

How do Land Use Codes affect Multifamily Housing Development?

Cape Elizabeth Planning Board

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Jeff Levine, AICP

MULTIFAMILY HOUSING &
LAND USE REGULATION
METRO REGIONAL COALITION
GREATER PORTLAND COUNCIL OF GOVERNMENTS



PREPARED BY THE
LEVINE PLANNING STRATEGIES, LLC
AND THE
GREATER PORTLAND COUNCIL OF GOVERNMENTS

- ✓ This work is inspired by work done in the greater Boston region in 2019
- ✓ That study, sponsored by a variety of planning and economic development organizations, looked at 100 communities near Boston to explore where multifamily housing can be built, and how the decision-making process works.
- ✓ That study found that very little land in the Boston region was zoned for multifamily housing. It also found that decision-making was generally taking place on a project-by-project basis rather than through a planning process.
- ✓ Further, it found that multifamily zoning in the Boston region was generally tied to creation of mixed-use districts. Finally, it identified a need to think about multifamily housing in the context of creating nodes of development.

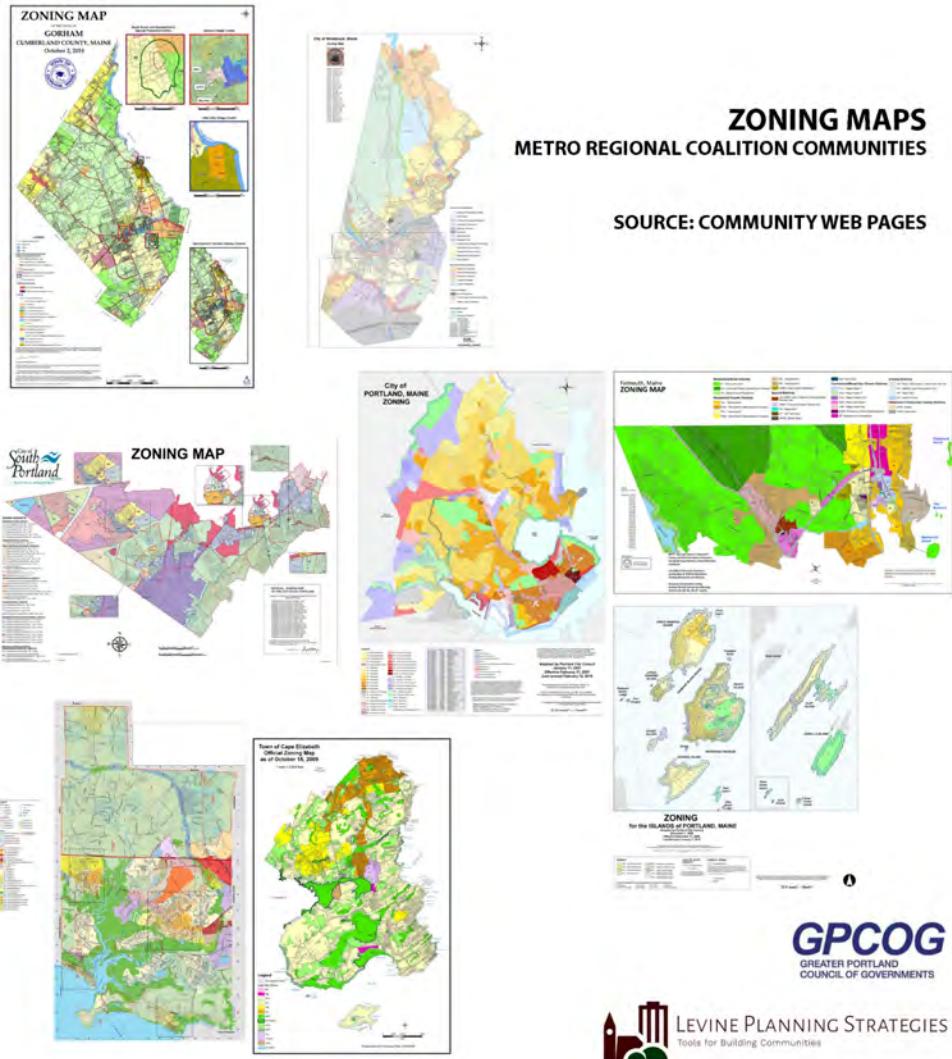
The State of Zoning for Multi-Family Housing In Greater Boston

Amy Dain



Findings

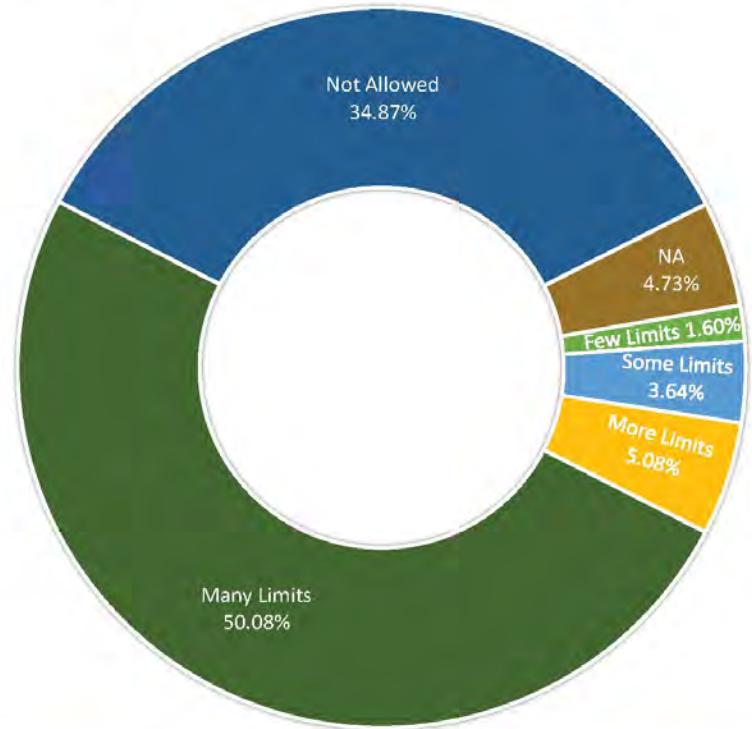
1. Multifamily housing is permitted with few limiting factors on just over five percent of the land area in Metro Regional Coalition communities;
2. Multifamily housing is permitted with significant, but surmountable, limiting factors on just over ten percent of the land area in Metro Regional Coalition communities;
3. Multifamily housing is simply not permitted in just under 40 percent of the land area in the region;
4. The communities in the Metro Regional Coalition are all taking at least some efforts to promote multifamily housing;
5. While many communities' land use codes allow for multifamily housing in theory, substantial barriers to multifamily development exist in reality, resulting in little or no production;
6. Different communities have taken different approaches to how and where to permit multifamily housing;
7. In many cases, zones that allow multifamily housing are located in growth nodes or along growth corridors, though this varies a great deal by specific locations; and
8. Regional planning and coordination would increase multifamily housing production in the region and better coordinate it with other planning goals.



