Route 1 North/BP District Zoning Amendment
Background Summary of Policy Changes

Background

As directed by the 2024-2025 and 2025-2026 Council work plans, the Community Development Committee (CDC) was tasked to consider zoning and land use changes to the Business Professional (BP) Zoning District (proposed to be renamed the "Route One North District") that would allow for residential uses, consider different non-residential uses, and adjust zoning and land use standards to better reflect contemporary development patterns and to reflect guidance provided in the Town's updated Comprehensive Plan. Some of the Comprehensive Plan action items that informed the CDC's work include the following:

- "*Revise zoning to allow residential development in certain commercial districts, such as the Business and Professional Zone along Route 1, and to encourage a variety of housing types in growth areas, including low-rise apartments, townhomes, duplexes, triplexes, fourplexes, cottage courts, etc.*"
- "*Revise the Town's land use and zoning regulations to direct growth to designated growth areas and to support the type of development and uses that will enhance village centers*"
- *"Allow higher-density development in strategically designated areas where density will support a vibrant village center by enhancing walkability and minimizing vehicle trips."*

The updated Comprehensive Plan amended the Town's growth areas by shrinking them to largely mirror the existing mixed-use/commercial areas along Route 1 and Route 100. The BP District, the section of town on both sides of Route 1 north of the Falmouth Spur, was identified as one of the remaining growth areas in town suitable for directing additional growth to. The BP District is supported by an existing transportation network and utilities, and development in this area can leverage the existing infrastructure to accommodate new residential and commercial growth, including possibilities for more affordable housing options. Additionally, the Route 1 North Infrastructure Project has been adopted by the Town Council to provide improved connectivity between the BP District and the more mixed-use and retail-oriented Village Center Districts via a multi-use trail, and Maine DOT is also planning capital projects to improve connectivity through the area and to the Turnpike Spur and I-295.

The CDC's zoning and land use recommendations are separated into general categories and summarized below. In some instances, references to an applicable Comprehensive Plan chapter reference are provided in italics. *(e.g. "CP Land Use, Policy 3")*

1. CHANGES TO PROPOSED LAND USE TYPES

a. Residential Uses

- Allow Residential Planned Developments (RPDs); multi-family dwellings; and mixed-use buildings containing both commercial and residential uses.

- Provide an exemption from the Sec.19-42 ordinance restriction on having more than 6 dwelling units in any one multi-family building in order to allow opportunities for more diverse housing types. (The VC1, VC2, and Tidewater zoning districts are also currently exempt from this ordinance limitation.)
- Within 100 feet of Route One, prohibit stand-alone, single-use residential buildings to help promote a balance of commercial and residential uses. (*CP Land Use Policy 4 "Require commercial uses on ground floor of mixed use buildings where appropriate"*)

b. **Non-Residential Uses**

- Continue to allow all of the land use types that are currently allowed in the district with the exception of self-storage facilities which are proposed to be prohibited.
- Retain the district's existing prohibitions on auto-oriented uses (e.g. drive-through restaurants, auto dealerships, gas stations)
- New permitted uses proposed to be allowed include: Wholly Enclosed Places of Recreation and Culture (e.g. Indoor recreation and performing arts facilities); Hotels; Private Schools; Museums; Municipal Uses; Health Institutions; Bed and Breakfasts; Congregate Housing; Art and Craft Studio; Tradesman's Offices; Restaurants.
- Other new uses proposed to be allowed with some limitations include: Retail, Grocery Retail, and Neighborhood Variety/Convenience Stores. To help prevent strip-style and "big box" development, and to promote denser, smaller-scale, neighborhood businesses and mixed-use development, implement the following two provisions:
    - Limit the size of these land uses to 5,000 square feet to mimic the same small-scale retail size limit in the VMU District;
    - Require Restaurant, Retail, and Grocery Retail uses within 100 feet of Route One to be in multi-story buildings to help discourage the types of less-desirable, national retail and restaurant tenants that prefer to locate in single-story building environments with direct frontage on high traffic volume roads.

