

**Land Use and Development Code Amendment: Multi-family Housing**

**Town of Gorham  
Planning Board  
Meeting  
May 2, 2022**

**ITEM 1- Land Use and Development Code – Public Hearing:** – Proposed amendment to the Land Use & Development Code to redefine the requirements for multi-family housing.

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**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Town Council Meeting</b>	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations. (6 ayes)	<b>January 4, 2022</b>
<b>Planning Board Meeting - Discussion</b>	Rescheduled from February 7, 2022. The item was forwarded to the Board's CPIC for review and recommendations.	<b>February 14, 2022</b>
<b>PLBD CPIC Meeting</b>	The committee reviewed and recommended 3 changes: longer distances for water & sewer waivers and identifying lot owners as responsible for landscaping maintenance. The item was forwarded to a full Planning Board workshop.	<b>March 7, 2022</b>
<b>Planning Board Workshop - Discussion</b>	Staff held a workshop with the Planning Board about the draft ordinance reviewed by the CPIC. Moved the item to the PLBD meeting for a public hearing.	<b>April 11, 2022</b>
<b>Planning Board Meeting - Public Hearing</b>		<b>May 2, 2022</b>

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

**Memo completed by Thomas Poirier, Director of Community Development.**

# Land Use and Development Code Amendment: Multi-family Housing

## 1. Overview

As a reminder the Planning Board held a workshop on April 11<sup>th</sup> where the item was moved on to public hearing. The item is on for a public hearing and requires the Planning Board to open the proposed ordinance amendment for public comment. Town staff has added a few more edits to the amendment on for public hearing. The additional changes are shown in blue and underlined and have to do with options regarding the way the number of allowed dwelling units are calculated for a lot.

Below is more background information on the proposed ordinance amendment and amendment process to date.

The CPIC committee reviewed the item at their March 7, 2022 meeting and recommended three changes to the proposed ordinance amendment. The proposed changes included that the distances for sewer and water exemptions should be longer than 200'. Staff has proposed 400' for sewer and 600' for public water. The other change is to the buffer requirements that outlines the owner of the parcel is responsible for maintaining landscaping. The CPIC committee edits are shown in red, bolded, and underlined. The committee forwarded the item to a full board workshop prior to a Planning Board public hearing being held.

As a reminder to the Planning Board: The Town Council is proposing the following amendments for Multi-family housing:

- New performance standards for Multi-family housing in the Town's residential and mixed- use growth districts (Urban Residential, Village Center Districts, Urban Commercial, Mosher Corner Mixed-Use District, Office- Residential District, Narragansett Mixed-Use District).
- The existing multi- family housing performance standards would be proposed for the Rural and Suburban Residential Districts.

The Town Council has identified the need to revise the multi-family housing performance standards in the growth districts due to the existing standards being overly restrictive to an urban style of development. The new standards for growth districts are to allow for multi-family housing that retains the neighborhood character and meets other development design requirements.

The Town Council's proposed amendments are shown in black, underlined, and struck through. Staff has one proposed recommended change, which is to add the new Urban Residential Expansion District to the list of growth districts under section 2). The proposed change is shown bolded, black, and underlined.

### Proposed Amendment:

Chapter 1:

SECTION 1-18 – DEVELOPMENT TRANSFER OVERLAY DISTRICT

E. PERFORMANCE STANDARDS

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### 1. Development Transfer Fee and Calculations

#### a) Calculation of the Fee

- 2) If the underlying zone does not have a maximum density requirement based upon net residential density or net acreage per dwelling unit, the maximum number of units allowed under the underlying zoning shall be determined by multiplying the gross acreage of the area proposed to be subdivided by sixty-five percent (65%) to allow for access and unusable land [or at the developers option the ability to provide the Planning Board with the lot's net residential density or net acreage per dwelling unit](#) and then dividing the resulting net area by the minimum lot size for one family dwellings or the minimum lot area per dwelling unit for two-family dwellings or multifamily housing plus any additional units allowed in the underlying district for the use of public sewerage and/or public water.

## Chapter 2: GENERAL STANDARDS OF PERFORMANCE

### SECTION 2-4 – RESIDENTIAL

#### B. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING

- 1) Suburban Residential District and Rural District: The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the Suburban Residential District and Rural District shall be done in accordance with the following standards:
  - (a)-1. Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, the relationship of buildings to the street and the use and treatment of front yard areas.
  - (b)-2. For new construction, utilities shall either be placed underground or, if above the ground, designed so as to be visually compatible with the overall development.
  - (c)-3. All required yard area shall be retained as open, landscaped areas which are not occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.
  - (d)-4. A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas or waste collection and disposal areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.
  - (e)-5. All private access roads shall be located within a 50 foot dedicated right-of-way. No off-street parking shall be located within this right-of-way.
  - (f)-6. The developer shall provide a minimum of 1,000 cubic feet of private lockable storage for personal property for each dwelling unit. This space may be part of the dwelling unit or at a separate location or building.
  - (g)-7. The developer shall provide a minimum of 250 square feet of private, outdoor space for each dwelling unit.
  - (h)-8. The developer shall provide a minimum of 250 square feet of common, outdoor space for each dwelling unit which shall be developed with appropriate recreation facilities.

