

**Comprehensive Plan Implementation Year 1
Land Use Policy Recommendations
Prepared by CDC-LPAC
April 27, 2015 Rev. 1**

The Town Council adopted a new Comprehensive Plan in 2013. As part of the Year 1 implementation efforts the Community Development Committee (CDC) was charged with developing recommendations to maintain the character of, and limit growth in, the Rural Area. The Long-Range Planning Advisory Committee (LPAC) was charged with developing recommendations to stimulate residential growth in the Growth Area. The goal is to locate the majority of new homes in the Growth Area over the next 10 years.

The committees have been tackling two core questions:

- CDC - How can the Town best maintain rural character, but still allow some new homes to be built in the Rural Area?
- LPAC - How can the Town best encourage new housing to locate in the Growth Area, in a manner that is compatible with existing neighborhoods?

RECOMMENDED RURAL AREA CONCEPTS

		CURRENT REGULATION	PROPOSED CONCEPT BY CDC
1	Finalization of the Rural/Growth Boundary	N/A	Finalized boundary by review of the concept and
2	Residential Growth Permit – annual cap for certain types of permits	65 single family units, 65 multifamily units and 10 accessory cottages. Many exemptions including accessory apartments, development in the Retirement Community Overlay District	Leave town wide caps as is, add a cap for single family units in the Rural Area of 26 annually.
3	Open Space Preservation	Voluntary program by the Town and the Falmouth Land Trust, follows the Greening of Falmouth Report	Encourage the Town and the FLT to work in partnership with conservation development – limited development of desirable parcels to pay for acquisition and maintenance.
4	Accessory Dwelling Units	See Page 3 for description	Recommend clarification of apartment calculations be completed as part of the Administrative ReOrganization of the land use ordinances.

RECOMMENDED GROWTH AREA CONCEPTS

	CURRENT REGULATION	PROPOSED CONCEPT BY LPAC	
DIMENSIONAL STANDARDS IN GROWTH AREA			
1	Minimum single family lot size in RA District	20,000 s.f.	5,000 s.f.
2	Minimum net residential area ¹ per dwelling unit in RA District	Not stipulated	10,000 s.f.
3	Minimum Net Residential Area Per Lot in RA district (see section 5.31.2)	15,000 s.f.	5,000 s.f.
4	Minimum single family lot size in RB1 District	40,000 s.f.	15,000 s.f.
5	Minimum net residential area per dwelling unit in RB1 District	Not stipulated	30,000 s.f.
6	Minimum Net Residential Area Per Lot in RB1 district (see section 5.31.2)	20,000 sf	15,000 sf
7	Minimum single family lot size in RB2 District	40,000 s.f.	20,000 s.f.
8	Minimum net residential area per dwelling unit in RB2 District	Not stipulated	40,000 s.f.
9	Minimum Net Residential Area Per Lot in RB2 district (see section 5.31.2)	20,000 sf	Keep as is
10	Minimum single family lot size in RC District	60,000 s.f.	Keep as is
11	Single family lot width in RA District	125 feet	50 feet
9	Single family lot width in RB Districts	150 feet	100 feet

¹ Net residential area shall be determined by subtracting from the gross acreage the following:

- 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.

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
10	Single-family, detached setbacks in RA District	Front: 25 feet Side: 20 feet Rear: 40 feet	Front: 10 feet Side: 10 feet Rear: 30 feet
11	Single-family, detached setbacks in RB Districts	Front: 25 feet Side: 20 feet Rear: 40 feet	Front: 15 feet Side: 15 feet Rear: 30 feet
12	Front setback encroachment for front porches and front steps in RA and RB Districts	No allowance made	Allow 5 feet encroachment

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
ACCESSORY DWELLING UNITS (ADU) STANDARDS			
1	Standards for ADU apartments versus ADU cottages	Different standards for ADU apartments versus ADU cottages.	Have same standards for ADU apartments and ADU cottages.
2	Min. size for ADU	360 s.f.	No minimum ADU size requirement
3	Min. size requirement for main dwelling unit with ADU apartment	1,260 s.f.	No minimum size requirement for main dwelling unit
4	Max. ADU size	For ADU apartments: Reverse proportional to single family dwelling floor area. ² For ADU cottages: Not to exceed 100% of main dwelling floor area or 850 s.f., whichever is less.	Maximum ADU size is 100% of main dwelling unit. No absolute floor area maximum for ADU.

