

# DURHAM PLANNING BOARD PROPOSAL ON HOUSING DENSITY

## MAINE'S NEW "AFFORDABLE HOUSING LAW"

The Maine Legislature passed a law in 2022 to go into effect for Durham on July 1, 2024 that requires allowance of up to 3 dwelling units on any lot where there is an existing single-family dwelling. Two dwelling units must be allowed on any vacant lot. Towns are, however, allowed to increase lot sizes for the added dwelling units. There are other parts of the law related to affordable housing requirements that apply to larger Maine towns, but the primary impact for Durham is the requirement for increased housing density.

Durham currently requires each single-family home to be on a minimum lot size of 2 acres (90,000 sq. ft.) and allows that home to have one accessory apartment that can be no larger than 50 percent of the floor area of the residence. The accessory apartment can be within or attached to the residence, or it can be added in a garage or barn.

Duplexes (two-family dwellings) are also allowed on any lot, but the lot size increases from 2 acres to 2.5 acres. No accessory apartment can be added with a duplex, so the current maximum number of dwelling units on any lot is two.

Durham's allowance for any single-family home to have an accessory apartment and any vacant lot to have a duplex partially complies with the new State law for housing density, but to be fully compliant by the July 1, 2024 deadline, the Land Use Ordinance must be amended to make allowance for a third, full-sized dwelling unit on any lot that currently has a single-family dwelling. So, under the new law, any single-family dwelling could be converted to a duplex and a separate single-family dwelling could be added on the same lot.

## PLANNING BOARD RESPONSE TO THE NEW LAW

The Planning Board has been working on a response to the new State law requiring higher density housing since the law was passed in April of 2022. The Board conducted an extensive public participation process involving public information meetings, online presentation of research, and a citizen survey. Through that process, the Board learned that Durham residents are concerned about the limited availability of housing for their adult children and elderly parents, but they are also concerned about the potential impacts of increased housing density on Town services (i.e., taxes) and on Durham's rural character.

Based on the public input and the requirements of the law that will go into effect on July 1, 2024 regardless of any action or nonaction by Town voters, the Planning Board has developed a set of proposed Land Use Ordinance amendments to present at the April 6, 2024 Town Meeting that will follow recommendations in the Durham Comprehensive Plan for addressing the Town's housing needs while also using authority provided in the new State law to limit impacts on Town services and to protect rural character. The Planning Board's proposed response has two tracks:

### 1. Follow the Comprehensive Plan recommendations for smaller accessory apartments.

With repeal of the Growth Management Ordinance in 2018, the Comprehensive Plan recommended that multi-family housing be considered but to require design controls to fit the added units into the fabric of existing neighborhoods and the Town's rural character. This recommendation will be achieved by allowing a second accessory apartment on any lot, by limiting the size of those units, and by requiring them to be located within or attached to the residence or in a garage or barn that is accessory to the main dwelling. This response will address our housing needs, but it will reduce the impacts of the added housing on Town services and visual character. [MAXIMUM OF 3 HOUSING UNITS]

### 2. Increase lot sizes for full-sized dwelling units as allowed by the new State law.

The State mandate for increased housing density does allow Durham to increase lot size requirements to limit the community impacts of the required increase in housing density, and the Planning Board is proposing to apply the current minimum lot size of 2 acres to each full-sized dwelling unit that is developed. Under this proposal, the following lot size requirements will be added to the Land Use Ordinance:

Single-Family – 2 Acres

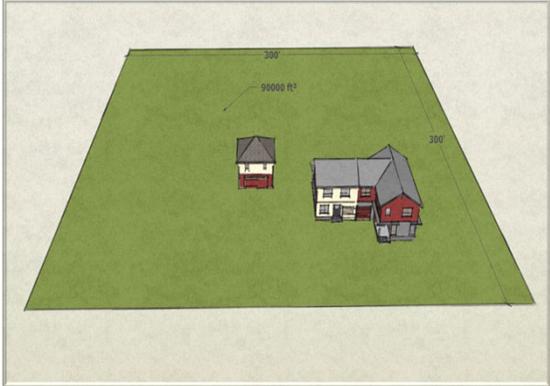
Duplex – 4 Acres

Single-Family and a Duplex – 6 Acres

[MAXIMUM OF 3 HOUSING UNITS]

