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MEMO

DATE: August 11, 2022

TO: Windham Town Council
THROUGH: Barry Tibbetts, Town Manager
FROM: Amanda Lessard, Planning Director
CC: Long Range Planning Committee
Steve Puleo, Planner

RE: LRPC Proposed Ordinance Amendments: Windham Center Growth Area Zoning, Affordable Housing Standards, Multifamily Development Standards

Multifamily Standards

Following Town Council discussion in the fall of 2021 of the Planning Board's recommendations of the Long Range Planning Committee (LRPC)'s proposed rezoning of the Windham Center Growth Area and recommended Affordable Housing Standards, the Town Council expressed concern about increasing areas of Town to new types of residential development at higher densities before standards were in place to adequately address multifamily developments. In the last few years there have been both several duplex developments built that were not subject to Site Plan Review or any design standards and multifamily buildings reviewed or approved in Commercial Districts that were required to comply with Design Standards that were intended to apply to commercial developments. At the Council goals meeting on December 11, 2021, Council prioritized amending the Land Use Ordinance to address multifamily development.

The LRPC has drafted the attached proposed Multifamily Development Standards. A Multifamily Development is proposed to be defined as, "A development proposing one or more lots which will individually contain three or more dwelling units." The draft proposes standards for the following elements of these types of residential developments: Building Architecture (architectural variety, façade, orientation), Site Design (parking, screening, bicycles/pedestrians, recreation and open space, landscaping/lighting and access drive standards). Amendments are also proposed to Section 800 Site Plan Review to clarify the applicability of site plan review, specify that the Commercial District Design Standards only apply to nonresidential development, and require that recreation and open space elements of the site plan be included in the project's performance guarantee.

These changes are intended to complement the proposed Windham Center rezoning and Affordable Housing standards that the LRPC has revised based on the feedback from the public, Planning Board and Town Council.

Windham Center Growth Area Zoning

In the summer of 2021 the Long Range Planning Committee (LRPC) presented proposed amendments to the Land Use Ordinance to rezone the area identified in the Comprehensive Plan as the Windham Center Growth Area and proposed two new zoning districts: The Windham Center (WC) District is proposed to be a higher density walkable residential area complemented by public community and civic spaces with limited business services; The Village Residential (VR) District is proposed to be a residential area with a mixture of limited

small business uses that meet local neighborhood needs for services. The Town Council discussed the Planning Board's recommendation, attached for reference, at a meeting on September 28, 2021. The Board recommended the proposed amended with the following comments: Narrow the size of the districts, limit the size of businesses, a theater should only be a community theater not a cinema, sidewalks should be mandatory, and drive-throughs should not be allowed.

The LRPC recommends the following revisions to the proposed amendment:

- increase side and rear setback to 15 feet when building height is over 35 feet,
- exempt single-family dwellings from roof pitch requirement,
- limit size of fitness center to 3,000 square feet,
- limit theater capacity to 90 seats, and
- increase the net density in the VR District to 20,000 sf.

The LRPC recommends no changes to the proposed land use map.

The amendments to permit multifamily dwellings in the proposed Windham Center and Village Residential Districts would also bring the Town more into compliance with the state law enacted and signed by the Governor on April 27, 2022: LD 2003 An Act to Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. 30-A MRSA §4364-A requires a municipality to allow structures with up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area. The Town is not required to implement the requirements of the law until July 1, 2023.

Affordable Housing Standards

In the summer of 2021, the Long Range Planning Committee (LRPC) presented proposed amendments to the Land Use Ordinance to address the 2017 Comprehensive Plan Housing Goal 2.a to encourage the development of affordable/workforce housing. The proposed standards allow increases in density and height, and decreases in lot size, frontage and setback in the C-1, C-2, RM, VC, and WC Districts. All units must meet the US Department of Housing and Urban Development Median Family Income Standard and maintain affordability for 10 years (ownership) or 30 years (rental units). The Town Council discussed the Planning Board's recommendation, attached for reference, at a meeting on September 28, 2021. The Board recommended the proposed amendment with comment that the Council needs to consider other related infrastructure needs to support these developments.

The LRPC recommends the following revisions to the proposed amendment:

- eliminate the reduction of setbacks,
- increase the side and rear setback to 15 feet when building height is over 35 feet in the RM District, and
- increase the side setback to 10 feet and the rear setback to 30 feet when the building height is over 35 feet in the VC District.

The amendment as currently presented would not be sufficient to meet the requirements of LD 2003. 30-A MRSA §4364(2) requires that a municipality shall allow an affordable housing development to have a dwelling unit density of at least 2 ½ times the base density that is otherwise allowed in that location. To comply in the VC district, our ordinance would need to allow affordable housing a net density of 1,000 sq ft, instead of the proposed 2,000 sq ft. The Town is not required to implement the requirements of the law until July 1, 2023.