Three step process:

1. Initial exploration of zoning codes and interviews with planners;
2. First cut of maps showing “red/yellow/green” areas;
3. Second cut of maps after planner feedback showing current rubric

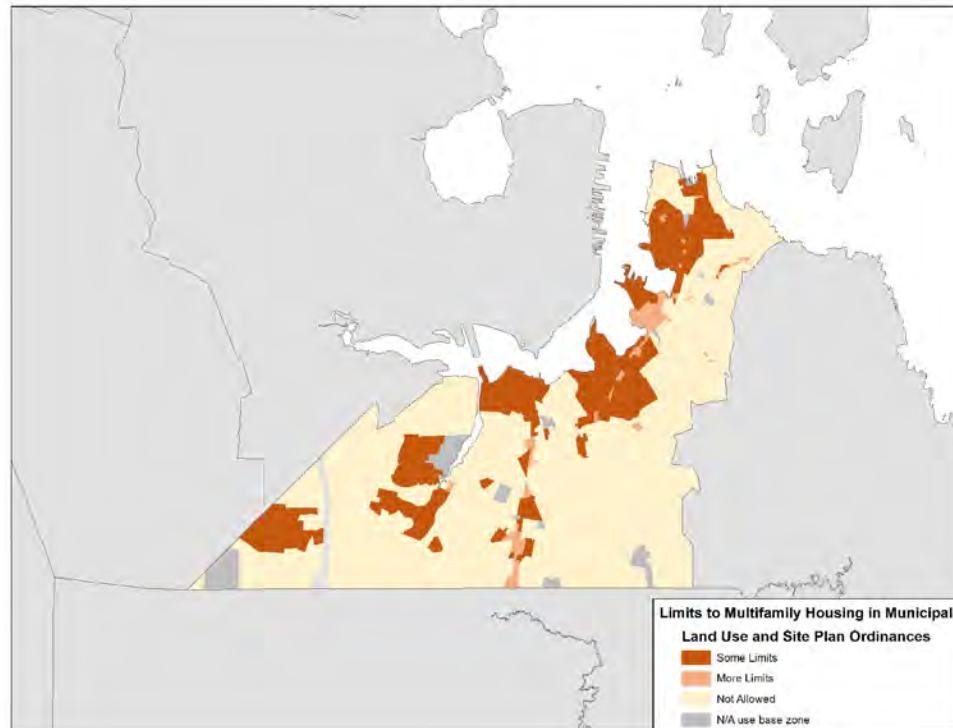
Percentage of Land in MRC Region by Limits to Multifamily Development



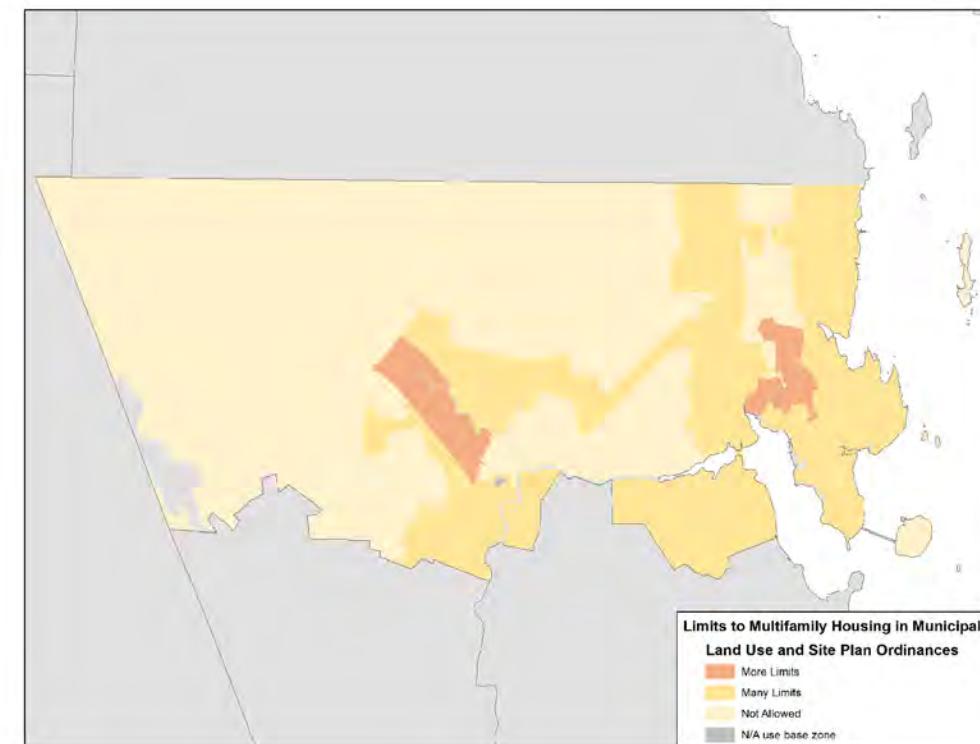
| MRC Region | Total Acres | % of Total |
|-------------|-------------|------------|
| Few Limits | 2,009.05 | 1.6% |
| Some Limits | 4,569.29 | 3.6% |
| More Limits | 6,374.20 | 5.1% |
| Many Limits | 62,826.85 | 50.1% |
| Not Allowed | 43,744.14 | 34.9% |
| NA | 5,929.82 | 4.7% |

1. **Large Lot Areas Required.** Greater than 20,000 square feet.
2. **Large Lot Areas per Dwelling Unit** Lot area per dwelling unit in a zone is greater than 5,000 square feet.
3. **Significant Parking Requirements.** Parking requirement of greater than 1.5 spaces per dwelling unit
4. **Site Plan Review Requirements.**
5. **Limits on Housing Types.**
6. **Minimum Heights:** Maximum height limits can also restrict multifamily housing development. However, maximum heights were generally a less limiting factor than the seven criteria listed here.
7. **Only Permits Two-Family Housing and/or Adaptive Reuse:** Some zones allow two-family housing but not three or more units on a parcel. Similarly, some zones allow adaptive reuse of existing buildings for multifamily housing, but do not allow new construction to include multifamily housing.

