatessen, ice cream parlor, and a sit down restaurant
Use Category 6.	Gas station and repair garages
Use Category 7.	Institutional uses, including but not limited to churches, governmental, and school uses
Use Category 8.	Congregate housing
Use Category 9.	Cottage industry manufacturing
3. Conversion of an existing building or structure or portion thereof within the same category or to a less intensive category of use on the above scale of use categories unless:
  - a. The current use category received site plan approval,
  - b. There will be no exterior alterations other than signage, and
  - c. No multifamily development (5 or more dwelling units) ~~dwelling units~~, rooming house or metal working area will be created.
4. Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review. (Effective July 8, 2009)

## ARTICLE VII. GENERAL STANDARDS

### SEC. 19-7-1. PURPOSE

The purpose of this Article is to incorporate into the Zoning Ordinance tools that will better enable the Town to implement its policies, as expressed in the Comprehensive Plan, to preserve open space and rural character and to provide opportunities for affordable housing. These tools are designed to achieve these goals while respecting the rights of property owners.

### SEC. 19-7-2. OPEN SPACE ZONING

[Replace all “multiplex” with “multifamily” and “multiplex housing” with “multifamily development”]

#### E. Multifamily development~~Multiplex Housing~~ Standards (Effective November 14, 2015)

~~Multiplex housing~~ Multifamily development consisting of 5 or more units in the RA, RB and RC Districts must comply with the following provisions.

### SEC. 19-7-5. CREATION OF ACCESSORY DWELLING UNIT

#### A. Purpose

The purpose of this provision shall be to permit the creation of ~~a single~~, subordinate dwelling units ~~within and~~ incidental to ~~an existing~~ single family dwelling. The creation of accessory dwelling units is intended to expand the diversity and affordability of housing stock and opportunities for property owners in the Town. The creation of a subordinate accessory dwelling unit within a new single family dwelling shall also be permitted. An accessory dwelling unit is intended to be a separate suite of rooms within a home where the unit is occupied by one or two people who have a close, personal relationship with the residents of the main dwelling. Accessory dwelling units shall only be created where the single family character of the principal building is maintained.

#### B. Requirements

The following requirements shall apply to the creation of an accessory dwelling unit. ~~be in addition to other requirements of the Zoning Ordinance.~~

1. Single Family parity. An accessory dwelling unit shall be allowed on the same lot where a single family dwelling is permitted. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section, the lot is not eligible for any additional increases in density.

1 [Note: except as allowed by the municipality]

2 2. Attached/Detached. An accessory dwelling unit may be constructed only:

3 a. Within an existing dwelling unit on the lot;

4 b. Attached to or sharing a wall with a single-family dwelling unit; or

5 c. As a new structure on the lot for the primary purpose of creating an accessory  
6 dwelling unit.

7 3. Density. An accessory dwelling unit shall be exempt from density or lot size requirements  
8 that are in addition to the requirements for the single family dwelling on the lot.

9  
10 [Note: lot coverage maximum?]

11 4. Setbacks. For an accessory dwelling unit located within the same structure as a single-  
12 family dwelling unit or attached to or sharing a wall with a single-family dwelling unit,  
13 the setback requirements and dimensional requirements must be the same as the  
14 setback requirements and dimensional requirements of the single-family dwelling unit,  
15 except for an accessory dwelling unit permitted in an existing accessory building or  
16 secondary building or garage as of July 1, 2023, in which case the requisite setback  
17 requirements for such a structure apply.

18 5. Parking. An accessory dwelling unit shall not be subject to any additional parking  
19 requirements beyond the parking requirements of the single-family dwelling unit on the  
20 lot where the accessory dwelling unit is located.

21 6. Minimum Size. An accessory dwelling unit must meet a minimum size of 190 square  
22 feet. If the Technical Building Codes and Standards Board under Title 10, section 9722  
23 adopts a different minimum size, that standard applies.

24 [Note: A municipality may impose a maximum size for an accessory dwelling unit. ]

25 7. Short Term Rental Prohibition. No accessory dwelling unit shall be operated as a Short  
26 Term Rental.