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- (i)-9. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways ~~the subdivision regulations~~.
  - (j)-10. All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.
  - (k)-11. The number of dwelling units permitted on the site shall be determined by dividing the net residential acreage by the minimum lot area required per dwelling unit.
- 2) Urban Residential, Village Center Districts, Urban Commercial, Mosher Corner Mixed-Use District, Office- Residential District, Urban Residential Expansion District, and Narragansett Mixed-Use District. Multi-use buildings are exempt from the requirement of this section. The construction of any new multi-family dwelling or the conversion of an existing single family or two-family dwelling into a multi-family dwelling in the following growth districts shall be done in accordance with the following standards:
- (a) Multi-family dwellings in developed areas shall retain and respect the existing streetscape and character of the neighborhood. This shall include the size and massing of structures, design and use of exterior building materials, the relationship of buildings to the street and the use and treatment of front yard areas. Multi-family dwellings may request a waiver should the structures be located so they are not visible to the existing neighborhood. The developer shall include a licensed landscape architect in the over-all design team.
  - (b) The maximum number of dwelling units permitted on the site shall be determined by multiplying the gross acreage of the area proposed to be subdivided by sixty-five percent (65%) to allow for access and unusable land and then dividing the resulting net area by the minimum lot area per dwelling unit. Should the developer not want to utilize the sixty- five percent 65% identified under this section, developers have the option to provide the Planning Board with the lot's net residential density or net acreage per dwelling unit and then dividing the resulting net area by the minimum lot area per dwelling unit.
  - (c) Developments shall comply with any applicable maximum floor area and/ or maximum impervious coverage ratios identified in the underlying zoning district.
  - (d) Streetscape along public streets. Development adjacent to public streets shall contain the following:
    - 1. Canopy trees deciduous, shade or evergreen trees planted at 3 to 3-1/2 inches in caliper with a mature height of at least 35 feet. Under story trees shall be deciduous shade, fruit or evergreen trees planted at 2 to 2-1/2 75 inches in caliper with a mature height of at least 12 feet.
    - 2. Street furniture such as benches, trash bins, and bike racks.
    - 3. Pedestrian lighting
  - (e) All developments are required to have underground utilities, public sewer and water meeting the requirements of the Portland Water District.
    - 1. The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located greater than **four hundred 200 400'** feet from the nearest connection to a public sanitary sewer and the connection to the public sanitary sewer would cause an undue hardship to the developer, as determined by the Planning Board.

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2. The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located greater than ~~six hundred~~ **200 600'** feet and the proposal meets the Determination of Unreasonable Costs under Chapter 2, Section 2 – Provision of Public Water Supply, D. Exemption from Public Water Supply Requirements.
- (f) A buffer shall be established between the multi-family housing and any abutting single-family or two-family dwellings. The buffering shall be sufficient to minimize any kind of potential nuisance, such as, but not limited to, headlights, noise, storage areas. The buffering shall consist of landscaping, fencing, grading or a combination of features.
1. A developer is required to submit a detailed plan and specifications by a professional designer for landscaping and screening which will afford a degree of buffering and screening to meet the standard.
  2. Screening of refuse collection facilities: Uses within the development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the use being served. All refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of the above. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent residential uses and streets and from adjacent properties.
  3. Maintenance of landscaping: All required landscaping and screening shall be maintained or replanted **by the owner of the parcel(s)** as necessary so as to continue its effectiveness.
- (g) Sidewalks within the development are required to allow pedestrian connections to structures, amenities, and/ or prominent natural features within the development and the existing sidewalk network.
1. The applicant may request a waiver from the full off-site sidewalk extension as outlined under Chapter 2, Section 2-5, F., 11) Sidewalks.
- (h) Driveways, private ways, and public streets shall be designed to effectively and safely handle the anticipated traffic volumes proposed for the development both on and off the site.
1. Entrances shall be combined to the maximum extent possible.
  2. For lots with frontage on both a public street and another street the access drives shall be located off the street of lower classification unless the Planning Board finds that no safe alternative exists.
  3. All roads that will be dedicated to the Town for public use shall meet the standards for public roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.
  4. All private roads, drives, or access ways shall also meet the standards for private roads contained in Section 2-5 Minimum Standards for the design and Construction of Streets and Ways the subdivision regulations.
- (i) All off-street parking and lighting must be adequately screened from view of public ways and from adjacent lots by buildings, topography, fencing or landscaping of reasonable opacity and at least four (4) feet high.
1. In districts that allow parking to the front of the building the parking lots between the front wall of any building and the street shall be limited to one row of parking spaces, the access driveway, and walkway into the buildings.
  2. All other parking shall be located to the side and rear of the building.

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**PROPOSED MOTIONS:**

Move to recommend adoption by the Town Council of the proposed Zoning Amendment for Multi-family Housing under Chapter 2, Section 2-4 Residential (as amended by the Planning Board).