



Community Development Department
271 Falmouth Road
Falmouth, ME 04105
☎ 207.699.5303
💻 www.falmouthme.org

Memorandum

Date: May 5, 2016
To: Community Development Committee
Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Nathan A. Poore, Town Manager
Ethan Croce, Senior Planner
Justin Brown, Code Enforcement Officer
Re: Comprehensive Plan Year 1 Zoning Amendments

In an effort to assist in the review of the various amendments to the Zoning and Site Plan Review Ordinance that are necessary to implement the recommendation put forth by the committee, I have summarized the changes that will occur in the ordinance. They are in the order that they appear in the ordinance and contain the Code of Ordinance reference. The zoning amendments are enclosed in the Council packet as well as the Draft Zoning Map. This version includes the minor modifications discussed at the April 25 hearing.

1. **19-1-2, Definitions** – Definitions have been amended and deleted to reflect the changes made in the new terminology for two-family and multi-family. This provides the foundation for the two uses to be treated differently. Also included is the removal of the 600 square foot minimum in the definition for dwelling units.
2. **19-7, FF District** – clarified that it is a rural area district and adjusted the Accessory Dwelling Unit (ADU) so that it is permitted. Also added the density calculation as that was inadvertently deleted some years ago. This is used to calculate maximum density in a subdivision or private way.
3. **19-8, RA District** – The use table has been amended to allow two-family, multi-family and ADUs as permitted uses, adjust the dimensional table to reflect the new lot sizes, lot width, setbacks and density calculations for residential development.
4. **19-9, RB District** – This district now refers only to the area “RB east”. The use table has been amended to allow two-family, multi-family and ADUs as permitted uses, adjust the dimensional table to reflect the new lot sizes, lot width, setbacks and density calculations for residential development.
5. **19-10, RC District** – the use table has been amended to allow ADUs as a permitted use and the dimensional table amended to add the density calculation that was inadvertently removed some years back.

6. **19-10.1, RD District** – This district refers to the area know as “RB west.” The use table has been modified in the same manner as RB and the dimensional table has been amended to reflect the recommended dimensional changes for residential development.
7. **19-10.2 HL District** – This district is the renamed district for the Highland Lake area that is currently zoned RB. It has been amended to allow ADUs as a permitted use and to eliminate multiplex as a conditional use, as well as add the density calculation.
8. **19-13, MUC District** – This district has been amended to move ADU to a permitted use and to clarify the density calculation.
9. **19-14, VMU District** - This district has been amended to move ADU to a permitted use and to clarify the density calculation.
10. **19-18.5 Conservation Subdivision (RCZOD)** – This district has been amended by removing the density calculation (moved to Section 19-64) and to amend the lot size, lot width, street frontage and front setback to reflect the reduction in the RA District. It is anticipated that a full overall of this district will include making further adjustments to growth districts.
11. **19-21.6 RCOD** - This district has been amended to reflect the higher density for dwelling units in the RA district as well as the reduced lot width.
12. **19-24.3 MR** – This district is amended to allow ADUs as a permitted use.
13. **19-38, Off-street Parking** - This section has been amended to reflect the design of parking for multiple units to clarify that they must be independently accessible and to reflect the new terminology for two and multi family dwellings.
14. **19-41 Dwellings** – this section is to be repealed as it contains the minimum unit size for dwellings (duplicates the restriction in the definition)
15. **19-42, Multi-family dwellings (currently Multiplex)** – this has been amended to reflect only 3 or more units, to maintain the average of four units per building when multiple buildings are situated on the same lot and to remove the 200 foot separation. The VC District exemption has been removed because multi-family is not listed as a use in VC. It is “Dwelling Unit” and allowed on upper floors only. A new requirement has been added to require some form of connectivity, either street or bike/ped accommodation.
16. **19-55, Accessory Dwelling Units** - This section has been overhauled completely. It now is only one standard for ADUs, removes the architectural restrictions as we do not have design standards for any residential uses unless they are imposed during the subdivision process or a master plan district. Submittal requirements are removed as the CEO has authority to require whatever information is necessary during the permit application process. All ADUs will be permitted uses in all districts where single family dwellings are allowed and go directly to the CEO for approval.
17. **19-64, Net Residential Area and Maximum Residential Density** – this section has been amended to clarify the method of calculating residential project density and reflect the new minimum NRA per lot by district.
18. **19-69, Rate of Growth** – this section has been completely overhauled to be simplified, better constructed and to reflect the recommendations for growth caps town wide and in the Rural Area. The name of the section and the name of the permit now reflect the state statutory language. Exemptions have been

amended to include all types of modifications to all exempt uses. The administrative section has been deleted as it is in Section 10 of the ordinance or prescribed by the Code Enforcement Officer. These amendments also clarify that a development permit is issued with the building permit so that no one can be issued a development permit until their building permit is ready to be issued. It also clarifies that the permit is transferable along with the building permit to a new owner.

19. **19-77 , Conditional Use, Alterations** – This section contains the allowance for a lot size of 5,000 square feet to be considered conforming in the RA District provided it is not located in the WVOD for determining whether or not lots are required to receive a Conditional Use from the BZA for alterations.
20. **19-127.3, Site Plan Approval Required** – section is clarified by removing “multiplex and institutional” as neither terms are needed or defined.

The **Official Zoning Map** is also being amended to:

1. Include the new areas added to the RB, RBm and RD districts.
2. Rezone the RB area to F along Falmouth Road
3. Rename the RB district around Highland Lake to HL

These changes reflect the approved boundaries of the Residential Rural and Residential Growth Areas adopted by the Council.

[NOTE: The RB District is currently in three different areas: east Falmouth, around Route 100 and around Highland Lake. These are getting separated as they all now have slightly different requirements and are renamed respectively: RB, RD and HL.]