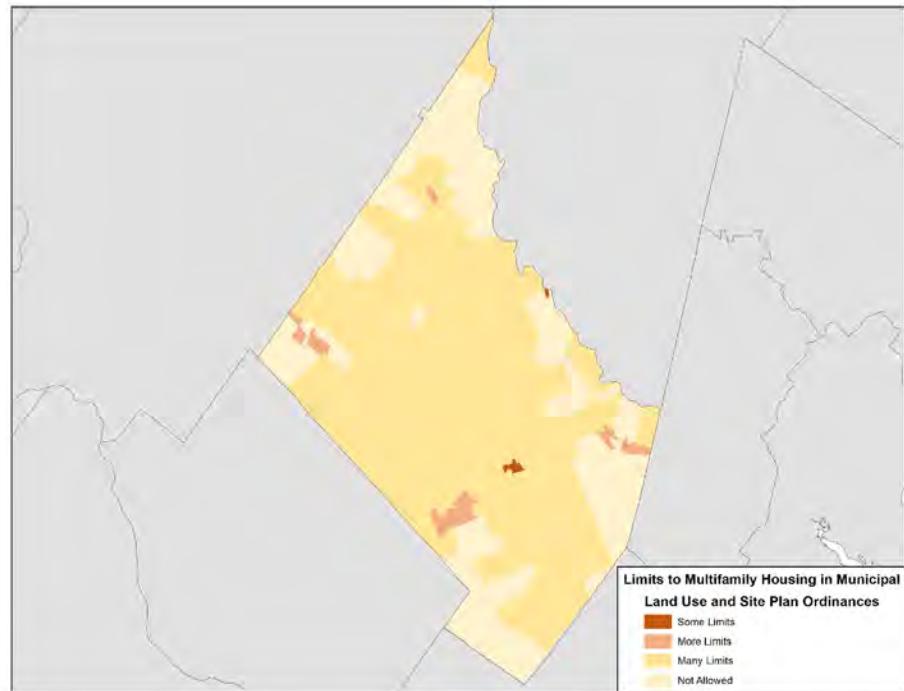
| South Portland | Acres | % of Total |
|-----------------------|--------------|-------------------|
| Some Limits | 1,562.1 | 20.2% |
| More Limits | 184.3 | 2.4% |
| Not Allowed | 5,753.0 | 74.3% |
| NA | 247.5 | 3.2% |



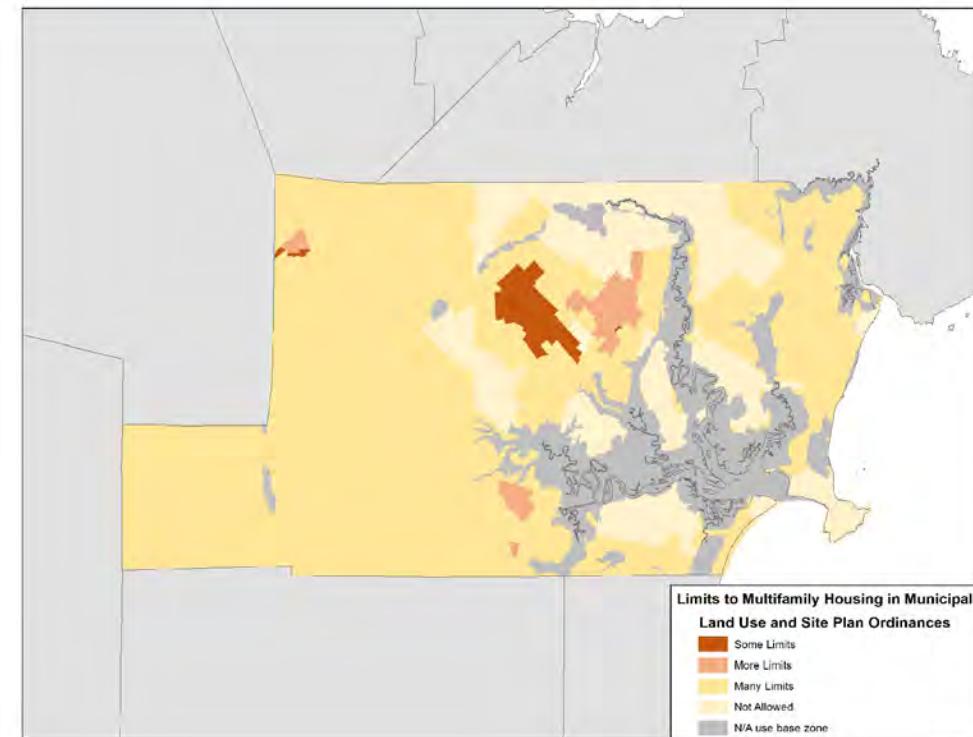
| Falmouth | Acres | % of Total |
|--------------------|--------------|-------------------|
| More Limits | 693.9 | 3.7% |
| Many Limits | 5,607.1 | 29.9% |
| Not Allowed | 12,430.3 | 66.3% |
| NA | 4.5 | 0.0% |