        (*CP Land Use Policy 3:* "*Research establishing a maximum building footprint and further limiting the size of commercial tenant spaces*"; *Land Use Policy 4: "Revise zoning to allow <u>limited</u> neighborhood retail uses within existing residential neighborhoods at key intersections or along suitable corridors")*
    - New conditional uses proposed to be allowed include: Daycare Homes; Home Occupations; Roadside Stands; and Tasting Rooms.
        - The CDC also recommends adding tasting rooms as a conditional use in the Town's other commercial/mixed-use zoning districts that already currently allow restaurants and a wide range of other non-residential uses. (MUC, VMU, WFC, VC1, and VC2 Districts)

2. <u>Residential Density & Housing Affordability</u>

- Allow a base residential density of 5,000 sf/ unit (± 8 units/acre)

- Allow affordable housing to be incentivized through the State's mandated affordable housing density bonus of 2 ½ times a zoning district's base density (up to ± 22 units/acre) if more than half of the dwelling units proposed in a development are designated as affordable (80% AMI rental; 120% AMI for-sale).
- Mimic the VC1 and VC2 Districts' density exemption for vertical mixed-use buildings to incentivize mixed-use development and to promote a balance of commercial and residential uses in the district.

  (*Comp Plan, Housing, Policy 3: "Allow and support the development of more affordable housing within the Town's growth areas"*, and "*Implement incentives for the development of housing that is more affordable, such as density bonuses..")*

3. Dimensional Standards

The BP District currently promotes a lower-density suburban development pattern that requires buildings and destinations to be spaced far apart, and far away from the street, through the imposition of dimensional standards that require wide lots, large lot sizes, and large setbacks. The current standards also encourage parking areas to be placed between buildings and the street. These current standards run counter to the Comprehensive Plan's broader goals of promoting walkability and directing more growth to the growth areas. The tables below show the district's current zoning dimensional standards and street buffer requirements:

Minimum Lot Size		Maximum Impervious Surface	Minimum Setbacks (ft)		
Lot Area (sq ft)	Lot Width (ft)		Front	Side	Rear
40,000	200	50%	80	25	50

Min. setback between parking areas and roadways (ft)	Min. setback where residential district abuts (ft)	Max. height of structures (ft)	Min. distance between buildings at closest point
40	75	39	25

Sec. 19-151 Special Landscape and Buffer Requirements in the BP District

a. Buffer area landscaping: All areas located within the minimum setbacks required in the BP District shall be used as buffer areas. Within these buffer areas, the following minimum plantings and buffers shall be required:

			Buffer Area (per 100 Linear feet)			
Buffer Area Location	Width	Structure	CT*	UT*	SH*	ET*
Side/rear yard screening	10'	-	2	3	5	-
Screening along all roadways, whether on or off premises, with respect to one-story buildings	40'	-	5	8	15	-
Screening along all roadways, whether on or off premises, with respect to buildings of two stories or more	40'	-	8	8	15	10
Screening of Route One for all one-story buildings	60'	-	10	15	30	10
Screening of Route One for all buildings of two stories or more	60'	-	15	15	30	20
Screening of all abutting residential district for all buildings of any height	75'	-	15	15	20	20
Screening of all parking areas which are visible from any roadways bounding or bordering the premises	-	Berm	-	-	-	-
Total screening, where required by board of Zoning Appeals or Planning Board	-	Fencing or Berm Wall	-	-	-	-

*** CT: Canopy Trees UT: Understory Trees SH: Shrubs ET: Evergreen Trees**

By way of comparison, the Town's other commercial/mixed-use zoning districts generally all allow a greater array of land uses, and have much less restrictive dimensional standards, than the BP District. Along Route 100, the MUC, VMU, and West Falmouth Crossing Districts have no minimum lot size requirements for non-residential uses, and have less restrictive setback requirements than BP. Along Route One, the VC1, VC2, VCC Districts, and the commercial and mixed-use portions of the Tidewater District have no minimum requirements for lot size, lot width, lot coverage, or setbacks. The CDC recommends extending similar zoning flexibility to the BP District by relaxing/removing most of these dimensional restrictions in order to: create more opportunities for infill development; allow destinations and buildings to be placed closer together and closer to the street to promote walkability; and enable the construction of a diverse range of housing types. The CDC recommends:

- Mimicking the other commercial/mixed use districts along Route One and removing restrictions related to minimum lot size, lot width, impervious coverage, and setbacks to lots internal to the zoning district, but retaining the current 75 foot setback/buffer requirement for non-residential uses adjacent to residential zoning districts;

- Increasing maximum building height from 39 feet to 55 feet for buildings on the west side of Route One, and from 39 feet to 45 feet for buildings on the east side of Route One. The CDC believes that these increased height limits are an important component of fulfilling the Comprehensive Plan's goal of directing more growth to the growth area. The CDC believes these proposed heights are appropriate due to the context of the district's location directly adjacent to I-295 and Route One, the lack of many direct residential abutters to the district, and given the retention of the district's robust 75 foot setback requirement for from adjacent residential zoning districts for non-residential uses. The CDC also considered that the OceanView Overlay District allows buildings up to 60 feet tall, and the mixed-use building on Clearwater Drive in the Tidewater District is 60 feet tall. Additionally, the Comprehensive Plan provides direction to allowing for four-story residential buildings, which can generally be accommodated at the proposed buildings heights.

