

Town of Baldwin

Housing and Land Use Ordinances Update Draft

Drafted by: Mikala Jordan, SMPDC
2/7/2024

Black = same text as existing ordinances OR edits already reviewed; **Purple** = new text;

ARTICLE 2. Definitions

2.2 Definitions

ACCESSORY DWELLING UNIT: A self-contained dwelling unit located within an existing single-family dwelling unit, attached to a single-family dwelling unit, or a new structure created for the purpose of being an accessory dwelling located on the same parcel of land as the existing single-family dwelling unit, and that has a gross floor area between one hundred ninety (190) and seven hundred and fifty (750) square feet.

AFFORDABLE HOUSING DEVELOPMENT: *(This is a state-regulated definition).*

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the Cumberland County 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 a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the Cumberland County 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 a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

C. For purposes of this definition, "majority" means at least 51 percent or more.

D. For purposes of this definition, "housing costs" means:

1. For a rental unit, the cost of rent, renter's insurance, and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
2. For an owner-occupied 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.

AFFORDABLE HOUSING COVENANT: An agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable per the definition of affordable housing in this section.

BASE DENSITY: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance.

DWELLING: A building used as the living quarters for one or more families, containing a minimum of 600 square feet of floor area per dwelling unit exclusive of garages and similar unheated storage spaces, and equipped with a heating system and plumbing. The term includes manufactured housing as defined by 30-A M.R.S.A. §4358, as amended.

DWELLING, ATTACHED: A single family dwelling which has two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached dwellings; which has no dwelling unit above or below it; and which has no common hallway with any other dwelling unit.

DWELLING, SINGLE-FAMILY: A building used for residential occupancy by not more than one family living independently as a single housekeeping unit.

DWELLING, TWO-FAMILY: A building used for residential occupancy by not more than two families living independently of each other.

DWELLING, MULTI-FAMILY: One or more buildings used for residential occupancy by more than two families, each living independently of the other.

DWELLING UNIT: A room or group of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and eating. The term includes manufactured housing and tiny homes but not recreational vehicles or motel units.

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or hotel. ~~Such housekeeping unit shall not include persons not related by blood or marriage.~~

FARM STAND: An accessory structure with a total area devoted to retail sales of 400 square feet or less on a lot whose primary use is agriculture, the primary activity of which is retail sales of agricultural products grown, raised, or produced on said lot.

MANUFACTURED HOME: Shall mean "manufactured housing" as that term is defined in 30-A M.R.S. §4358(1)(A), as may be amended: A dwelling constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site, including any type of building that is constructed at a manufacturing facility and then transported to a building site where it is used for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. Three types of manufactured housing are included; they are:

A. Units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the code adopted by the United States Department of Housing and Urban Development and that are structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems within the units; except that "manufactured housing" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily

files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code, Section 5401 et seq.;

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's laws and rules governing manufactured housing, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units; and,

C. Units constructed prior to June 15, 1976 that are structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units. "Mobile home" has the same meaning.

MOBILE HOME: Units constructed prior to June 15, 1976 that are structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units. "Mobile home" is not an accessory dwelling unit, tiny home, or recreational vehicle.

MANUFACTURED HOME PARK: A plot of land laid out to accommodate on the same parcel three or more manufactured home sites, subject to the space and bulk standards of this Ordinance and to the design standards and review process of the Subdivision Ordinance and subject to all other applicable State and local codes and ordinances. Synonymous with "Mobile Home Park."

MOBILE HOME PARK: A plot of land laid out to accommodate on the same parcel three or more mobile home sites, subject to the space and bulk standards of this Ordinance and to the design standards and review process of the Subdivision Ordinance and subject to all other applicable State and local codes and ordinances. Synonymous with "Manufactured Home Park."

RECREATIONAL VEHICLE: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling, and which may include a pick-up camper, travel trailer, tent trailer and motor home. "Recreational vehicle" is not an accessory dwelling unit, manufactured home, or mobile home.

TINY HOME: A living space under 400 square feet in size that is permanently constructed on a frame or chassis, designed for use as permanent living quarters, is a vehicle without motive power, and complies with dimensional requirements for operation on a public way. "Tiny home" is not an accessory dwelling unit, manufactured home, or mobile home.

ARTICLE 6. District Regulations

6.1 District Requirements

A. Uses in all districts that are in the shoreland zone shall comply with the standards in the most current revision of the Town of Baldwin Shoreland Zoning Ordinance.

