



**MUNICIPAL OFFICERS' CERTIFICATION OF THE OFFICIAL TEXT OF PROPOSED ORDINANCE(S)  
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Ogunquit, Maine:

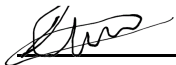
We hereby certify to you that the documents to which we have affixed this certificate are a true copy of the official text of an ordinance(s) entitled:

**1. Chapter 225 – Zoning Ordinance §225-9.20 Affordable Housing Provisions**

Which is to be presented to the voters for their consideration on June 13, 2023.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Approved on this 14<sup>th</sup> day of February 2023, by a majority of the Select Board

  
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Robert M. Whitelaw, Chair

  
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Carole J. Aaron, Vice-Chair

  
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Richard A. Dolliver

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Heath R. Ouellette

  
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Scott A. Vogel

## Chapter 225

### Article 9

#### Affordable Housing Provisions

##### § 225-9.20 Affordable housing provisions.

A. ~~Mandatory minimum set aside of 10% of dwelling units for affordable housing. All subdivisions, with 10 or more lots or dwelling units created within a five-year period, shall set aside at least 10% of the lots or dwelling units in the project as affordable housing as defined by this chapter. Assurance of continued affordability shall be provided as set forth below.~~

**A. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 ½ times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.**

B. ~~Density bonus calculation for projects with at least 25% affordable lots or units.~~

(1) ~~The Planning Board may decrease the minimum lot area and/or minimum net residential area per dwelling unit in any district, as listed in Table 703.1, by up to 25%, if at least 25% of the lots or units in any residential subdivision are set aside for affordable housing, as defined by this chapter, and the project is designed as a clustered or planned unit development, pursuant to § 225-9.6 of this chapter.~~

(2) ~~This affordable housing density bonus shall not apply to mobile home parks or to conventional subdivisions.~~

(3) ~~Calculation of bonus for clustered or planned unit developments with affordable housing. If a clustered or planned unit residential development is proposed with at least 25% of the lots or units set aside for affordable housing, as defined by this chapter, the maximum number of dwelling units shall be calculated as follows:~~

(a) ~~Multiply the minimum net residential area per dwelling unit listed in Table 703.1 by 0.75.~~

(b) ~~Divide the result above into the net residential area of the entire parcel or tract. The term "net residential area" shall be as defined by this chapter in Article 2.~~

(c) ~~Multiply the result by 1.2, and round to the nearest whole number.~~

**B. Water and wastewater. The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:**

**1. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;**

**2. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.**

C. Assurance of affordability.

(1) Mortgage or affordable housing covenant.

(a) An application for a subdivision that includes affordable housing under this section shall demonstrate to the satisfaction of the Planning Board that, either by means of the terms of a mortgage held by a governmental agency whose purposes include the provision of affordable housing, or by means of an affordable housing covenant to be conveyed to a qualified holder, along with a signed statement by the qualified holder that it will serve as the holder of the affordable housing covenant, the designated share of units will remain affordable, as defined by this chapter:

[1] For at least 30 years from the date of first occupancy, in the case of units to be occupied by renters, whether or not the units are subsequently sold for owner-occupancy; and

[2] For at least ~~10~~ **30** years from the date of first occupancy, in the case of units to be occupied by the owners of the units.

(b) The affordable housing covenant shall provide, further, that the units will be rented or sold during the designated period of time only to persons whose incomes meet the guideline for affordability, as defined in this chapter.

(c) The terms "affordable housing covenant" and "qualified holder" shall have the meaning as set forth in Article 2, Definitions, of this chapter. Nothing in this subsection shall preclude a qualified holder itself from being the applicant for the development of an affordable housing project, provided that it demonstrates to the satisfaction of the Planning Board that, by means of deed restrictions, financial agreements, or other appropriate legal and binding instruments, the designated share of units will remain affordable for the required period of time.

(2) An application for a subdivision that includes affordable housing under this section shall include a written statement on the subdivision plat, indicating the share of dwelling units set aside as affordable and, in the case of dwelling units to be sold to others individually, the actual units (or the lots that will accommodate such units) set aside as affordable.

(3) An application for a subdivision comprised of rental units that includes a request for affordable housing under this section shall include as part of the affordable housing covenant a written description of the mechanism by which the subdivider and his successors shall document annually to the qualified holder and to the Planning Board that the designated share of units to be rented have remained priced and, if occupied, actually rented at affordable levels and have been rented to households within the guidelines of affordability, as defined by this chapter. Failure to make such annual documentation shall constitute a violation of the subdivision approval.

(4) Any dwelling unit that is set aside for affordability and is to be sold shall include a restriction in its deed that requires:

(a) Any buyer within a ~~ten~~ **thirty**-year period from the date of first occupancy to be within the guideline of affordability, as defined by this chapter; and

(b) The price of the dwelling unit not to be increased by a percentage greater than the percentage increase in the median household income in nonmetropolitan York County, as reported by the U.S. Department of Housing and Urban Development, between the date of purchase of the dwelling and the date of sale of the dwelling. A copy of the deed restriction shall be included as part of the subdivision application, and the deed restriction shall reference the book and page number at which the subdivision plat is recorded in the York County Registry of Deeds.

D. Timing and phasing. Affordable housing lots or dwelling units shall be constructed and completed at least concurrently with the remainder of the project. In developments where the applicant or its agents, or its successors or assigns, shall construct at least 50% of the units, the approved affordable housing units shall be constructed in proportion to the market-rate units. Proportionality shall be determined by dividing the total number of units in the development by the total number of affordable units. No building permit shall be issued for a market-rate unit in excess of the proportion of affordable housing units for which a certificate of occupancy has been issued. For example, in a development of 20 units (total) with two affordable units, the proportional number of total units to affordable units is 10 total units to one affordable unit. If one building permit is issued for an affordable unit, then up to nine building permits for market-rate units can be issued. No additional market-rate unit building permit can be issued until the first affordable unit is built and a certificate of occupancy for that unit is issued. An additional nine market-rate-unit building permits can then be issued before the second affordable unit has been issued a certificate of occupancy. When calculating proportionality, any fractional sum shall be rounded down to the nearest whole building unit. For example, in a development of 20 units with three affordable units, the proportional number of units to affordable units would be six units to one affordable unit.

**E. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land.**