



**TOWN OF FALMOUTH
ORDINANCE NO 126-2019**

**An Ordinance Amending the Code of Ordinances
Regarding Residential development in the RA district**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances be amended to read as follows:

CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

Sec. 19-22 Highland Lake Conservation Overlay District (HLCOD)

<u>Permitted Structures and Uses</u>	<u>Conditional Uses</u>
A. Accessory Building & Uses	A. Cemeteries
B. Accessory Dwelling Units [Adopted 7/11/16]	B. Day Care Centers Amended, 7/22/91]
C. Accessory Farm Use [Adopted 07/11/17]	C. Day Care Homes [Amended, 7/22/91]
D. Farming	D. Churches
E. Forestry	E. Congregate Housing
F. Municipal Buildings & Uses	F. Health Institutions
G. Single Family Detached Dwellings	G. Home Occupations
H. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]	H. Libraries
I. Essential Services** [Adopted, 7/28/2014]	I. Marinas
	J. Multi-Family Dwelling ¹
	K. Museums
	L. Private Clubs
	M. Private Schools
	N. Two-Family Dwelling ¹
	O. Amateur Radio Towers [Adopted, 4/23/90]
	P. Bed and Breakfast Establishments [Adopted, 5/27/93]
	Q. Elderly Boarding Home [Adopted, 5/28/96]
	R. Outdoor Eating Areas [Adopted, 5/28/96]
	S. Roadside Stand [Adopted 02/27/12]

**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]

	Minimum Lot Size		Max. Lot Coverage	Max. Residential Density (sq ft) See Section 19-64.1	Min. site size (acres)	
	Lot Area (sq ft)	Lot Width				
		(ft)				
All Uses	--	--	20%	--	--	
Cemeteries	--	300	--	--	10	
Day Care Centers	--	200	--	--	2	
Churches	--	300	--	--	5	
Congregate Housing	--	300	--	7,500	5	
Health Institute	--	300	--	--	5	
Multi family	60,000 ¹	200 ¹	--	10,000	--	
Private Clubs	--	200	--	--	3	
Private Schools	--	200	--	--	3	
Two family	40,000 ¹	150 ¹	--	10,000	--	
Single Family Detached & Other Uses	15,000 ¹	110 ¹	--	15,000 ¹	--	
Minimum Setbacks In Feet						
				Front Setback	Side Setback	Rear Setback
Single Family, Detached, and Other Uses				10	20 ¹	30
Two family ¹				20 ¹	35 ¹	40 ¹
Cemeteries; Day Care Centers, Private Clubs, Private Schools, Multi family ¹				50	50	50
Congregate Housing, Health Institute, Churches				100	100	100

¹ Notwithstanding the provisions of 1 M.R.S §302, the amendments passed in Ordinance No. _____ (effective _____, 2019) shall apply retroactively and shall govern any and all actions, proceedings, and applications pending on or at any time after May 3, 2019 to the extent permitted by law. Notwithstanding any other provision of this Ordinance, any lot created on or after May 3, 2019 must conform with the requirements of these ordinance amendments and any such lot that does not conform thereto shall not be deemed a legally nonconforming lot with respect to such requirements.

Sec. 19-64.2 Minimum Net Residential Area Per Lot [Adopted 8/26/96] [Amended 7/24/2000; 12/22/05; 1/24/11; 3/14/11; 7/11/2011; 3/27/16; 7/11/2016; 11/14/16,]

Any residential lot created after August 26, 1996 must meet the following lot area requirements:

A. After deducting land that falls within the categories in Section 19-64.1.b through f, the lot area equals at least the following square footage per dwelling unit:

1. RA – 10,000¹
2. RB - 10,000

3. RC - 30,000
4. RD - 15,000
5. Highland Lake – 20,000
6. FF – 40,000
7. VMU – with sewer 5,000, without sewer 10,000
8. MUC – with sewer 7,500, without sewer 15,000

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Sec. 19-82 Vacant Lots.

A nonconforming single vacant lot outside of the WVOD, and not adjoined by another vacant lot in common ownership, may be built upon subject to the lot coverage and setback requirements of this Ordinance for the district where located, provided that the owner can demonstrate that there is reasonable access to the site by emergency vehicles. For purposes of this Section 19-82, the term “vacant lot” shall mean a nonconforming lot that was vacant on and has remained vacant since the date the lot became nonconforming. ¹ [Amended 10/25/04; 7/24/06; 5/30/12]

Within the WVOD, a nonconforming single vacant lot not adjoined by another vacant lot in common ownership, may be built upon subject to the lot coverage and setback requirements of this Ordinance for the district where located, provided that the owner can demonstrate that there is reasonable access to the site by emergency vehicles and provided that that owner has conditional use approval from the Board of Zoning Appeals. For purposes of this Section 19-82, the term “vacant lot” shall mean a nonconforming lot that was vacant on and has remained vacant since the date the lot became nonconforming. ¹ [Adopted 5/30/12]

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Attest: _____

**Ellen Planer
Town Clerk
May 29, 2019**