27  
28 ~~2. No accessory dwelling unit is permitted where a variance is also required. The Zoning~~  
29 ~~Board of Appeals may permit the creation of an accessory dwelling unit, subject to the applicant's~~  
30 ~~compliance with the provisions of Section 19-5-5, Conditional Use Permits, and the provisions~~  
31 ~~below:~~

32  
33 ~~1. A lot must have a minimum of twelve thousand (12,000) square feet to be eligible for the~~  
34 ~~addition of an accessory dwelling unit to an existing single family home. The applicant~~

- 1 shall have the burden to establish the lot area by a survey signed and sealed by a  
2 registered Maine surveyor. The applicant shall also demonstrate compliance with the  
3 Town Sewage Ordinance.
- 4
- 5 ~~2. An accessory dwelling unit may only be created in a single family, detached dwelling~~  
6 ~~which has a total existing floor area of the structure, excluding garages, of one thousand~~  
7 ~~five hundred (1,500) square feet or more prior to the addition of the accessory dwelling~~  
8 ~~unit.~~
- 9
- 10 ~~3. The accessory dwelling unit shall occupy no more than twenty-five percent (25%) of the~~  
11 ~~resulting floor area of the structure, as defined herein, excluding garages. In no event,~~  
12 ~~however, shall the floor area of the accessory unit be less than a minimum of three~~  
13 ~~hundred (300) square feet or exceed a maximum of six hundred (600) square feet. An~~  
14 ~~interior connecting doorway between the single family dwelling and the accessory~~  
15 ~~dwelling unit shall be provided. The interior connecting doorway shall not permit the~~  
16 ~~informal extension or expansion of the allowable dimensions of the accessory dwelling~~  
17 ~~unit.~~
- 18
- 19 ~~4. Any addition to the floor area of the single family detached dwelling to create the~~  
20 ~~accessory dwelling unit shall not exceed fifteen percent (15%) of the floor area of the~~  
21 ~~structure of the single family dwelling prior to conversion.~~
- 22
- 23 ~~5. One parking space shall be provided for the accessory dwelling unit in addition~~  
24 ~~to the parking for the single family detached dwelling. The parking space must~~  
25 ~~be located a minimum of five (5) feet from the side and rear property lines. The~~  
26 ~~parking areas for the lot shall be arranged and landscaped to be compatible with~~  
27 ~~adjacent structures.~~
- 28
- 29 ~~6. Any exterior alteration shall preserve the single family appearance, architectural~~  
30 ~~style, and character of the original structure and shall be in harmony with the~~  
31 ~~design of the original structure and the general appearance of the neighborhood.~~  
32 ~~Any exterior alteration shall preserve the formal, front entrance of the original~~  
33 ~~structure, in order to maintain the single family appearance and architectural~~  
34 ~~style of the structure; although a secondary entrance which serves the accessory~~  
35 ~~dwelling unit may be permitted. Any secondary entrance shall not detract from~~  
36 ~~the main entrance and shall not be located on the face of the building where the~~  
37 ~~main entrance is located.~~
- 38
- 39 ~~7. No accessory dwelling unit shall be approved for any structure that includes a~~  
40 ~~home occupation or home business, nor shall a home occupation or home~~  
41 ~~business be permitted in a structure that includes an accessory dwelling unit.~~
- 42
- 43 ~~8. The single family dwelling and the accessory dwelling unit installed therein~~  
44 ~~shall be held in the same ownership. No rights shall accrue to the recipient of~~

~~the conditional use permit under this section unless the recipient records an attested copy of the conditional use permit in the Cumberland County Registry of Deeds within ninety (90) days of final approval of the conditional use permit. A conditional use permit shall become null and void if not recorded within ninety (90) days of final approval.~~

## SEC. 19-7-8. OFF-STREET PARKING

### B. Minimum Requirements for Off-Street Parking

4. The following minimum number of spaces, rounded up to the nearest whole number, shall be provided and maintained for each use on a lot, including each use within all buildings. The Planning Board may reduce by up to thirty percent (30%) the required parking for the reuse of a building existing as of June 4, 1997. In granting such a reduction, the Planning Board must find that:

a. Residential

- |    |   |  |
|----|---|--|
| 3. | <del>Multiplex housing or Multifamily dwellings development</del> | 1.5 spaces per dwelling unit with one bedroom, 1.75 spaces for unit with two bedrooms, and 2 spaces per unit with three or more bedrooms |
|----|---|--|

3.5	<del>Affordable housing Development in compliance with Sec. 19-7-17</del>	2 spaces for every 3 dwelling units
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### C. Off-Street Parking Design Standards

The following design standards shall apply to all new and expanded off-street parking areas:

1. Parking areas for uses other than single and two-family dwellings shall be designed so that vehicles will not back out into a street.

