



**TOWN OF FALMOUTH  
ORDINANCE NO 97-2018**

**An Ordinance Amending the Code of Ordinances  
Regarding expanding applicability of the RCZO District  
to Two- and Multi-Family Dwellings**

**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:**

**Div. II-19-1-2. Definitions**

**Conservation Subdivision:** A residential development, whether or not part of a subdivision and including private way developments, meeting the requirements of Section 19-18.5 in which a significant portion of the site is set as common open space and permanently protected. [Adopted 12/22/05]

**Sec. 19-18 Resource Conservation Zoning Overlay District (RCZO)**

**Sec. 19-18.1 Applicability**

The provisions of the Resource Conservation Zoning Overlay (RCZO) District shall apply to those areas described on the Zoning Map but do not apply to residential planned developments or to Sec. 19-21, Retirement Community Overlay Districts. The requirements of this District only apply to new single-family, two-family, and multi-family residential development that requires review and approval by the Planning Board.

**Sec. 19-18.2 Coordination with the Underlying Zone**

The provisions of this district supplement the provisions of the underlying zoning district. Where the specific provisions of the RCZO District vary from the requirements of the underlying zone, these provisions shall govern.

**Sec. 19-18.4 Allowed Development Patterns**

The development of land within the RCZO District may occur in accordance with any one or a combination of the following development patterns:

- a. Conservation Subdivisions – A parcel of land may be developed in accordance with the provisions of Sub-Section 19-18.5, Standards for Conservation Subdivisions.

- b. Country Estate Subdivisions – A parcel of land may be subdivided into lots in accordance with the provisions of Sub-Section 19-18.6, Standards for Subdivision Development Using Country Estate Lots.
- c. Country Estate Lots That Are Not Part of a Subdivision – Individual lots that are not part of a subdivision may be created in accordance with the provisions of Sub-Section 19-18.7, Country Estate Developments Not Involving a Legal Subdivision of Land.
- d. Exempt Lots – A single residential lot may be created from an existing lot of record in accordance with the provisions of Sub-Section 19-18.8, Exempt Lots.

#### **Sec. 19-18.5 Standards for Conservation Subdivisions**

**A. Purpose** – The preferred form of development within the Resource Conservation Zoning Overlay (RCZO) District is conservation subdivisions. This section establishes standards for conservation subdivisions that set aside a significant portion of the site as common open space that is permanently protected while allowing the dwellings to be located on the portions of the site that have the least natural, cultural, or historical resource value for conservation purposes. The standards are intended to ensure that those areas of the site that are not developable or that have natural resource value are included in the common open space.

These provisions are designed to ensure that conservation subdivisions developed in the Town of Falmouth:

1. Preserve those areas of the site that have the highest natural resource value for conservation purposes;
2. Preserve identified historic, archeological, and cultural features located on the site;
3. Locate the buildings and structures on those portions of the site that are most appropriate for development;
4. Create continuous open spaces or “greenways” by linking the common open spaces in adjoining subdivisions wherever possible; and,
5. Minimize the impact of residential development on the Town, neighboring properties, and the natural environment.

**D. Standards for Individual Residential Lots** – Lots, where applicable, that are created for residential development as part of a conservation subdivision, and the subsequent development of those lots, shall conform to the following standards:

1. Minimum Lot Size -- Individual lots that are created as part of a Conservation Subdivision may be smaller than the required minimum lot size for the district in which it is located. The size of the individual lots shall be shown on the subdivision plan and shall be subject to Planning Board approval based upon its finding that the lot sizes will allow for the creation of a high quality living environment for the residents of the subdivision and provide for adequate sewage disposal. In no case shall any lot served by a subsurface wastewater disposal system in RB, RC, RD, HL or FF be less than twenty thousand (20,000) square feet in area. In no case shall any lot in RB, RC, RD, HL or FF served by the public sewer system be less than ten thousand (10,000) square feet in area. In no case shall any lot served by a subsurface wastewater disposal system in RA be less than 10,000 square feet in area. In no case shall any lot served by the public sewer system in RA be less than 5,000 square feet in area. [Amended 07/11/16]

2. Minimum Lot Width – The minimum lot width for lots in a conservation subdivision in RC, HL or FF shall be one hundred twenty-five (125) feet. Lots in RB or RD shall have a minimum lot width of 100 feet. Lots in RA shall have a minimum lot width of 50 feet. Notwithstanding the provisions above, the Planning Board may reduce the minimum lot width by up to fifty (50%) percent provided that the project is developed according to an approved master development plan where each individual lot is subject to design review of the lot layout and building design according to parameters and guidelines submitted by the developer and approved by the Planning Board. Said design parameters shall include maximum lot coverage, floor area ratio, and major building axis line relationship to street line (parallel or perpendicular) for each lot to ensure that each lot will be developed in a way that coordinates with adjacent lots, prevents building crowding, and provides adequate yard spaces and privacy screening, while avoiding a repetitive pattern of housing orientation and design throughout the project. [Amended 7/11/16]