  (CP Housing Policy 1: "Encourage a variety of housing types and increased density in designated growth areas.")
- The CDC's decision to recommend different building heights for different sides of Route One was informed by public comment received at CDC meetings, public comment received at the Route One North public forum held in December 2025, and by a belief that the east side of Route One should have lower building heights due to the area being directly bordered by the less-commercial, residential areas to the east.

- Along the street frontages of Route One and Johnson Road, mimicking the setback and buffering program used in the VMU District along Route 100 where parking lots cannot be located closer to the street than the building on the lot (except in instances where the parking is located more than 100 feet away from the street) and where the depth of the buffer ("border strip") between the building and the street is related to the actual setback of the building from the street as outlined in the table below:

Plantings per 100 linear feet of Border Strip

Buffer Area Location	S Berm	CT 2-4	UT 1-3	ET 1-2	SH 5-10

Abbreviations: Canopy Trees (CT), Understory Tree (UT), Shrubs (SH), Evergreen Trees (ET), Structures (S).

Width of Border Strip	Building Setback
No minimum width	Less than 10 ft.
10 ft.	10 to 25 ft.
15 ft.	25 to 49 ft.
20 ft.	50 to 74 ft.
25 ft.	75 to 99 ft.
30 ft.	100 ft. or more

Rate of Growth Ordinance ("Growth Cap")

With the introduction of residential uses to the BP District, the CDC discussed how the growth cap should be amended to reflect this policy change and to reflect the guidance provided by the Comprehensive Plan which states:

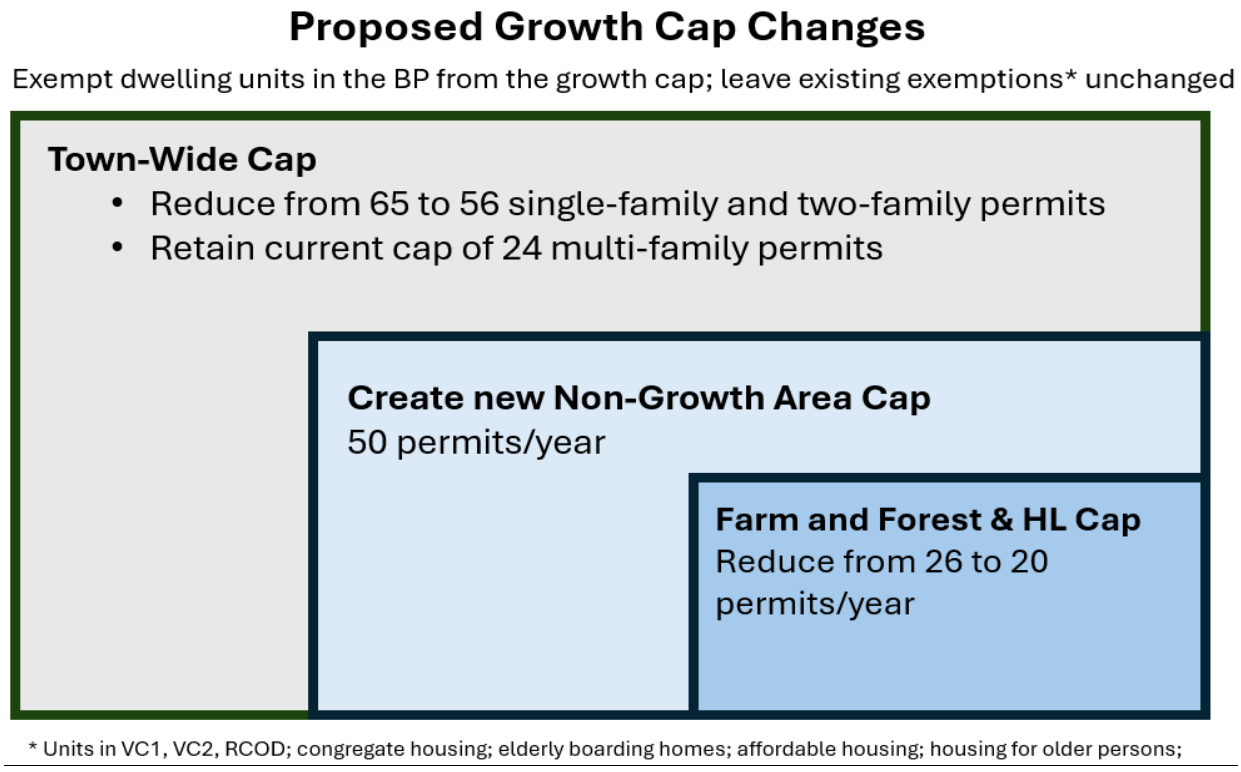
> *CP Land Use Policy 2: Consider revising the rate of growth ordinance to further limit new development outside designated growth areas and direct growth to designated growth areas.*