² Current limits are as follows:

If the floor area of the single family dwelling unit is:	The floor area of the accessory apartment shall not exceed:
Under 2,000 square feet	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft., whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft., whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

5	ADU Review	All ADU's are conditional uses and are sent to Board of Zoning Appeals (BZA).	ADU's that are 75% or less of the main dwelling and less than 1,000 sf should be reviewed by the CEO as permitted by right. ADU's that are more than 75% of the main dwelling or more than 1,000 sf should continue to be reviewed by Board of Zoning Appeals as conditional uses. Regardless of size, all ADU's on nonconforming lots in Water View Overlay District shall continue to be reviewed by Board of Zoning Appeals as conditional uses.
6	ADU appearance	There are general requirements for all exterior modifications of ADU.	Keep as is
7	ADU residency	No on-site owner residency requirement for ADU. Can be rental or for in-laws.	Require owner occupancy in the main dwelling at the time of review of ADU application by the Town.
8	ADU parking	1 off-street space for ADU. (Single family requirement is 2 spaces per unit.)	1 off-street space for ADU 1,000 s.f. or less. 2 off-street spaces for ADU's greater than 1,000 s.f.

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
MULTIPLEX STANDARDS			
1	Definition of multiplex	A group of attached dwellings containing dwelling units arranged side by side or back to back or in other configurations. ³	Keep as is
2	Minimum multiplex site size in RA District	2 acres	20,000 s.f. for 2 units 30,000 s.f. for 3 units 1 acre for 4 or more units
3	Minimum multiplex site size in RB Districts	2 acres	1 acre for 2 or more units
4	Min. net residential area per dwelling unit for multiplex in RA District	15,000 s.f.	7,500 s.f.
5	Min. net residential area per dwelling unit for multiplex in RB Districts	30,000 s.f.	20,000 s.f.
6	Distance between multiplex buildings	Multiplex buildings shall be located at least 200 feet apart	Delete this requirement
7	Multiplex lot width	200 feet	150 feet

