

# FALMOUTH

## TOWN CHARTER AND CODE OF ORDINANCES

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

The farm and forest district is an area which is not expected to be provided with public sewer, located in a generally rural area and intended to remain in that character. The district allows residential uses at low density and recreational and agricultural pursuits. [Amended 7/11/16]

<p><b>Permitted Structures and Uses</b></p> <ul style="list-style-type: none"> <li>Accessory buildings &amp; uses</li> <li>Accessory Dwelling Unit</li> <li>Animal husbandry</li> <li>Farming</li> <li>Forestry</li> <li>Municipal buildings &amp; uses</li> <li>Outdoor recreation</li> <li>Single Family Detached Dwellings</li> <li>Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]</li> <li>Tier III Personal Wireless Service Facilities [Adopted, 4/25/05]</li> <li>Personal Use Airstrip [Adopted, 9/26/05]</li> <li>Essential Services ** [Adopted, 7/28/2014]</li> </ul>	<p><b>Conditional Uses</b></p> <ul style="list-style-type: none"> <li>Cemeteries</li> <li>Day care centers [Amended, 7/22/91]</li> <li>Day care homes [Amended, 7/22/91]</li> <li>Churches</li> <li>Extractive Industries</li> <li>Health Institutions</li> <li>Home occupations</li> <li>Kennels</li> <li>Libraries</li> <li>Museums</li> <li>Private clubs</li> <li>Private schools</li> <li>Riding stables</li> <li>Amateur Radio Towers [Adopted, 4/23/90]</li> <li>Veterinary Clinics [Adopted, 5/27/93]</li> <li>Bed and Breakfast Establishments [Adopted 5/27/93]</li> <li>Elderly Boarding Home [Adopted, 5/28/96]</li> <li>Outdoor Eating Areas [Adopted, 5/28/96]</li> <li>Roadside Stand [Adopted 02/27/12]</li> </ul>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

[Table amended 1/24/11]	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance, Max. Residential Density (sq ft) See Section 19-64.1	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]**

<b>Permitted Structures and Uses</b>	<b>Conditional Uses</b>
Accessory Building & Uses Accessory Dwelling Unit Farming Forestry Municipal Buildings & Uses Single Family Detached Dwellings Two family Multi family Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] Essential Services** [Adopted, 7/28/2014]	Cemeteries Day Care Centers [Amended, 7/22/91] Day Care Homes [Amended, 7/22/91] Churches Congregate Housing Health Institutions. Home Occupations Libraries Marinas Museums Private Clubs Private Schools Amateur Radio Towers [Adopted, 4/23/90] Bed and Breakfast Establishments [Adopted,5/27/93] Elderly Boarding Home [Adopted, 5/28/96] Outdoor Eating Areas [Adopted, 5/28/96] Roadside Stand [Adopted 02/27/12]
**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]	

	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	--

Minimum Setbacks In Feet			
	Front Setback	Side Setback	Rear Setback
Cemeteries	50	50	50
Day Care Centers	50	50	50
Churches	100	100	100
Congregate Housing	100	100	100
Health Institute	100	100	100
Private Clubs	50	50	50
Private Schools	50	50	50
Single Family, Detached/Two family/Multi family and Other Uses	10	10	30

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

<p><b>Permitted Structures and Uses</b>                  Accessory Buildings &amp; Uses                  Accessory Dwelling Unit                  Farming                  Forestry                  Municipal Buildings &amp; Uses                  Single Family Detached Dwellings                  Two family                  Multi family                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Cemeteries                  Day Care Centers [Amended 7/22/91]                  Day Care Homes [Amended 7/22/91]                  Churches                  Congregate Housing                  Extractive Industries                  Health Institutions                  Home Occupations                  Libraries                  Marinas                  Museums                  Private Clubs                  Private Schools                  Amateur Radio Towers [Adopted, 4/23/90]                  Bed and Breakfast Establishments [Adopted, 5/27/93]                  Elderly Boarding Home [Adopted, 5/28/96]                  Outdoor Eating Areas [Adopted, 5/28/96]                  Neighborhood Variety/Convenience Store* [Adopted 8/28/06]                  Roadside Stand [Adopted 02/27/12]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	<p>*Applies only in that part of the RB District bounded by I-295, the Turnpike Spur, and the Presumpscot River</p>

	Minimum Lot Size		Max. Lot Coverage	dwelling unit density allowance Density (sq ft per unit) <a href="#">See Section 19-64.</a> Max. Residential Density	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	--

Minimum Setbacks In Feet			
	Front Setback	Side Setback	Rear Setback
Cemeteries	50	50	50
Day Care Center	50	50	50
Churches	100	100	100
Congregate Housing	100	100	100
Health Institutions	50	50	50
Private Clubs	50	50	50
Private Schools	15	15	30
Single Family Detached, Two-Family, Multi-family, and Other Uses			