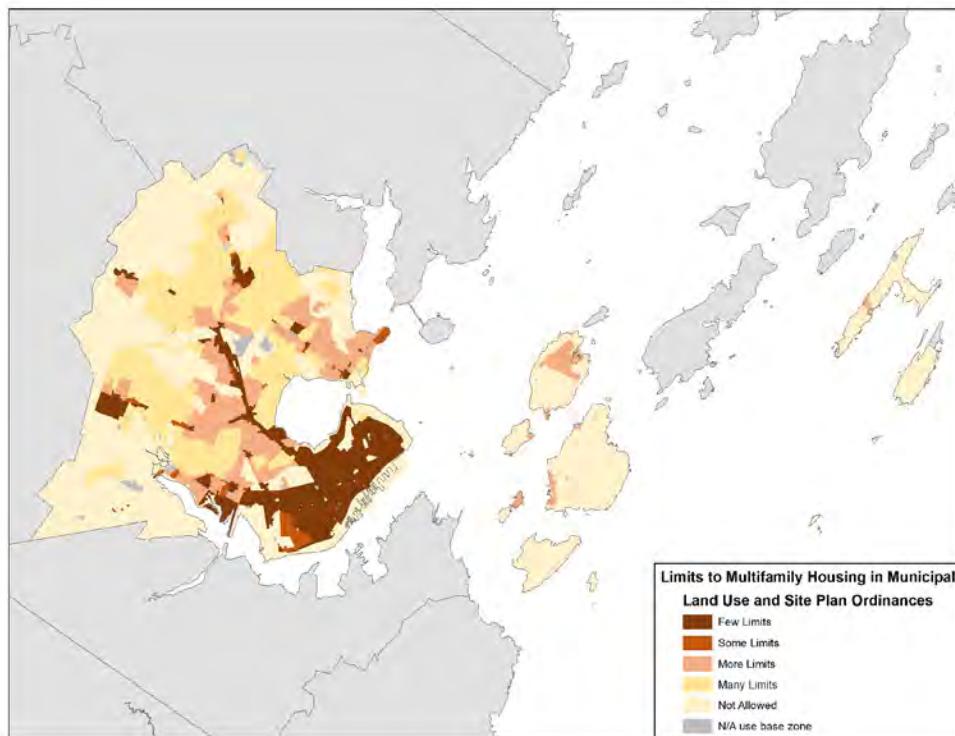
| Gorham | Acres | % of Total |
|-------------|----------|------------|
| Some Limits | 54.8 | 0.2% |
| More Limits | 618.3 | 1.9% |
| Many Limits | 22,599.7 | 68.9% |
| Not Allowed | 9,524.5 | 29.0% |



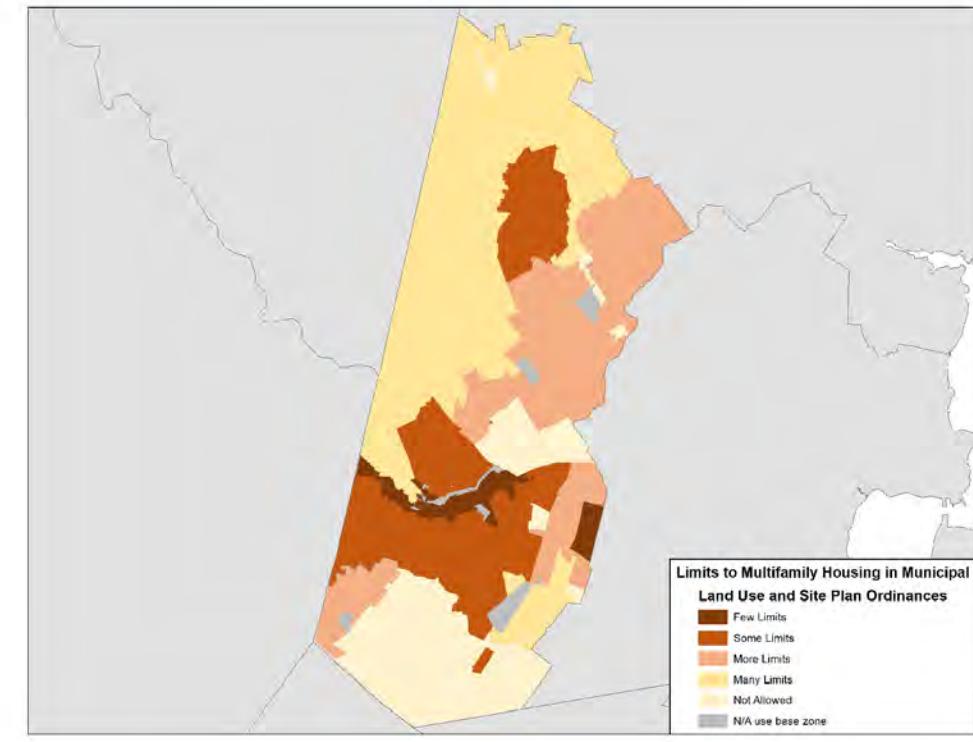
| Scarborough | Acres | % of Total |
|-------------|----------|------------|
| Some Limits | 547.4 | 1.7% |
| More Limits | 600.9 | 1.9% |
| Many Limits | 19,898.6 | 63.0% |
| Not Allowed | 5,232.4 | 16.6% |
| NA | 5,318.5 | 16.8% |