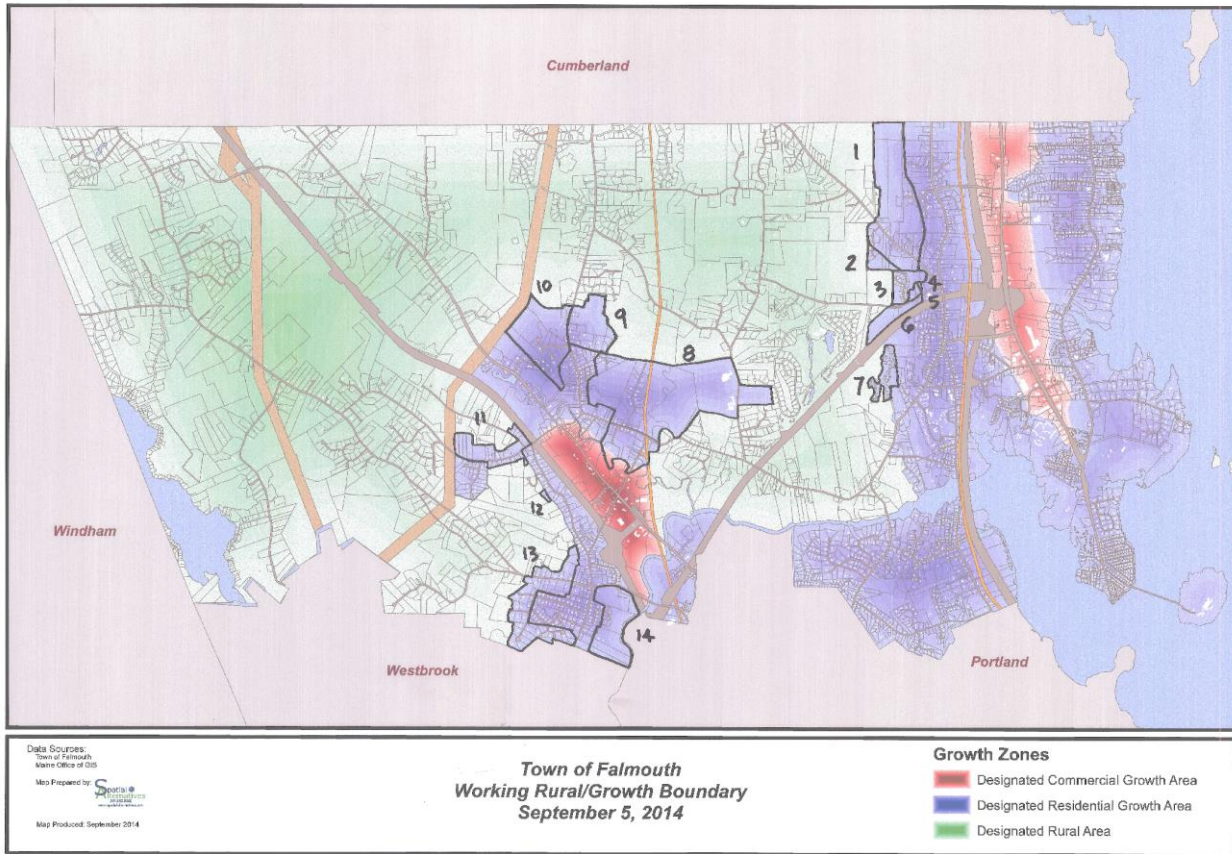
³ The Zoning Ordinance includes an inconsistent definition of "Dwelling, Multiplex" as "A building designed or intended to be used, or used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units, including apartment buildings and condominiums, but excluding single-family dwellings with an accessory apartment permitted under Section 5.22." Staff is intent on rectifying this inconsistency and has applied a "2 or more unit" standard for multiplexes.

8	Multiplex set backs	Front: 50 feet Side: 50 feet Rear: 50 feet	For duplex units – Front: 20 feet Side: 20 feet Rear: 30 feet For 3+ units – Keep as is
9	Multiplex permission	Conditional use in RA and RB	For duplex units – allow as permitted by right For 3+ units – Keep as is
10	Multiplex review	Site plan review by Planning Board	For duplex units – building permit review by CEO For 3+ units – Keep as is
11	Multiplex design guidelines	No design guidelines	Add design guidelines for 3+ units

