

- ii. Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against the individual, homeowners' or property owners' association, or other entity shall be established as a condition of Development Review Approval.

#### **D. Affordable Housing Developments**

##### **(1) Purpose**

The Town of Brunswick has developed this Subsection to help promote and stimulate the creation of affordable housing units in the community. Such a need was identified in the 2004 Action Plan for Housing and the 2008 Comprehensive Plan. Measures permitted in this Subsection are aimed at reducing development costs, defraying development costs over a greater number of units, and providing flexibility for denser development patterns in return for guaranteed affordability of certain units for a set period of time. Greater affordability is rewarded with greater cost reductions and more development flexibility.

##### **(2) Definition of Affordable Housing**

For purposes of this Subsection, "affordable housing" is housing located in the Growth Area and served by public water and sewer services that is designed with the express intent of providing decent, safe, and sanitary living accommodations affordable to lower income and moderate income households, in accordance with the following definitions:

- a. An owner-occupied housing unit is "affordable" to a household if the unit's proposed sales price results in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs and real estate taxes) that do not exceed 28 percent of the maximum gross monthly income of a low income or moderate income household. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to low and moderate income households.
- b. A renter-occupied housing unit is "affordable" to a household if the unit's proposed monthly housing costs (including rent and basic utility and energy costs) do not exceed 30 percent of the maximum gross monthly income of a low income or moderate income household.
- c. A "very low income household" is a household with a gross income less than or equal to 50 percent of the applicable Brunswick Micropolitan Statistical Area median income.
- d. A "low income household" is a household with a gross income over 50 percent but less than or equal to 80 percent of the applicable Brunswick Micropolitan Statistical Area median income.
- e. A moderate income household is a household with a gross income more than 80 percent, but less than or equal to 100 percent, of the applicable Brunswick Micropolitan Statistical Area median income.
- f. The "Brunswick Micropolitan Statistical Area median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for Brunswick Micropolitan Statistical Area. Where appropriate to use this definition, median family income may be adjusted for family size.

- g. A household's "gross income" includes the income of all household members from all sources.

**(3) Benefits Provided Affordable Housing Projects**

The Town shall provide the following benefits to developments providing additional affordable housing units, including new construction and renovation of existing units, but not existing projects that have already been deemed "affordable" by regulatory agencies as of September 19, 2005. The Town shall reduce fees for affordable housing units as provided below:

- a. Only projects that require Major Development Review are eligible for fee reductions.
- b. Application fees for any project may not be reduced.
- c. Percentage reduction of Building Permit fees and impact fees for recreation, solid waste, and other facilities imposed by the Town shall be:
  - i. A 50 percent reduction in the regular fee for each unit affordable to Moderate Income households;
  - ii. A 75 percent reduction in the regular fee for each unit affordable to Low Income households; and
  - iii. A 100 percent waiver of the regular fee for each unit affordable to Very Low Income households.
- d. If a reduced traffic impact fee would exceed \$10,000, the Town Council may further reduce or waive the fee upon request on finding that the added reduction or waiver is required to make the project economically viable.

**(4) Modification of Dimensional Standards**

All dimensional standards other than density (which is determined by the density bonus provisions in Subsection 4.2.5.D(5)) and building height may be modified by the Review Authority if it finds that:

- a. The proposed modification is necessary to make the project economically viable;
- b. The proposed modification is necessary to accommodate any bonus units (i.e., no alternative layout that better meets the dimensional standards can accomplish the same); and
- c. The proposed development pattern meets the standards of Section 4.11 (Architectural Compatibility).

**(5) Bonus Density**

- a. The maximum number of allowable units allowed for affordable housing projects may be increased as provided in Subsection 4.2.5.E. The amount of density bonus depends on the affordability of the units relative to household categories defined in Subsection 4.2.5.D(2).
- b. Projects that receive a density bonus shall meet the dimensional standards to the greatest extent practical.
- c. All bonus units shall be additional affordable housing units.

**(6) Maintaining Affordability of Units**

The affordability for all units receiving benefits from the Town under Subsection (3) above shall be guaranteed in accordance with the following requirements:

- a. The period of affordability shall be individually determined by the Town based upon the amount of subsidy or density bonus but shall be at least ten (10) years for ownership units and 30 years for rental units. These minimums shall increase to up to 50 years according to the amount of subsidy or density bonus obtained from the Town.
- b. The method of guaranteeing affordability is determined on a case by case basis by the Town using guidelines set by the Maine State Housing Authority for the Affordable Housing Tax Increment Financing Program, as revised.
- c. The period of enforceability shall be guaranteed by the developer in a document recorded at the Cumberland County Registry of Deeds and satisfactory to the Town. The document shall include, but not be limited to, authorization for the Town to seek the penalties outlined in the document and to seek injunctive relief, including attorney's fees and costs, or both.

**E. Density Bonuses**

- (1) Bonus development density is available for:
  - a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to Subsection 2.3.5; and
  - b. Projects that meet the standards for an Open Space Development in Subsection 4.2.5.C and permanently protect a minimum of an 50 percent of the developable net site area; and
  - c. Projects that provide affordable housing units pursuant to Subsection 4.2.5.D.
- (2) Bonuses for projects that meet more than one (1) of the categories in Subsection 4.2.5.E(1) may be combined, but no combination of bonuses shall increase the maximum number of lots or units on a parcel by more than 35 percent above the number of lots or units that would otherwise be permitted pursuant to Subsections 4.2.3 or 4.2.4 as applicable.
- (3) If the final calculation that determines the total number of bonus units results in a fraction of a unit, the bonus shall be rounded downward to the nearest whole number.
- (4) Density bonuses awarded for development meeting the criteria in Subsection 4.2.5.E(1) are shown in Table 4.2.5.E (below):

<b>Table 4.2.5.E: Density Bonuses Available</b>		
	<b>Growth Districts</b> GR1 through GR10, GM1 through GM5, GM8, GC1 through GC5, and GI	<b>Rural Districts</b>
<b>Wildlife Habitat Blocks</b> (Percent increase in number of lots permitted in base zoning district)		
If 51-75% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	20	20
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 1-15% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 16-25% of the Block is disturbed	10	10
<b>Wildlife Corridors</b> (Percent increase in number of lots permitted in a subdivision that avoids mapped corridors)	15	15
<b>Open Space Developments</b> (Percent increase in number of lots permitted in base zoning district)	25	25
<b>Affordable Housing:</b> (Bonus units per affordable housing unit)		
Affordable to Moderate Income	.50	0
Affordable to Low Income	.75	0
Affordable to Very Low Income	1.00	0

**F. Additional Dimensional Standards within the Shoreland Protection Overlay**

- (1) Minimum lot area and minimum shore frontage standards for lots located within the Shoreland Protection Overlay are contained in Table 4.2.5.F(1). In addition to such standards, Subsections (2) through (5) below shall also apply.