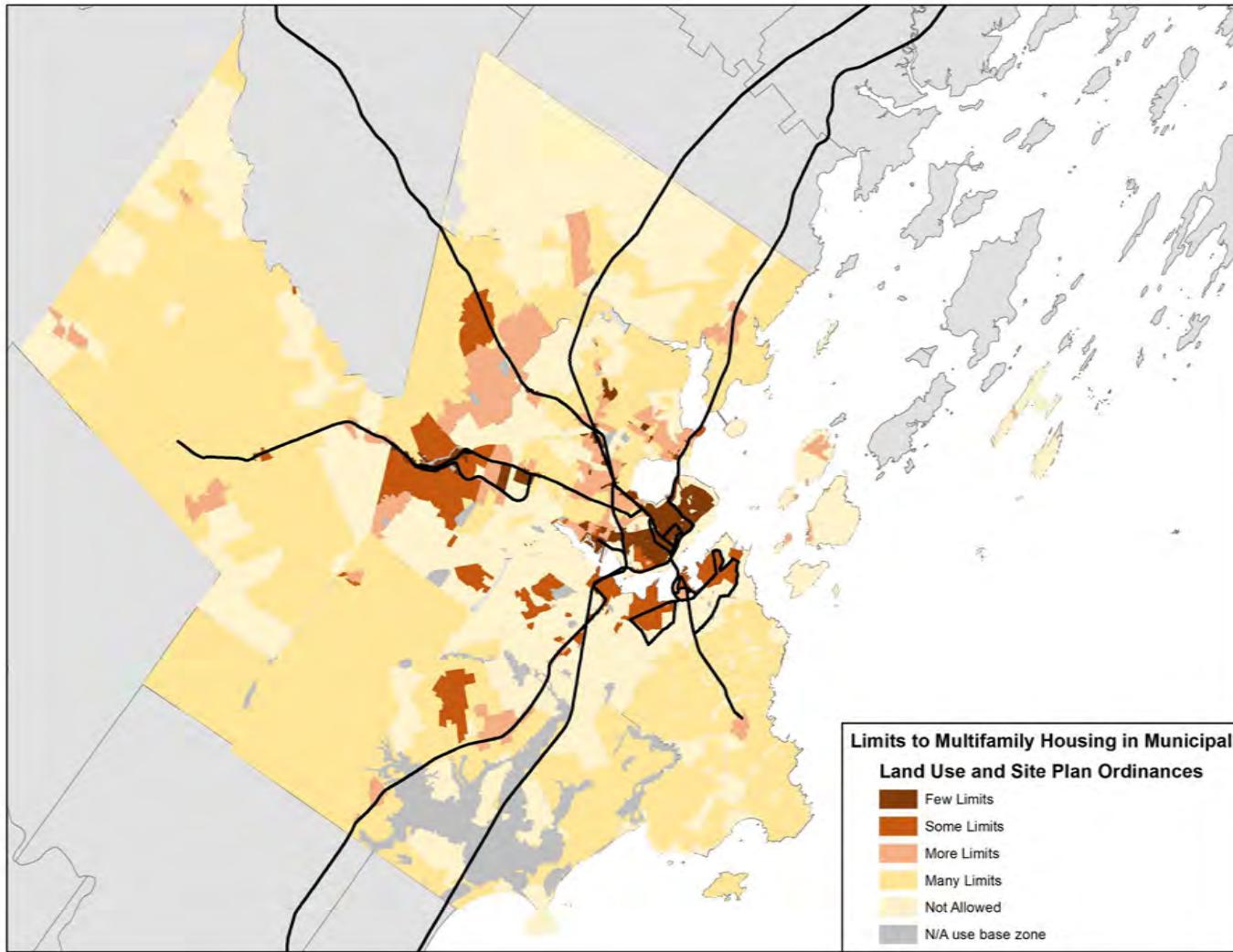


| Portland | Acres | % of Total |
|-------------|---------|------------|
| Few Limits | 1,675.4 | 12.0% |
| Some Limits | 169.3 | 1.2% |
| More Limits | 1,705.9 | 12.2% |
| Many Limits | 3,048.7 | 21.8% |
| Not Allowed | 7,212.2 | 51.6% |
| NA | 168.8 | 1.2% |

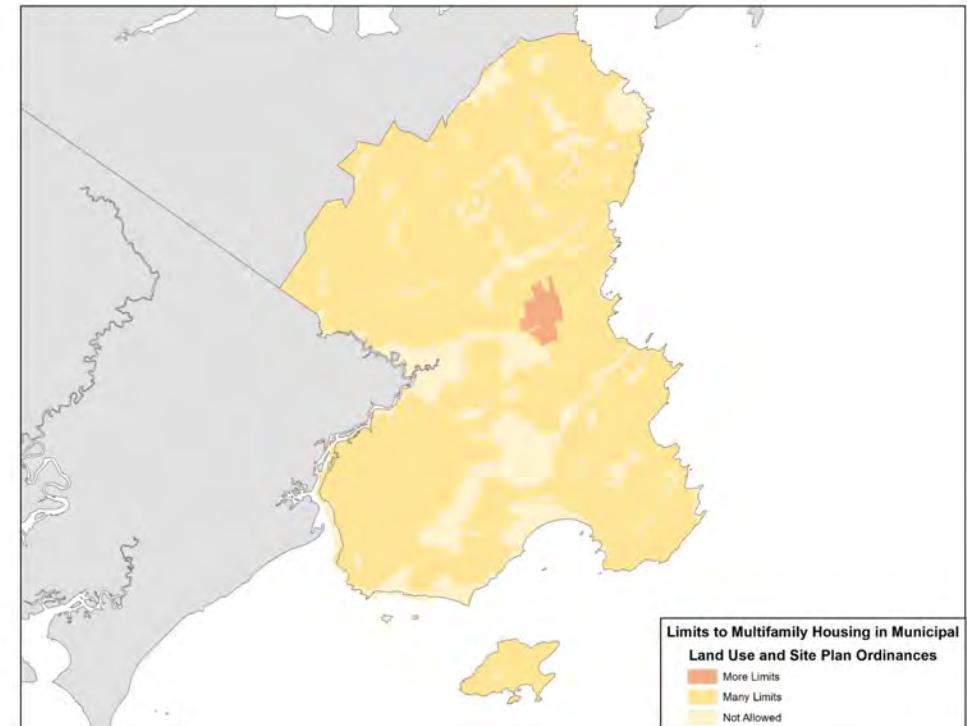


| Westbrook | Acres | % of Total |
|-------------|---------|------------|
| Few Limits | 333.7 | 3.0% |
| Some Limits | 2,235.7 | 20.1% |
| More Limits | 2,461.6 | 22.2% |
| Many Limits | 3,996.3 | 36.0% |
| Not Allowed | 1,888.0 | 17.0% |
| NA | 190.5 | 1.7% |





| Cape Elizabeth | Acres | % of Total |
|----------------|---------|------------|
| More Limits | 109.3 | 1.2% |
| Many Limits | 7,676.4 | 80.9% |
| Not Allowed | 1,703.7 | 18.0% |