## SEC. 19-7-17. AFFORDABLE MULTIFAMILY DEVELOPMENT

### A. Purpose

The Town adopts this section in compliance with L.D. 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions." The Town finds that increasing the amount of multifamily development is consistent with the 2019 Comprehensive Plan goals to diversify the housing stock and to increase the amount of affordable housing available within the Town.

1  
2 **B. Definitions**  
3

4 The following definitions shall be applicable to Sec. 19-7-17, Affordable Multifamily  
5 Development.  
6

7 **Affordable Housing Development:** Affordable Housing development shall mean multifamily  
8 development that incorporates the following:  
9

- 10 1. For rental housing, a development in which a household whose income does not  
11 exceed 80% of the median income for the Portland area as defined by the United  
12 States Department of Housing and Urban Development under the United States  
13 Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can  
14 afford a majority of the units that the developer designates as affordable without  
15 spending more than 30% of the household's monthly income on housing costs;  
16 and  
17 2. For owned housing, a development in which a household whose income does not  
18 exceed 120% of the median income for the Portland area as defined by the United  
19 States Department of Housing and Urban Development under the United States  
20 Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can  
21 afford a majority of the units that the developer designates as affordable without  
22 spending more than 30% of the household's monthly income on housing costs.  
23

24 **C. Small multifamily development.**  
25

- 26 1. Multifamily development density. In every zoning district, when a new residential  
27 dwelling is allowed on a lot, a structure or structures with up to 2 dwelling units  
28 per lot shall be allowed if that lot does not contain an existing dwelling unit. If the  
29 lot is located in the RB, RC, TC or BA zoning district, a structure or structures with  
30 up to 4 dwelling units per lot shall be allowed if that lot does not contain an  
31 existing dwelling unit. In every zoning district, a lot with one existing dwelling unit  
32 may add up to 2 dwelling units: one additional dwelling unit within or attached to  
33 an existing structure or one additional detached dwelling unit, or one of each. If  
34 more than one dwelling unit has been constructed on a lot as a result of the  
35 allowance under this section, the lot is not eligible for any additional increases in  
36 density.  
37  
38 2. Dimensional requirements. Multifamily development constructed under Sec. 19-  
39 7-17 shall be subject to the setback and height requirements applicable to a single  
40 family dwelling.  
41

42 [Note: Density is determined in each district, Sec. 19-6-2, 3, 4, 5. The current “per  
43 unit” minimum land area can be retained or a higher density may be allowed by  
44 allowing up to 4 units on a single family lot or plus-sized lot to be determined.

State law prohibits requiring more land per multifamily dwelling unit than is currently required per single family home.]

**D. Growth Area Affordable multifamily development.**

1. Density requirements. An Affordable Housing development shall be allowed in the RB, RC, TC and BA Zoning Districts, which have been designated growth areas in the 2019 Comprehensive Plan, at a dwelling unit density of 2 ½ times the base density allowed for multifamily development, as depicted below.

Designated Growth area Zoning District	Base Density		Affordable Housing Multifamily development density	
	Sewer	Subsurface Wastewater disposal	Sewer	Subsurface wastewater disposal
Residence B (RB)	1 unit per 20,000 sq. ft. of net residential area	1 unit per 60,000 sq. ft. of net residential area	1 unit per 8,000 sq. ft. of net residential area	1 unit per 24,000 sq. ft. of net residential area
Residence C (RC)	1 unit per 15,000 sq. ft. net residential area		1 unit per 6,000 sq. ft. net residential area	
Town Center (TC)	1 unit per 3,000 sq. ft. of gross lot area		1 unit per 1,200 sq. ft. of gross lot area	
Business A (BA)	1 unit per 7,500 sq. ft. of net residential area		1 unit per 3,000 sq. ft. of net residential area	

2. Long-term affordability. Before approving an affordable housing development, the Town shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

a. For rental housing, occupancy of all of 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 of 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.