B. Uses in all districts shall observe the Article 9 Performance Standards.

6.1.1 Natural Resource Protection District

A. Purpose. The purpose of the natural resource protection district is to protect fragile ecological systems, which, if intensively developed or substantially altered, would damage water quality, wildlife and aquatic habitat and biotic systems, and ecological relationships. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment, while allowing productive use to be made of the land.

B. Uses. Permitted and conditional uses can be found in 6.2.1 Land Use Tables. Uses not allowed as permitted or conditional uses as stated in 6.2.1 Land Use Tables are prohibited within this district.

6.1.2 Highland District

A. Purpose. The purpose of the highland district is to recognize the inherent limitations for development posed by the higher elevations and steep slopes in this district, while allowing very low intensity development compatible with physical capability of the land.

B. Uses. Permitted and conditional uses can be found in 6.2.1 Land Use Tables. Uses not allowed as permitted or conditional uses as stated in 6.2.1 Land Use Tables are prohibited within this district. **The occupancy of recreational vehicles for more than three months in a 12-month period is prohibited.**

C. Standards

- 1) Any use in this district involving new construction of more than 5,000 square feet of floor area or clearing or grading or other earth moving activity affecting more than two acres of land not to be revegetated shall first be subject to Site Plan Review under Article 11 of this Ordinance provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.
- 2) Any use in this district involving new construction of more than 5,000 square feet of floor area or clearing or grading or other earth moving activity affecting more than two acres of land not to be revegetated shall first be subject to Site Plan Review under Article 11 of this Ordinance provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

6.1.3 Rural District

A. Purpose. The purpose of the rural district is to conserve the qualities of the open rural open space, including agricultural and forestry uses while encouraging low intensity development compatible with the physical capability of the land.

B. Uses. Permitted and conditional uses can be found in 6.2.1 Land Use Tables. Uses not allowed as permitted or conditional uses as stated in 6.2.1 Land Use Tables are prohibited within this district. [The occupancy of recreational vehicles for more than three months in a 12-month period is prohibited.](#)

C. Standards:

- 1) Maximum commercial floor area shall not exceed 40,000 square feet total
- 2) Any use in this district involving new construction of more than 5,000 square feet of floor area or clearing or grading or other earth moving activity affecting more than two acres of land not to be revegetated shall first be subject to Site Plan Review under Article 11 of this Ordinance provided, however, that single family detached or attached homes, forestry activity including timber harvesting, and agriculture shall not be subject to this requirement.

6.1.4 Village Commercial District

A. Purpose. The purpose of the village commercial district is to provide for neighborhood and compatible commercial development in the vicinity of East Baldwin, West Baldwin and North Baldwin.

B. Uses. Permitted and conditional uses can be found in 6.2.1 Land Use Tables. Uses not allowed as permitted or conditional uses as stated in 6.2.1 Land Use Tables are prohibited within this district. [The occupancy of recreational vehicles for more than three months in a 12-month period is prohibited.](#)

C. Standards:

- 1) For retail and warehousing, storage, and distribution the maximum commercial floor area shall not exceed 40,000 square feet total.
- 2) Any use in this district involving new construction of more than 5,000 square feet of floor area or clearing or grading or other earth moving activity affecting more than two acres of land not to be revegetated shall first be subject to Site Plan Review under Article 11 of this Ordinance provided, however, that single family detached or attached homes, shall not be subject to this requirement.

6.2 Land Uses By District

6.2.1. Land Use Tables

KEY

RP – Natural Resource Protection District	P – Permitted Use
HD – Highland District	C – Conditional Use
RD – Rural District	X – Prohibited Use
VC – Village Commercial District	