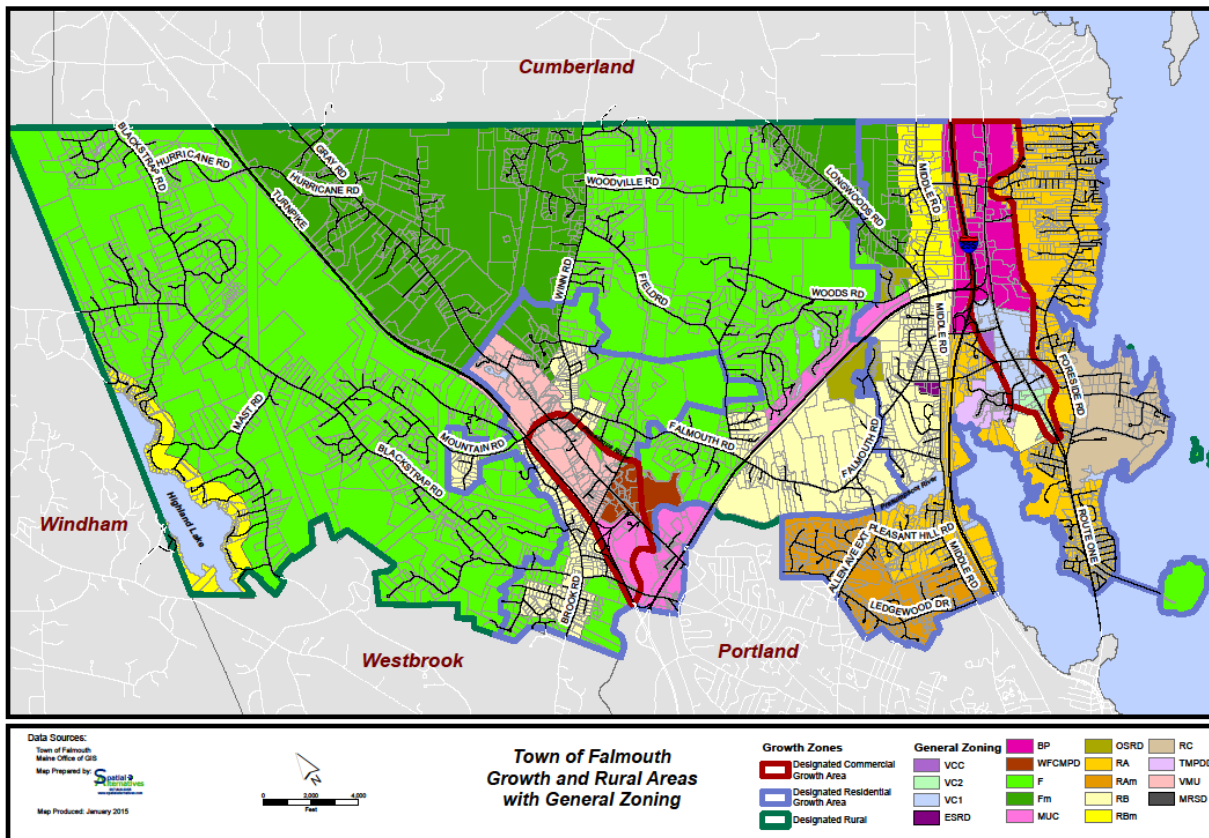
ZONING MAP AMENDMENTS

Various areas currently have a “rural” zoning district designation (such as F, Farm and Forest), but are proposed to be placed in the Town’s designated growth area. These areas have been shown on the map and are listed below with the proposed new zoning district designation. As these areas abut current RB districts, it is recommended that most of them should be placed in either an RB1 or RB2 district. One exception to this is Area 9, east of Winn Road. That area is proposed to remain a Farm and Forest district with a minimum density of 1 unit per 80,000 sf.

See the chart below for the proposed zoning district designations.



		CURRENT DISTRICT	PROPOSED DISTRICT BY LPAC
ZONING MAP AMENDMENTS			
1	North of Longwoods Road	Fm	RB-1
2	South of Longwoods Road	F	RB-1
3	Cornerstone	OSRD	OSRD
4	Southeast of Cornerstone	Fm	RB-1
5	East of Cornerstone	F	RB-1
6	North of Turnpike Spur	MUC	RB-1
7	Ridgewood	OSRD	OSRD
8	Along Falmouth Road + School Campus	F	RB-2
9	East of Winn Road	F	F
10	West of Winn Road	Fm	RB-2
11	Along Mountain Road	F	RB-2
12	West of Brook Road	F	RB-2
13	West of Brookside Drive	F	RB-2
14	East of Brookfield Road	F	RB-2



Summary

CDC and LPAC have put together a series of recommended changes to the Zoning and Site Plan Review Ordinance that, in their entirety, will begin the land use policy changes necessary to implement the 2013 Comprehensive Plan with respect to the land use policy strategies. With the Town Council’s approval the next step will be to implement these recommendations through a series of amendments to the Ordinance. The CDC and LPAC will continue their work in Year 2 to develop additional recommendations to implement the Comprehensive Plan.

For more information please contact:

Rural Area - Amanda Stearns, Community Development Director at astearns@falmouthme.org or 699-5312 regarding the work of the Community Development Committee

Or

Growth Area - Theo Holtwijk, Director of Long-Range Planning at tholtwijk@falmouthme.org or 699-5340 regarding the work of the Long-Range Planning Advisory Committee