Specific Limits in Cape Elizabeth

| Zone | Limits | Classification |
|---------------|---------|----------------|
| RA | 1,2,3,4 | Many Limits |
| RB | 1,2,3,4 | Many Limits |
| RC | 1,2,3,4 | Many Limits |
| TC | 3,4 | More Limits |
| BA | 2,3,4 | Many Limits |
| BB | | Not Allowed |
| BC | | Not Allowed |
| FWP | | Not Allowed |
| RP1-CW/Buffer | | Not Allowed |
| RP2-WP | 2,4 | More Limits |
| RP3-F | | Not Allowed |
| TF | | Not Allowed |

| | |
|---|---|
| Lot size required >20K sf. | 1 |
| LA/DU> 5K | 2 |
| Parking >1.5 sp/du | 3 |
| Conditional Use/Site Plan for <5 units | 4 |
| Only certain types of housing allowed | 5 |
| Height minimums | 6 |
| Two family only/Existing Buildings Only | 7 |

| | |
|-------------------|-----------------------|
| Few Limits | 0 |
| Some Limits | 1 |
| More Limits | 2 |
| Many Limits | 3 or more but allowed |
| Not allowed | N/A |
| N/A use base zone | N/A |

Connecting Multifamily and Transit Corridors

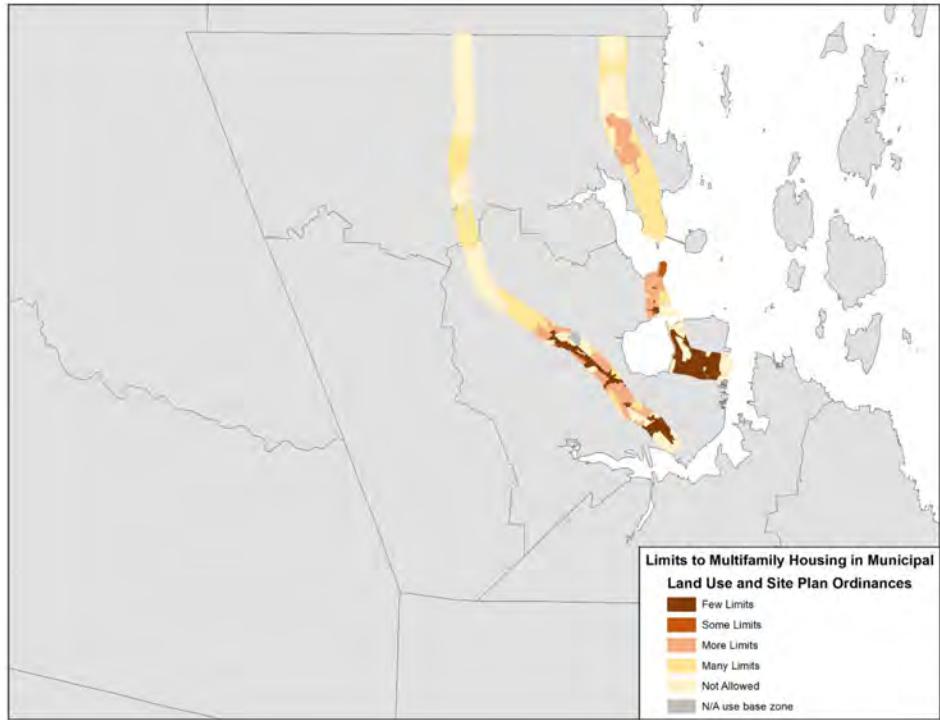
Based on Transit Tomorrow work to date

1. More land is zoned for multifamily development along these corridors. Broadly, over 20% of the land on these corridors allows multifamily development with “few” or “some” limits, as compared to just over 5% of the land in the entire region.

2. The zoning for multifamily varies widely by priority transit corridor. Similar to the communities in the region, the transit priority corridors have a range of permissiveness for multifamily development.

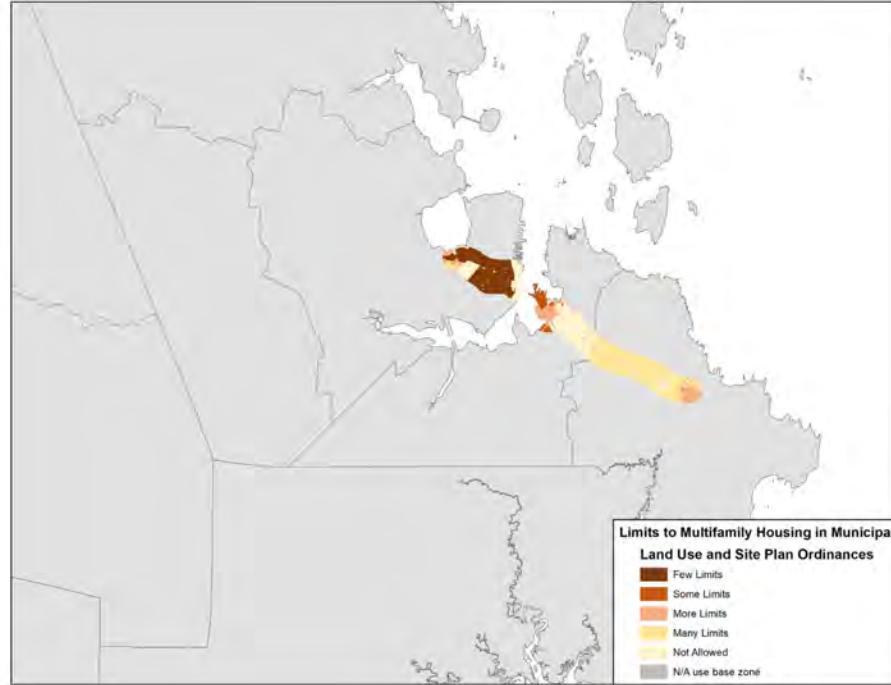
3. Transit and land use regulations should be better aligned. While zoning and site plan rules are ultimately local decisions, good planning and fiscal policy would seek to align those policies with transit investments.

| Land Along Priority Transit Corridors | | |
|---------------------------------------|-----------------|----------------|
| Category | Acres | Percent |
| Few Limits | 2032.40 | 10.90% |
| Some Limits | 2012.24 | 10.79% |
| More Limits | 2514.04 | 13.48% |
| Many Limits | 4947.70 | 26.54% |
| Not Allowed | 5879.28 | 31.53% |
| NA | 1260.05 | 6.76% |
| TOTAL | 18645.71 | 100.00% |