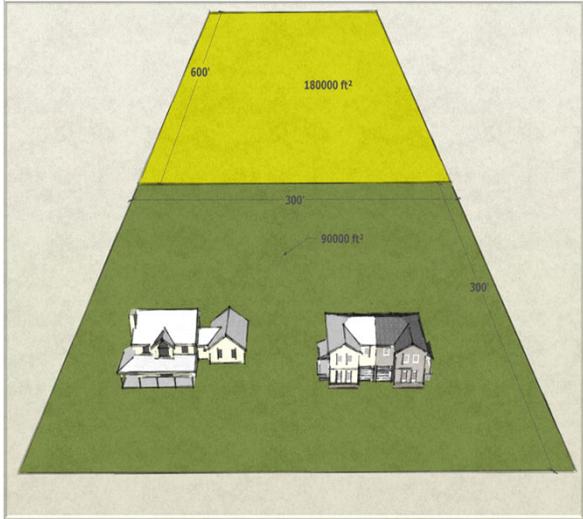
**PLANNING BOARD PROPOSAL**

**1. FOLLOW THE COMPREHENSIVE PLAN FOR SMALLER ACCESSORY APARTMENTS (Address Housing Needs)**



- 1 single-family with 2 accessory apartments
- 2 acres for 1 dwelling with 2 small apartments
- Maximum of 3 housing units
- Designed to fit in neighborhood

**2. INCREASE LOT SIZES FOR FULL-SIZED DWELLING UNITS AS ALLOWED BY THE NEW STATE LAW (Limit Housing Impacts)**

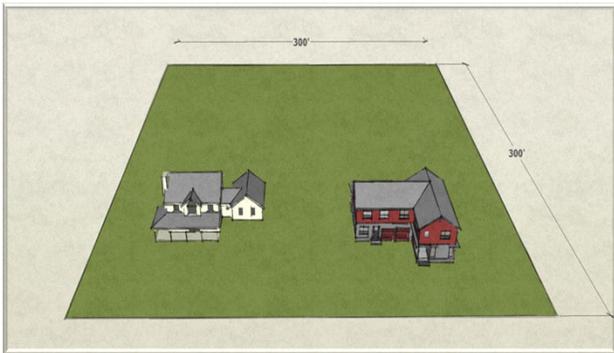


- 1 single-family and 1 duplex
- 6 acres for 3 full-sized dwelling units
- Maximum of 3 housing units
- Limits the number of full-sized housing units.

**IF THE PLANNING BOARD PROPOSAL IS NOT APPROVED AT TOWN MEETING**

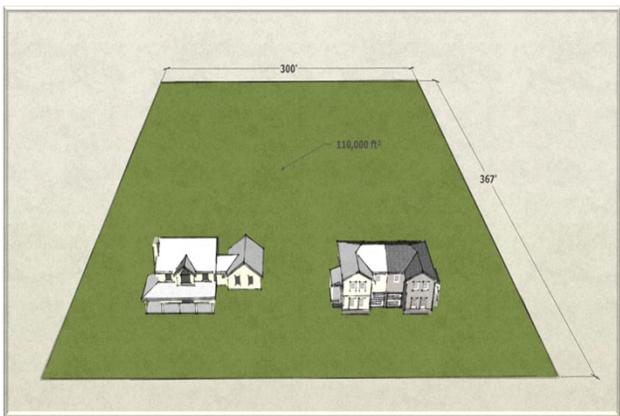
The Town Attorney has advised the Code Officer that whenever there is a conflict between regulations in the Durham Land Use Ordinance and a State land use law, the State's requirements take precedence and must be followed. That means that if the Planning Board proposal is not passed by Town Meeting voters on April 6, 2024, the Code Officer will apply the following provisions on July 1, 2024 when the State law goes into effect for Durham.

**1. VACANT LOTS**



- Must allow 2 full-sized dwelling units on a vacant lot
- Can be a duplex or 2 single-family Homes
- Maximum of 2 housing units
- Lot size is 90,000 sq. ft. (110,000 if attached)

**2. DEVELOPED LOTS**



- Must allow 3 dwelling units on any lot with a single-family home
- Can be one attached, one detached, or one of each
- Maximum of 3 units
- Lot size is 110,000 sq. ft.