As previously referenced, the new Comprehensive Plan significantly reduced the size of the Town's growth areas and correspondingly increased the size of the non-growth areas. Prior to the new Comprehensive Plan update, the Town's non-growth areas only included the Highland Lake (HL) and the Farm and Forest (FF) Districts. Now, with a few exceptions, the Town's non-growth area has been expanded to encompass: the majority of the RA, RB, RC, and RD Districts; the entire section of MUC District that lies adjacent to Woods Road; and approximately half of the VMU District. (The portion of the VMU District north of Mountain/Falmouth Roads.)

The CDC is recommending to amend the growth cap in the following manner:

- Exempt the portions of the BP District that are within the growth area from the growth cap. (The other districts currently exempt from the growth cap include the VC1, VC2, and Retirement Community Overlay Districts)
- Exempt the portions of the Tidewater District that are within the growth area from the growth cap. There is only one remaining private undeveloped parcel within the District, the "TV3" parcel on Clearwater Drive, and this parcel is already regulated by a council-approved master plan that caps residential development at a maximum of 28 units of multi-family housing. Exempting this area from the growth cap will also help ensure that a development at the "TV3" site would not use the entire annual allowance of multi-family permits allowed under the growth cap, thereby potentially precluding the Scittery Woods housing project on Woods Road from being able to obtain building permits in a timely manner.
- Lower the current town-wide cap of 65 single-family/two-family permits to 56;
- Keep unchanged the existing town-wide cap of 24 multi-family permits;

- Create a new cap for the non-growth areas of 50 permits;
- Retain the current separate cap for the FF and HL Districts, but lower the cap from 26 to 20 permits.



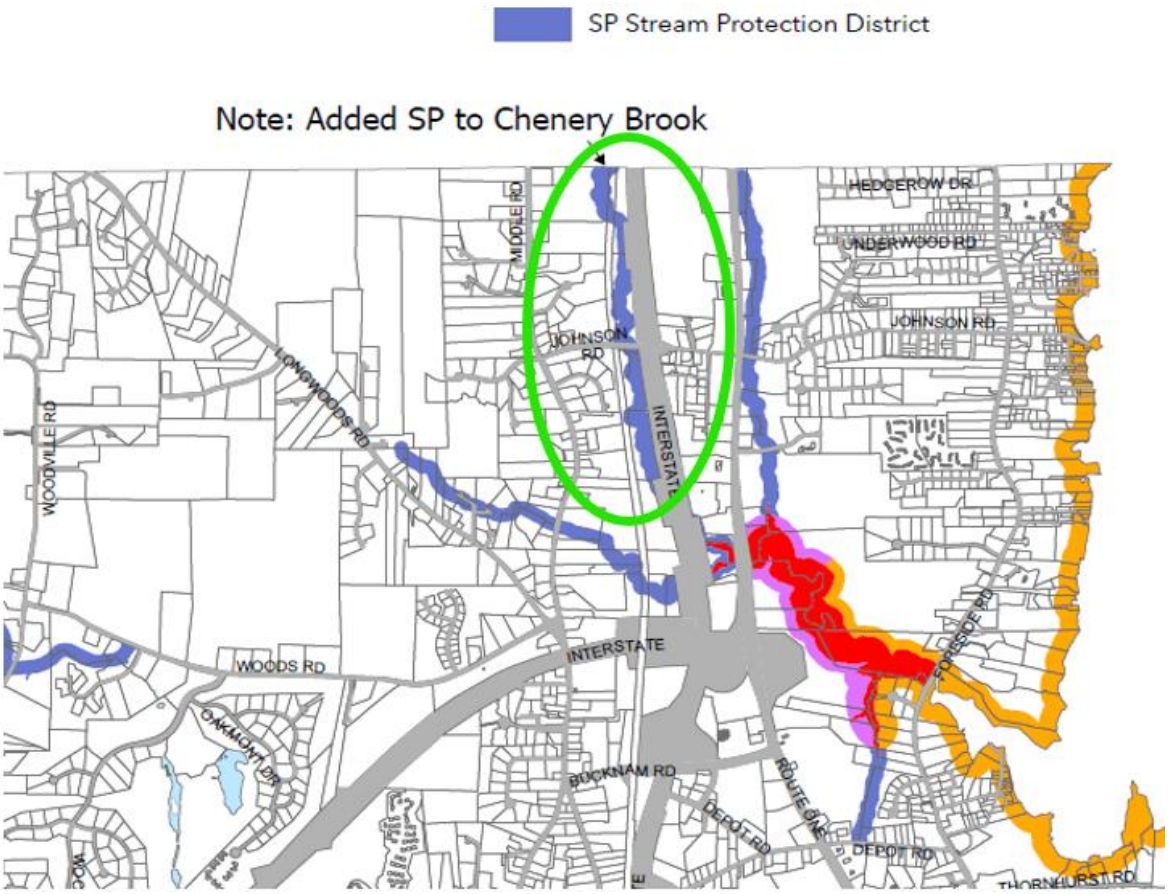
<u>Shoreland Zone Map Amendment – Add Chenery Brook to Shoreland Zone</u>

