



Community Development Department
271 Falmouth Road
Falmouth, ME 04105
☎ 207.699.5303
💻 www.falmouthme.org

Memorandum

Date: December 7, 2017
To: Town Council
From: Ethan J. Croce, Community Development Director
Re: Residential Density Workshop

At the 11/27/17 Council Workshop, the Council began discussing possible ways to resolve issues associated with the unanticipated number of two-family residential development proposals in the town's residential growth districts. The Council discussed the possibility of separating this effort into two different phases if it seemed like there were more complex, time-intensive issues that needed to be resolved. Some of the specific ideas that emerged during the 11/27/17 workshop discussion, included:

1. Exploring a possible "quick fix" to resolving the issue by equalizing the density allowances for single-family, two-family, and multi-family development.
2. Exploring a variation of #1 by making density allowances for the different housing types more similar, but not equal. One option mentioned was to restore the 25% "density bonus" that was formerly provided for two- and multi-family housing prior to the adoption of the July 2016 zoning amendments.
3. Exploring the idea of allowing single family condominium development in select areas of town through the ordinance's existing Residential Planned Development (RPD) provision.
4. Exploring the idea of allowing single family condominium development "by right" town-wide.

Ideas #1 and #2, above, could be implemented with little effort and would likely remove much of the current market bias toward two-family and multi-family development.

With respect to Ideas #3 and #4, as a practical matter, allowing single family condominium development will, in many instances, allow for greater single family housing density to be achieved, especially in infill situations. This is because single family dwellings would no longer be required to be placed on separate lots with dimensional standards that require spacing of residences due to things such as street frontage, lot width, lot size, and property line setbacks. Smaller, narrower lots with space constraints, which today might not be able to be subdivided due to lack of space to create a new street for frontage for new lots, would become more developable.

Idea #4 would take the most effort to implement as the ordinance is not currently structured to address multiple single family dwellings on one lot. Numerous different provisions of the existing ordinance should be re-evaluated in order to accommodate single family condominium development “by right” town-wide. One example of this would be the RCZO standards which currently only allow for development of individual lots. Another example would be standards around vehicular access for developments not requiring Planning Board review. Since single family development is currently required to be structured around a street network, with specific street design standards spelled out in the ordinance, new ordinance provisions should be considered to address vehicular access to lots with multiple single family dwellings.

Idea #3 would take some effort to accommodate but would be simpler than Idea #4 to implement for a few reasons. Since Residential Planned Developments are already an existing provision in the ordinance, it would take less effort to simply expand the use of RPDs to other zoning districts. (RPDs are currently only allowed in the MUC, VMU, and Route 100 Corridor Overlay) Also, since RPDs require Planning Board review, issues associated with ensuring appropriate vehicular access, buffering/screening, and environmental protection could be addressed through a Planning Board review process. While there would still need to be some discussion around certain ordinance logistics, such as how, and whether, to integrate the RPD standards into the RCZO standards (RPDs are currently exempt from the RCZO standards) this could be a simpler approach that would enable targeted use of single family condominium development.

Status of Resource Conservation Overlay District Concept Amendments

At the November 27, 2017 Council Workshop, Councilor King mentioned a desire to be mindful about LPAC’s November 2016 recommendations to make changes to the Resource Conservation Zoning Overlay District (RCZO). LPAC’s recommendation was twofold: To require two-family and multi-family development to adhere to the RCZO design standards; and to change the amount of open space required for RCZO projects. This issue was discussed at the September 11 Council meeting where it was agreed that Councilors Hemphill and Svedlow would work with staff on this issue. These councilors met with staff on September 14 and reported back to the full Council on September 25 with the following information:

1. Changing the amount of open space in the Resource Conservation Zoning Overlay District (RCZO) for rural area districts (FF and HL) to 50% could be brought forward immediately as a separate amendment. Any changes to open space in the growth area should wait until the completion of the Greening of Falmouth 2.0;
2. The integration of two-family and multi-family development into the RCZO can be drafted without addressing the density disparity in the ordinance.
3. The study group would like direction on whether they are charged with addressing the density issue and if so, seek guidance on the issue.

Ultimately, there were no conclusions made at the September 25 council meeting regarding how to proceed with the RCZO issues as the discussion at that meeting largely turned toward the issue of two-family and multi-family density and the possibility of enacting a moratorium.