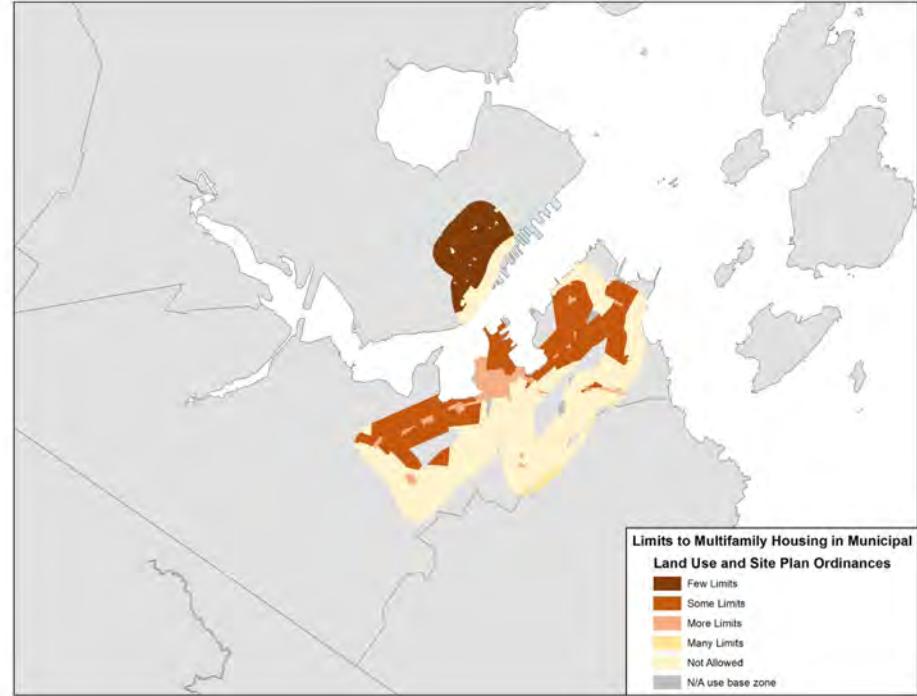
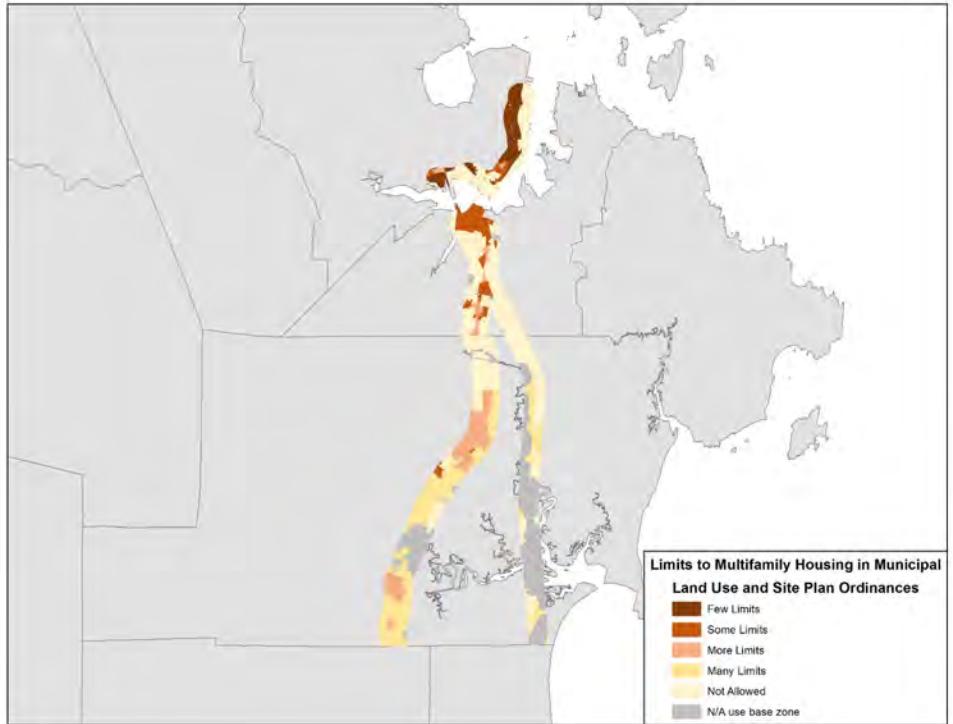
NNEPRA North Corridor

| Category | Acres |
|-------------|---------|
| Few Limits | 199.67 |
| Some Limits | 5.71 |
| More Limits | 286.02 |
| Many Limits | 579.77 |
| Not Allowed | 1013.90 |
| NA | 55.75 |



Portland-Cape Elizabeth Corridor

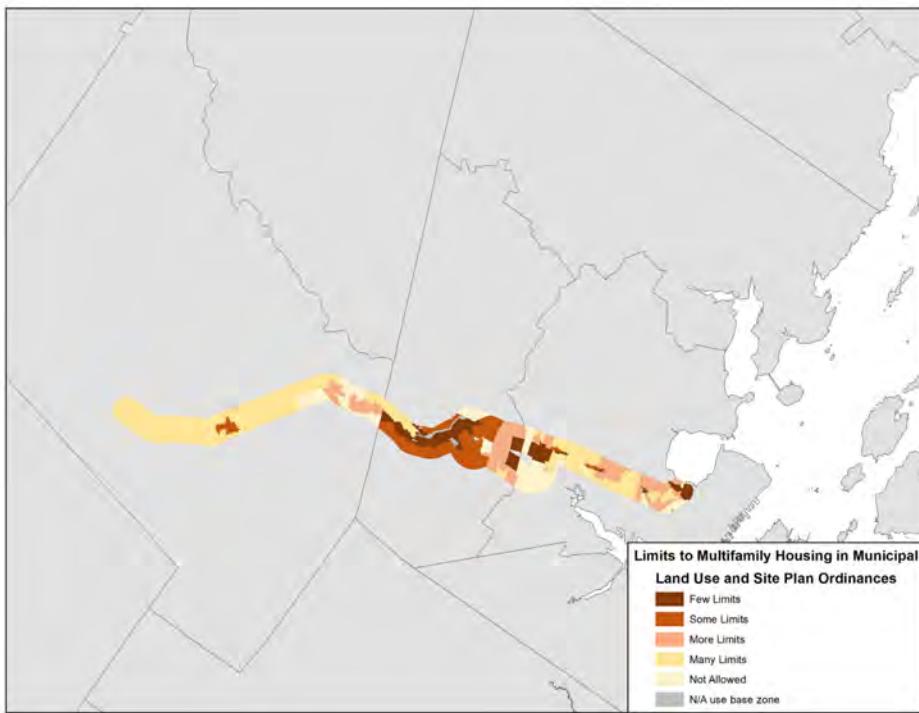
| Category | Acres |
|-------------|--------|
| Few Limits | 425.48 |
| Some Limits | 63.62 |
| More Limits | 182.78 |
| Many Limits | 574.11 |
| Not Allowed | 536.16 |
| NA | 6.92 |