USE/STRUCTURE	RP	HD	RD	VC
RESIDENTIAL				
Accessory structure	CU	P	P	P
Affordable housing development	X	X	X	CU
Clustered development	X	CU	CU	CU
Dwelling				
Accessory Dwelling Unit	X	P	P	P
Manufactured or mobile home	X	P	P	P
Multi-family 3 to 4 units	X	X	CU	P (was CU)
Multi-family >4 units	X	X	X (was CU)	CU
Nursing, convalescent home	X	X	CU	P
Single-family	X	P	P	P
Tiny home	X	P	P	P
Two-family	X	P	P	P
Home occupation	X	P	P	P
Manufactured or mobile home park	X	X	CU	CU
BUSINESS AND INDUSTRY				
Adult business	X	X	CU	CU
Automobile				
Graveyard or junkyard	X	X	CU	CU
Recycling	X	X	X	CU
Repair garage	X	X	CU	CU
Sales	X	X	CU	CU
Service station	X	X	CU	CU
Childcare				
Day care center, Nursery school	X	X	CU	P (was CU)
Home day care	X	X	P	P (was CU)
Contractor business	X	X	CU	P (was CU)
Eating and drinking place	X	X	CU	P (was CU)
Financial service	X	X	CU	P (was CU)
Funeral home	X	X	CU	P (was CU)
Hotels, motels, inns	X	X	CU	CU
Kennels	X	X	CU	CU
Light industrial uses	X	X	CU	CU
Manufacturing	X	X	X	CU
Medical Marijuana				
Distribution facility	X	?	?	?
Production facility	X	?	?	?
Recreational Marijuana facility	X	X	X	X
Museum	X	X	CU	P
Neighborhood store	X	X	P	P (was CU)
Office business	X	X	CU	P (was CU)

Personal service business	X	X	U	P (was CU)
Retail business	X	X	CU	CU
Service business	X	X	CU	CU
Theater, auditorium	X	X	X	?
Veterinary clinic	X	X	CU	P (was CU)
Warehousing, storage, distribution	X	X	CU	CU
Wholesale business	X	X	CU	CU
Yard, garage sale	X	CU	CU	CU
LAND-BASED ACTIVITIES				
Agriculture				
Animal husbandry	CU	P	P	P
Apiary	CU	P	P	P
Crop raising	CU	P	P	P
Event facility	X	?	?	?
Farmstand	X	P	P	P
Livestock feed lots	X	P	CU	CU
Similar Agriculture Uses to Permitted Above	X	CU	CU	CU
Forestry				
Commercial wood processing and sales	X	X	CU	CU
Forest management	P	P	P	P
Timber harvesting	P	P	P	P
Similar Forestry Uses to Permitted Above	CU	CU	CU	CU
Mineral Extraction	X	CU	CU	X (was CU)
Recreation				
Campground	X	CU	CU	X
Commercial outdoor recreation	X	CU	CU	X
Primitive recreation	P	P	P	P
Public parks and trails	CU	P	P	P
Wild crop harvesting	P	P	P	P
Wildlife management	P	P	P	P
MUNICIPAL, INSTITUTIONAL, UTILITY				
Churches and places of worship	X	X	CU	P (was CU)
Communications tower	X	CU	CU	CU
Community building	X	X	CU	P (was CU)
Emergency and fire protection activities	X	P	P	P
Essential services	CU	P	P	P
Education				
Preschool, School	X	X	CU	P (was CU)
Natural sciences educational/research facility	CU	CU	CU	CU
Hospitals, clinics, urgent care	X	X	CU	CU
Other municipal uses	X	X	CU	CU
Quasi-municipal uses	X	X	CU	CU

6.2.2. Dimensional Requirements

DIMENSIONS	RP	HD	RD	VC
Lot Area (acres)				
Minimum Total Area		10	2	2
Minimum Lot Area Per Dwelling Unit		10	2	2
Minimum Road Frontage (ft.)				
Single and two-family		400	200	200
Multi-family		400	200 for first DU, 100 for additional units	200 for first DU, 100 for additional units
Setbacks (ft.)				
Front yard on Rte 5, 11, 107, or 113		100	100	100
Other front yards		75	75	75
Side yard		50	10	10
Back yard		50	25	25
Normal high water mark		75	75	75

ARTICLE 9. Performance Standards

9.7 Off-Street Parking Standards

A. Applicability. In all new construction, expansions or changes of use there shall be provided off-street parking for their use.

B. Requirements. Off-street parking shall be considered an accessory use when required or provided to serve conforming uses located in any district. An off-street parking space shall be 10 feet wide by 20 feet long exclusive of maneuvering space. The following minimum number of spaces shall be provided and maintained:

DwellingsAt least 2 spaces per dwelling unit, excepting the following:

Affordable Housing Development.....At most 2 spaces per 3 dwelling units *(This is a state-regulated standard).*

Accessory Dwelling Unit.....None required *(This is a state-regulated standard).*

Tiny Home.....1 space per dwelling unit

ARTICLE 10. Performance Standards for Specific Activities and Land Uses

10.12 Accessory Dwelling Units (ADUs)

A. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal single-family dwelling units as the principal structure. The addition of an ADU may in no way increase the degree of nonconformity of any structure. An ADU is different from a two-family dwelling, multi-family dwelling, recreational vehicle, manufactured home, mobile home, or tiny home as defined in Section 2.2.