During the review of zoning and land use issues for the BP District, staff discovered that the Town of Cumberland's portion of Chenery Brook, which lies upstream of Falmouth's portion, is classified as a Shoreland Zone Stream Protection District. Staff contacted DEP staff and received confirmation that Falmouth's portion of Chenery Brook, downstream from Cumberland's portion of the Brook, should similarly be classified as Shoreland Zone Stream Protection based on the State's Shoreland Zoning Guidelines. An amended Shoreland Zoning Map is included in the materials associated with this amendment.

Most of the parcels that will be impacted by this change are in the BP District and are vacant parcels that are landlocked between the abandoned railroad track and Interstate 295. Many of the parcels are also vacant parcels owned by either the State of Maine or the Town, and there are only two private properties with structures on them according to the assessing data.

The image below shows the section of Chenery Brook that is proposed to be added to the Shoreland Zone. (Area circled in green)

(Ref. Comp Plan, Natural Resources Section, Policy 1, Action F: *Provide for protection of stream corridors, including* ***Chenery Brook****, Mill Creek, Mussel Cove, and Hobbs Brook, where certain high intensity uses would contribute to pollutants in waterways.)*



Access Management

The ordinance currently requires 200 feet of separation distance between curb cuts on the portion of Route One in the BP District. To further enhance access management, and to help minimize turning movements onto Route One, the CDC is recommending adding a provision that is similar to one used in the design guidelines for Route 100 that promotes, where feasible, inter-parcel connectivity between development sites and allows up to a four parking space reduction if a formal inter-parcel access easement is provided. (*CP Future Land Use Policy 3: "Conduct an analysis of connectivity as a part of site plan review.*.")

Conceptual Future Site/Master Plan

The current ordinance requires developers in the BP District to submit a conceptual site plan encompassing at least five acres of land even if a development project is not proposing to use the entire five acre area. (Exemptions are provided if a developer does not own a site of at least five acres.) The intent of this provision is to show how the entire five acre site might conceptually be

developed in the event further development occurs in the future. The CDC proposes to amend this requirement to more closely track a similar requirement for developments along Route 100. The Route 100 requirement requires the conceptual/future plan to include an analysis of the entire parcel of land owned by the developer, not just a five acre portion of the land, and also requires an analysis of conditions on adjacent properties. Expanding this future/conceptual plan requirement in this way will better enable the Planning Board to look at a larger development site more holistically and in context to adjacent properties. *(CP Land Use Policy 3)*

Bike Racks/Site Amenities

The CDC evaluated the following 2024-2025 work plan action item as it relates to the BP District: (*CP Land Use Policy 4: "Incorporate community amenities such as playgrounds, bike storage, ped lighting, sidewalks, and street furniture into site review".)* The CDC determined that most of these items are already adequately addressed in the Town's existing regulatory framework with one exception. Bike racks are not currently required to be provided in the BP District as part of a development project, so the CDC is recommending adding a provision requiring bike racks be installed with a development project and located near a building's customer entrance.

District Name Change and Misc. Administrative Housekeeping Changes

In the course of drafting the Route One North/BP ordinance amendments, it was discovered that some administrative housekeeping changes should be made to improve clarity around certain ordinance provisions, including clarifications related to home occupations, the Section 19-37 buffer/setback requirements, RPD street standards, and Planning Board waivers from parking requirements. These housekeeping changes are reflected in the redlined ordinance amendment.

Finally, the CDC is proposing to change the name of the BP District to the Route One North District, and to change the zoning district's purpose statement.