| Portland-Scarborough Corridor | |
|-------------------------------|---------|
| Category | Acres |
| Few Limits | 311.65 |
| Some Limits | 311.55 |
| More Limits | 458.92 |
| Many Limits | 847.14 |
| Not Allowed | 1203.65 |
| NA | 321.75 |

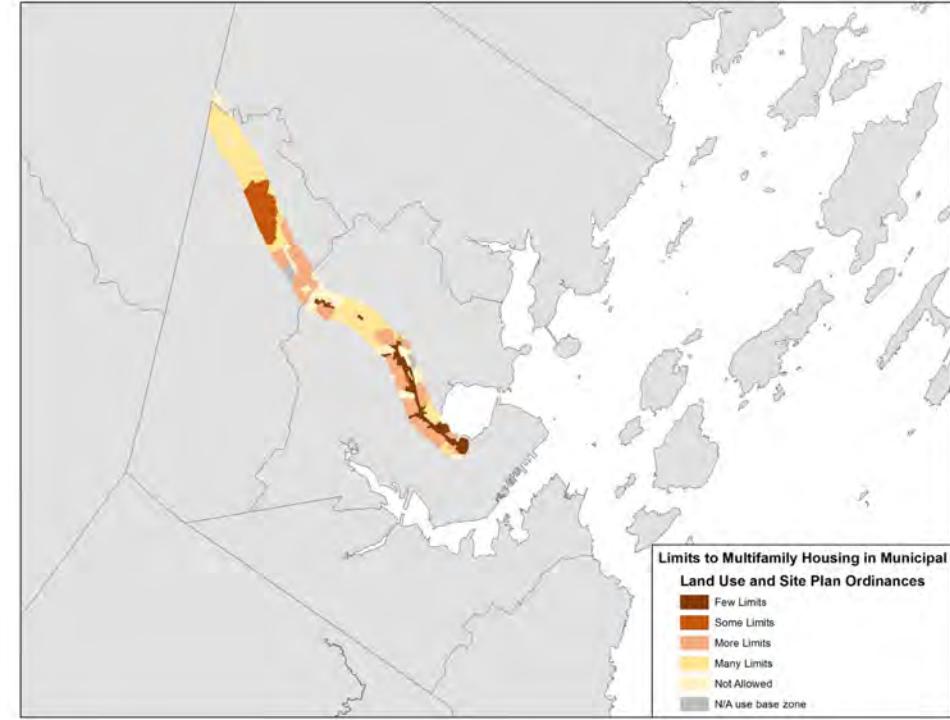
| NNEPRA South Corridor | |
|-----------------------|--------|
| Category | Acres |
| Few Limits | 72.14 |
| Some Limits | 141.23 |
| More Limits | 26.17 |
| Many Limits | 195.50 |
| Not Allowed | 948.23 |
| NA | 771.09 |

| Portland-South Portland Corridor | |
|----------------------------------|---------|
| Category | Acres |
| Few Limits | 305.17 |
| Some Limits | 581.27 |
| More Limits | 114.47 |
| Many Limits | 16.98 |
| Not Allowed | 1107.64 |
| NA | 14.99 |



Portland-West Corridor

| Category | Acres |
|-------------|---------|
| Few Limits | 477.20 |
| Some Limits | 622.63 |
| More Limits | 748.15 |
| Many Limits | 1839.40 |
| Not Allowed | 695.44 |
| NA | 40.81 |



Portland-Windham Corridor

| Category | Acres |
|-------------|--------|
| Few Limits | 241.09 |
| Some Limits | 286.23 |
| More Limits | 697.53 |
| Many Limits | 894.80 |
| Not Allowed | 374.26 |
| NA | 48.74 |

FINDINGS



- ✓ *Not enough land is zoned appropriately for multifamily development in the region.* Though about 60 percent of the land in the region allows multifamily development, most of that land imposes limits on such development that makes it very unlikely to occur
- ✓ *Regulatory limits to multifamily development vary widely by community.* Some communities allow a fair amount of multifamily development and others do not. Similarly, some communities allow multifamily development in specific locations while others use wider, community-wide zones.
- ✓ *More land is zoned for multifamily development along transit corridors.* Broadly, over 20% of the land on these corridors allows multifamily development with “few” or “some” limits, as compared to just over 5% of the land in the entire region.
- ✓ *The zoning for multifamily varies widely by priority transit corridor.* Similar to the communities in the region, the transit priority corridors have a range of permissiveness for multifamily development.

RECOMMENDATIONS

Based on these findings, this report offers the following recommendations:

- ✓ *Increased multifamily zoning should follow regional goals for location of new development.* It clearly makes sense to limit multifamily development in sensitive environmental locations. However, there is a great deal of land along regional growth corridors that also does not allow multifamily housing in any significant ways. Most notably, major regional transit corridors should allow for multifamily housing.
- ✓ *Transit and land use regulations should be better aligned.* While zoning and site plan rules are ultimately local decisions, good planning and fiscal policy would seek to align those policies with transit investments. These corridors should be priorities for changes in land use regulations on the local level.