B. ADUs may be constructed (1) internally within the existing principal single-family dwelling unit, including an existing accessory structure such as a garage; (2) attached to an existing principle single-family dwelling unit; and (3) as a new structure created for the purpose of being an ADU on a lot with an existing single-family dwelling unit.

C. One ADU shall be permitted per qualifying lot.

D. The owner(s) of the principal single-family dwelling unit that shares the lot on which the ADU is created shall occupy at least one of the dwelling units for a minimum of 6 months per year, which need not be a continuous time period.

E. Neither the ADU nor the principal unit shall be used for short-term rentals as defined under Article 2.2 of the Town of Baldwin Land Use Ordinance. The unit must have a minimum of a 6-month formal agreement associated with it.

F. All required permits must be obtained for construction of the ADU and a separate Certificate of Occupancy must be obtained for the ADU prior to occupation of the ADU. All ADUs must comply with the applicable restrictions set forth in 30-A MRA 4364B, as may be amended, including, but not limited to, restrictions regarding shoreland zoning, water and wastewater, and any applicable restrictive covenants. Should the owners of the principal single-family dwelling unit and the ADU be found in non-compliance of the standards contained in this section, the non-compliance shall be considered a violation of this ordinance and shall subject the owner(s) subject to fines and penalties and shall result in the Code Enforcement Officer issuing an order requiring the discontinuance of the ADU use and the automatic revocation of the Certificate of Occupancy for the ADU.

G. An ADU shall be at least 190 square feet and limited to a gross floor area of 750 square feet. The height of an ADU cannot:

- 1) exceed the height of the principal single-family dwelling unit, if the ADU is detached from all existing structures; or
- 2) exceed the height of the existing principal single-family dwelling unit or accessory structure to which the ADU will be attached, excepting an ADU constructed on the second story of an attached or detached one-story garage.

H. The ADU shall be clearly subordinate to the principal single-family dwelling unit in scale and position in relationship with the street and principal dwelling unit. The ADU building design and character will match that of the principal single-family dwelling unit.

I. As stated in Article 9.7 Off-street Parking Standards, there are no parking space requirements for ADUs.

J. Proper ingress and egress shall be provided to the ADU.

K. An ADU shall have its own private entrance/exit, which is separate from the entrance/exit of the principal single-family dwelling unit.

L. Any ADU created under Section 10.2 need not meet any of the requirements for minimum lot size for dwelling units or multifamily housing contained elsewhere in the Land Use Ordinance of the Town of Baldwin.

10.13 Tiny Home

A. Applicability. Any Tiny Home pursuant to this section shall:

- 1) Be permitted on all lawful lots on which single-family dwellings are a permitted use;
- 2) Comply with the American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- 3) Not exceed the dimensions allowed for operation of recreation vehicles on a public way; and,
- 4) Comply with the lot area, setbacks, and road frontage requirements for single-family dwellings as stated in Table 6.2.2 Dimensional Standards. A tiny home is not an accessory dwelling unit and therefore must meet the minimum lot area per dwelling unit standards for the District in which it is located.

B. A tiny home may either be 1) the primary dwelling or 2) an accessory structure to a single-family dwelling.

10.14 Recreational Vehicles

A. The occupancy of recreational vehicles for less than one (1) month is permitted in districts in which single-family housing is allowed, per Article 6 District Regulations of the Town of Baldwin Land Use Ordinances.

B. The occupancy of recreational vehicles for more than one (1) month requires a permit from the Code Enforcement Officer. Occupancy of a recreational vehicle for more than three (3) months within a twelve-month (12) period is prohibited, unless that recreational vehicle meets all the conditions of a Tiny Home as stated in Section 10.13. Licensed campgrounds are exempt from this requirement.

C. Any recreational vehicle permitted for occupancy for more than one (1) month is prohibited from depending upon solely upon a generator for wastewater services and must have septic service, either use of facilities in a primary dwelling on the same lot or a portable toilet.