3. Minimum Street Frontage – The minimum street frontage for lots in a conservation subdivision in RC, HL or FF shall be no less than one hundred twenty-five (125) feet. Lots in RB or RD shall have a minimum street frontage of 100 feet. Lots in RA shall have a minimum street frontage of 50 feet. Notwithstanding the provisions above, the Planning Board may reduce the minimum street frontage by up to 50% if a master development plan is submitted per subsection 2 above. Lots that have their required street frontage on a turning circle may have less street frontage than the required minimum, but in no case shall any lot have less than fifty (50) feet of street frontage, except for lots in RA, which may not be less than 25 feet. The amount of frontage for the individual lots shall be shown on the subdivision plan and shall be subject to Planning Board approval based upon its finding that the lot frontages will allow for the creation of a high quality living environment for the residents of the subdivision and provide adequate access to the residences and other facilities.

4. Minimum Front Setback – The minimum front setback for lots in a conservation subdivision shall be fifteen (15) feet except for lots in RA and RB, for which the minimum front setback shall be 10 feet. The Planning Board shall approve the minimum front setback for each lot as part of the subdivision approval. The size of the minimum front setback for each lot shall be shown on the subdivision plan and may vary from lot to lot or in different areas of the subdivision. In approving the minimum setbacks, the Planning Board shall find that the setbacks will: 1) allow the principal buildings to be sited in accordance with the Four Step Design Process, 2) allow for the creation of a high quality living environment for the residents of the subdivision, 3) allow for the preservation of significant natural resources, and 4) provide for adequate privacy for each unit based upon the character of the lot and proposed landscaping of the lot.

5. Minimum Building Separation/Setbacks – When a side or rear yard of a lot containing a residence or other building abuts the external perimeter or property line of a Conservation Subdivision, the minimum side and rear yard setbacks shall be the required minimum setback for the underlying district in which the subdivision is located. The minimum side and rear yard setbacks from internal property lines within a Conservation Subdivision shall be determined by the Planning Board as part of the subdivision approval and may be less than the required setbacks established by the district regulations. The size of the minimum setbacks for each lot shall be shown on the subdivision plan and may vary from lot to lot or in different areas of the subdivision. In approving the minimum setbacks, the Planning Board shall find that the setbacks will: 1) allow the principal buildings to be

sited in accordance with the Four Step Design Process, 2) allow for the creation of a high quality living environment for the residents of the subdivision, 3) allow for the preservation of significant natural resources, and 4) provide for adequate privacy for each unit based upon the character of the lot and proposed landscaping of the lot. In all cases, the separation distance between principal buildings within the subdivision, whether on the same lot or on different lots, shall conform to the requirements of the Town's building code and the NFPA fire protection codes based upon the type of construction and the use of the buildings.

### **Sec. 19-18.6 Standards for Subdivision Development Using Country Estate Lots**

**A. Purpose** – The alternative form of development within the Resource Conservation Zoning Overlay (RCZO) District is the use of Country Estate lots either as part of a subdivision or as individual lots that do not constitute a subdivision. This section establishes standards for a subdivision using Country Estate lots. The standards are intended to assure that the layout of the lots respects those areas of the site that have natural resource value, protects the rural character of the RCZO District, and provides reasonable access to lots for public safety purposes.

**B. Standards for Individual Lots** – Country Estate lots shall conform to the following standards:

1. **Minimum Lot Size** – The minimum lot size for a Country Estate lot is three hundred fifty thousand (350,000) square feet
2. **Minimum Net Residential Area Per Unit** – The minimum net residential area per unit is forty-thousand (40,000) square feet. [Amended 1/24/11]
3. **Minimum Lot Width** – The distance between the opposing lot lines measured through the principal buildings on the lot shall be three hundred (300) feet
4. **Minimum Lot Access Requirements** – A Country Estate lot shall have frontage on a public street, approved private way, or an approved private access drive meeting the provisions of Section 19-75. A Country Estate lot shall have the following minimum street frontage based upon the type of street:
  - a public street in existence as of April 1, 2005 400 ft
  - a public street created after April 1, 2005 200 ft
  - an approved private way 100 ft
  - an approved private drive for country estates 25 ft
5. **Minimum Property Line Setback** – All principal buildings shall be setback a minimum of seventy-five (75) feet from any property line. Accessory buildings and structures with less than two hundred (200) square feet of footprint area shall be set back a minimum of fifty (50) feet from any property line. Any other accessory buildings and structures shall be setback a minimum of seventy-five (75) feet from any property line.

**Attest:** \_\_\_\_\_

**Ellen Planer, Town Clerk**

**March 12, 2018**