



**TOWN OF FALMOUTH
ORDINANCE NO 133-2016**

**An Ordinance Amending the Code of Ordinances
Regarding the establishment of housing for older persons in the Elementary
School Redevelopment 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:

Division II-19-1-2. Definitions

Housing for Older Persons: A multiplex intended for or occupied by persons identified as eligible for “housing for older persons” as defined in the Federal Housing for Older Persons Act, 42 U.S.C. Section 3607(b)(2)

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. [Amended 5/26/09]

Sec. 19-25 Elementary School Redevelopment District (ESRD) [Adopted 05/30/12]

Sec. 19-25.1 Purpose- The District is established to redevelop the area on the site of the historic Plummer, Mason-Motz and Lunt Schools. The site is unique due to the type, size and placement of buildings, the history of use of the property as elementary schools and its proximity to OceanView Retirement Community.

Sec. 19-25.2 Conformance with Other Requirements- All development and use of land within the ESRD District shall conform to all other requirements of the Zoning and Site Plan Review Ordinances except as specifically provided for in this section.

Sec. 19-25.3 District Boundaries- The boundaries of the ESRD are as depicted on the Official Zoning Map.

Sec. 19-25.4 Subdivision and/or Site Plan Approval- The Planning Board, prior to its approval of a Subdivision and/or Site Plan shall find that the application is generally consistent with the Approved Conceptual Master Plan dated November 9, 2015.

Sec. 19-25.5 Permitted Uses

- a. Municipal buildings and uses
- b. Living arrangements and services for the elderly and/or people with disabilities including, but not limited to:
 - 1) congregate housing,
 - 2) independent housing with residential support services,
 - 3) assisted living facility,
 - 4) nursing facility or skilled nursing facility,
 - 5) adult day care,
 - 6) senior center,
 - 7) health institution or
 - 8) memory loss care.
- c. Housing for older persons
- d. outdoor recreational facilities
- e. wholly enclosed place of assembly, amusement, recreation, culture and government
- f. auditorium
- g. business and professional offices
- h. accessory building
- i. private school
- j. retail and service establishments limited to 2,000 gross square feet

Sec. 19-25.6 Dimensional Standards

a. Lot Requirements

All Uses	Minimum Lot Size		Max. Lot Coverage	Min. net residential area per dwelling unit	Min. site size
	Lot Area	Lot Width			
	na	na	na	na	na

- b. **Setbacks:** There are no required setbacks.
- c. **Building Height** - No building shall exceed four (4) stories or sixty (60) feet.

Sec. 19-25.7 Master Sign Plan– Any permanent sign installed within the District shall be depicted on a master sign plan as approved by the Planning Board. The master sign plan shall be in accordance with Sections 19-44 – 19-52 and shall provide for compatible design elements such as color, form, materials and lighting.

Sec. 19-25.8 Parking

- a. **Setbacks** – The Planning Board may waive the front yard parking setback requirements of Section 19-136.C if the location of the parking is consistent with the Approved Conceptual Master Plan.

- b. **Off-Street Parking** – The Planning Board shall determine the minimum number of off-street parking spaces required. The number and proximity of on-street parking spaces may be considered when determining the minimum number of off-street spaces required.
- c. **Shared Parking** – The Planning Board may allow shared parking on multiple lots and between all uses.

Sec. 19-25.9 Underground Utilities– Notwithstanding Section 19-133.d, existing above ground utility lines may remain above ground. New utilities shall be placed underground.

Sec. 19-41 Dwelling Units

Dwelling units shall contain a minimum of six hundred (600) square feet of floor area, with the following exceptions:

- a. Units located in the RCOD
- b. Units located in the ESRD, or
- c. Accessory Dwelling Units, subject to further requirements under Section 19-55.

Sec. 19-42 Multiplex

- a. A multiplex shall contain no more than six (6) dwelling units. In a site with more than one multiplex, dwellings shall contain an average of four (4) or fewer dwelling units.
- b. In order to integrate open space within a multiplex site, multiplex buildings shall be located at least two hundred (200) feet apart.
- c. Multiplexes located in the VC Districts, ESRD and RCOD are exempt from a. and b. above. [Adopted 5/13/13]

Sec. 19-69 Residential Growth Permit [Adopted 7/24/00] [Amended 5/24/04; 12/19/06; 5/13/13]

- c. **Exemption** - The following are exempt from the provisions of this section and the requirement to obtain a residential growth permit.
 - 1. The repair, replacement, reconstruction or alteration of any existing residential building or structure
 - 2. The construction or alteration of a nonresidential building or structure
 - 3. The construction or alteration of congregate housing, elderly boarding homes, housing units located in a RCOD and accessory apartments in a single family detached dwelling. [Amended 12/19/06]
 - 4. The construction of any dwelling unit meeting the definition of affordable housing. [Adopted 12/19/06]
 - 5. Dwelling units established in the VC Districts. [Adopted 5/13/13]
 - 6. The construction of any dwelling unit meeting the definition of housing for older persons.

Attest: _____

Ellen Planer
Town Clerk
May 9, 2016