10.15 Multi-family Housing

A. Applicability. Any residential development pursuant to this section shall:

- 1) Verify that wastewater and water capacity is adequate for the development;
- 2) Meet Shoreland Zoning requirements as stated in the Shoreland Zoning Ordinances of the Town of Baldwin;
- 3) Conform with Article 6 District Regulations of the Land Use Ordinances of the Town of Baldwin;

- 4) Meet Performance Standards as stated in Article 9 of the Land Use Ordinances of the Town of Baldwin;
- 5) Conform to Site Plan Review requirements as stated in Article 10 of the Land Use Ordinances of the Town of Baldwin; and,
- 6) Meet the design requirements listed below.

B. Design Requirements

- 1) All proposals to convert existing structures to multi-family use or to construct multi-family housing shall be in conformance with the Maine Uniform Building and Energy Code.
- 2) Each unit of the multi-family development requires the same lot area per unit density as single-family dwellings in that district.
- 3) All outdoor storage areas for waste collection shall be enclosed by a screen at least six feet in height.
- 4) Storm water and surface drainage systems shall be designed in accordance with the Subdivision Regulations of the Town of Baldwin.
- 5) Access, Circulation, and Parking shall be designed in accordance with the Subdivision Regulations of the Town of Baldwin. In addition, the proposed developed shall:
 - a. Assure safe interior circulation within its site, by separating pedestrian and vehicular traffic via sidewalks or separated and paved pedestrian pathways.
- 6) For all developments containing 20 or more dwelling units, the Planning Board may require:
 - a. More than one street access (for emergency and safety purposes).
 - b. An on-site property manager for a minimum of 20 hours per week.

C. Applications shall include: a map of the area, dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 200 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

10.16 Affordable Housing Density Bonus

A. The Planning Board shall grant a density bonus to an applicant who proposes a residential development with affordable units as a component of the project, in accordance with the following criteria and as defined in Section 2.2 of the Town of Baldwin Land Use Ordinances. A bonus of 2.5 times the baseline density may be granted for a project that meets the affordable housing development criteria set forth in Section 10.17 of the Town of Baldwin Land Use Ordinances. *(This is a state-regulated standard)*. This decrease in minimum lot size per dwelling unit shall not apply in mobile home parks.

10.16 Affordable Housing Developments

A. Applicability. Any development pursuant to this section shall:

- 1) Verify that wastewater and water capacity is adequate for the development;
- 2) Conform with Article 6 District Regulations of the Land Use Ordinances of the Town of Baldwin;
- 3) Meet the conditions for the Affordable Housing Density Bonus as stated in Section 10.16 of the Town of Baldwin Land Use Ordinances; and,
- 4) Meet the conditions for Multi-family Housing as stated in Section 10.15 of the Town of Baldwin Land Use Ordinances.

B. Assurance of affordability. *(Most of this is state-regulated).*

1) An application for a residential development that includes a request for a density bonus 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 ordinance:

a. For at least 30 years from the date of first occupancy, in the case of units to be occupied by renters. Units subsequently sold for owner-occupancy prior to the 30-year expiration date must meet the requirements for owner-occupied affordable housing, per "b." below.

b. For at least 30 years from the date of first occupancy, in the case of units to be occupied by the owners of the units. The affordable housing covenant shall provide, further, that the units will be sold during the designated period of time only to persons whose incomes meet the guideline for affordability, as defined in this ordinance. Units subsequently rented prior to the 30-year expiration date must meet the requirements for renter-occupied affordable housing, per "a." above.

c. The terms "affordable housing covenant" and "qualified holder" shall have the meaning as set forth in Section 2.2 of the Town of Baldwin Land Use Ordinances. 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 residential development that includes a request for a density bonus shall include a written statement on the subdivision plat indicating the share of dwelling units earmarked 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) earmarked as affordable.

3) An application for a residential development comprised of rental units that includes a request for a density bonus 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 in Section 2.2 of the Town of Baldwin Land Use Ordinances. Failure to make such annual documentation shall constitute a violation of the residential development.

4) Any dwelling unit that is earmarked for affordability and is to be sold shall include a restriction in its deed that requires: (a) Any buyer within a ten-year period from the date of first occupancy to be within the guideline of affordability, as defined in Section 2.2 of the Town of Baldwin Land Use Ordinances; 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 Cumberland 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 residential development application and the deed restriction shall reference the book and page number at which the subdivision plat is recorded in the Cumberland County Registry of Deeds.