



TOWN OF FALMOUTH

ORDINANCE NO 66-2017

**An Ordinance Amending the Code of Ordinances
Regarding Net Residential Area**

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 (amendments identified in underline):

Sec. 19-7 "F" - Farm and Forest District

[Table amended 1/24/11]	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance <u>Max. Residential Density (sq ft) See Section 19-64.1</u>	Min. site size (acres)
	Lot Area (sq ft)	Lot Width (ft)			
All Uses	--	250'	15%	-	--
Cemeteries	--	--	--	-	10
Day Care Centers	--	--	--	-	2
Churches	--	--	--	-	5
Health Institute	--	--	--	-	5
Private Clubs	--	--	--	-	3
Private Schools	--	--	--	-	3
Riding Stables	--	--	--	-	3
Single Family Detached & Other Uses	80,000	--	--	80,000	--

Sec. 19-8 "RA" - Residential A District [Amended 7/11/16]

	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per unit) 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	15,000	100	--	5,000	-
Private Clubs	--	200	--	--	3
Private Schools	--	200	--	--	3
Two-family	10,000	50	--	5,000	--
Single Family Detached & Other Uses	10,000	50	--	-- 10,000	--

Sec. 19-9 "RB" - Residential B District [Amended 7/11/16]

	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per unit) 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	30,000	150	--	10,000	--
Private Clubs	--	200	--	--	3
Private Schools	--	200	--	--	3
Two-family	25,000	100	--	10,000	--
Single Family Detached, & Other Uses	25,000	100	--	25,000	--

Sec. 19-10 "RC" - Residential C District [Adopted, 8/30/73] [Amended 7/11/16]

[Table amended 1/24/11]	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per-unit) See Section 19-64.1	Min. site size (acres)
	Lot Area (sq ft)	Lot Width (ft)			
All Uses	--	--	20%		--
Churches	--	300	--		5
Health Institute	--	300	--		5
Clubs	--	200	--		3
Private Schools	--	200	--		3
Single Family Detached & Other Uses	60,000	160	--	60,000	--

Sec. 19-10.1 "RD" - Residential D District [Adopted 7/11/16]

I	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per-unit) 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	45,000	150	--	15,000	--
Private Clubs	--	200	--	--	3
Private Schools	--	200	--	--	3
Two-family	30,000	100	--	15,000	--
Single Family Detached, & Other Uses	30,000	100	--	30,000	--

Sec. 19-10.2 "HL" - Highland Lake Residential District [Adopted 7/11/16]

I	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per-unit) 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
Two-family	--	200	--	30,000	2
Private Clubs	--	200	--	--	3

Private Schools	--	200	--	--	3
Single Family Detached, & Other Uses	40,000	150	--	40,000	--

Sec. 19-13 "MUC" - Mixed Use Cluster District [Amended 7/11/16]

To establish within the Town of Falmouth areas for well-planned mixed use developments with access to the region's major highway system.

"MUC"- Mixed Use Cluster

	Min. Lot Area (Sq ft)	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			dwelling-unit-density-allowance Max. Residential Density (sq ft) See Section 19-64.1
				Front	Side	Rear	
Single family detached & Accessory dwelling units	20,000	125 ft.	20%	25	20	40	n/a [Ed. Note - correction made to column 3/9/09]
All other uses	--	200 ft.	30%	50	25	25	10,000 with public sewerage or 20,000 w/o public sewerage

NOTE: The adopted version did not convert the term multiplex to two family and multi family. The term multiplex in the previous ordinance included both two and multi family dwellings.

Sec. 19-14 "VMU" - Village Mixed Use District [Amended 7/11/16]

To establish within the Town of Falmouth areas for small scale, low intensity nonresidential uses which are compatible with the residential character of the district.

Areas designated as VMU are areas with historical development patterns as village centers.

	Min. Lot Area (Sq ft)	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			dwelling-unit-density-allowance Max. Residential Density (sq ft) See Section 19-64.1
				Front	Side	Rear	
All other uses	--	150 ft.	35%	25	15	15	10,000 with public sewerage - 20,000 w/o public sewerage

NOTE: The adopted version did not convert the term multiplex to two family and multi family. The term multiplex in the previous ordinance included both two and multi family dwellings.

Sec. 19-64.1 Net Residential Area and Maximum Residential Density. The maximum number of dwelling units for ~~a subdivision or private way projects requiring Planning Board review~~ shall be the quotient of the net residential area for the development site divided by the ~~dwelling unit maximum residential~~ density allowance as stated in the zoning district dimensional table. Net residential area shall be determined by subtracting from the gross acreage from the following: [Amended 7/11/16]

- a. 10% for roads and parking.
- b. Land which is cut off from the main parcel by a road, existing land uses, or where no means of access has been provided, so that it is isolated and unavailable for building purposes or for common use.
- c. Land shown to be in the flood way or coastal high hazard area on the Flood Boundary of Flood Insurance Rate Maps of the Town of Falmouth.
- d. Other land which is unsuitable for development in its natural state because of topography, drainage, or subsoil conditions. Specific conditions include but are not limited to:
 1. Areas having sustained slopes in excess of twenty-five (25%) percent or unstable soils subject to slumping, mass movement, or accelerated erosion.
 2. Areas classified as wetlands by state or federal law. [Amended, 8/26/96]
 3. Areas characterized predominately by "coastal wetlands" as that term is defined in 38 M.R.S.A. subsection 472(2). [Amended 12/22/86.]
- e. Land in rights-of-way or easements.
- f. Land in Resource Protection Districts.

Sec. 19-64.2 Minimum Net Residential Area Per Lot [Amended 1/24/11; 3/14/11; 7/11/2011; 7/11/16]

~~A.~~ Any residential lot created after August 26, 1996 must meet the ~~lesser of the~~ following lot area requirements:

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~~1.~~ ~~At least 50% of the total lot area consists of land that that does not fall within one or more of the categories in Section 19-64.1.b through f; or~~

~~2.~~1. After deducting land that falls within ~~one or more of~~ the categories in Section 19-64.1.b through f, the lot area equals at least the following square footage per dwelling unit:

- a. Residential A – 5,000
- b. Residential B - 10,000
- c. Residential C - 30,000
- d. Residential D - 15,000
- e. Highland Lake - 20,000
- f. Farm and Forest – 40,000
- g. Village Mixed Use – 15,000

h. Mixed Use Cluster – with sewer 7,500, without sewer 15,000.

~~i.~~2. ~~Lots created in the RCZO under Section 19-18.5.D shall either have at least 50% of the total lot area consist of land that does not fall within the categories in Section 19-64.1.b through f or else meet the requirements of Section 19-64.2.1.~~

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~~B.~~ 3. For residential planned developments, at least seventy-five (75%) percent of any lot shall consist of land that does not fall within the categories of Section 19-64.1.b through f. [Adopted 8/26/96] [Amended 7/24/2000; 12/22/05]

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~~C.~~ 4. Notwithstanding subsections ~~a and b~~ 1, 2 and 3 above, lots created prior to August 26, 1996 and altered in either of the following ways shall not be considered new lots for purposes of this section: [Adopted 7/11/2011]

- 1. subsequently divided if the division is for purposes of conveyance to a governmental or non-profit agency for the sole purpose of protecting natural resources in perpetuity or providing public access to protected natural resource areas; or
- 2. encumbered with an easement or other legal instrument held by a governmental or non-profit agency for the purposes of protecting natural resources in perpetuity or providing public access to protected natural resource areas.

Attest: _____

**Ellen Planer
Town Clerk
November 14, 2016**