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

<p><b>Permitted Structures and Uses</b>                  Accessory Buildings &amp; Uses                  Accessory Dwelling Unit                  Farming                  Forestry                  Municipal Buildings &amp; uses                  Single Family Detached Dwellings                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Churches                  Health Institutions                  Libraries                  Museums                  Private Clubs                  Private Schools                  Amateur Radio Towers [Adopted, 4/23/90]                  Bed and Breakfast Establishments [Adopted 5/27/93]                  Elderly Boarding Home [Adopted, 5/28/96]                  Outdoor Eating Areas [Adopted, 5/28/96]                  Roadside Stand [Adopted 02/27/12]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

[Table amended 1/24/11]	Minimum Lot Size		Max. Lot Coverage	<del>dwelling-unit-density-allowance</del> <b>Max. Residential Density (sq ft per-unit)</b> <i>See Section 19-64.1</i>	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]**

<p><b>Permitted Structures and Uses</b>                  Accessory Buildings &amp; Uses                  Accessory Dwelling Unit                  Farming                  Forestry                  Municipal Buildings &amp; Uses                  Single Family Detached Dwellings                  Two family                  Multi family                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Cemeteries                  Day Care Centers [Amended 7/22/91]                  Day Care Homes [Amended 7/22/91]                  Churches                  Congregate Housing                  Extractive Industries                  Health Institutions                  Home Occupations                  Libraries                  Marinas                  Museums                  Private Clubs                  Private Schools                  Amateur Radio Towers [Adopted, 4/23/90]                  Bed and Breakfast Establishments [Adopted, 5/27/93]                  Elderly Boarding Home [Adopted, 5/28/96]                  Outdoor Eating Areas [Adopted, 5/28/96]                  Roadside Stand [Adopted 02/27/12]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per-unit) <a href="#">See Section 19-64.1</a>	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	--

Minimum Setbacks In Feet			
	Front Setback	Side Setback	Rear Setback
Cemeteries	50	50	50
Day Care Center	50	50	50
Churches	50	50	50
Congregate Housing	100	100	100
Health Institutions	100	100	100
Private Clubs	50	50	50
Private Schools	50	50	50
Single Family Detached, Two-family and Other Uses	15	15	30

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

<p><b>Permitted Structures and Uses</b>                  Accessory Buildings &amp; Uses                  Accessory Dwelling Unit                  Farming                  Forestry                  Municipal Buildings &amp; Uses                  Single Family Detached Dwellings                  Two-Family                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Cemeteries                  Day Care Centers [Amended 7/22/91]                  Day Care Homes [Amended 7/22/91]                  Churches                  Congregate Housing                  Extractive Industries                  Health Institutions                  Home Occupations                  Libraries                  Marinas                  Museums                  Private Clubs                  Private Schools                  Amateur Radio Towers [Adopted, 4/23/90]                  Bed and Breakfast Establishments [Adopted, 5/27/93]                  Elderly Boarding Home [Adopted, 5/28/96]                  Outdoor Eating Areas [Adopted, 5/28/96]                  Roadside Stand [Adopted 02/27/12]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

	Minimum Lot Size		Max. Lot Coverage	dwelling-unit-density-allowance Max. Residential Density (sq ft per-unit) <a href="#">See Section 19-64.1</a>	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	--

Minimum Setbacks In Feet			
	Front Setback	Side Setback	Rear Setback
Cemeteries	50	50	50
Day Care Center	50	50	50
Churches	50	50	50
Congregate Housing	100	100	100
Health Institutions	100	100	100
Private Clubs	50	50	50
Private Schools	50	50	50
Single Family Detached, Two family and Other Uses	25	20	40

**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.

<p><b>Permitted Structures and Uses</b>                  Accessory buildings and structures                  Accessory Dwelling Unit                  Business and professional offices                  Wholly enclosed places of assembly, amusement, recreation, and government                  Wholesale, warehousing and distributions facilities                  Light manufacturing operations with no exterior storage of material, equipment or products                  Retail businesses as part of a mixed use development                  Two or multi family as part of a mixed use development                  Research facilities                  Restaurants (including carry-out or drive through restaurants)[Amended 11/14/12]                  Residential planned developments as part of mixed use development                  Municipal buildings and uses                  Tradesman's offices                  Single Family Detached Dwellings (only in established residential areas and except on lots fronting on Gray Road) [Adopted 5/28/96]                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]                  Commercial Schools as part of mixed use development [Adopted 5/27/08]                  Grocery retail as part of a mixed-use development. [Adopted 11/26/12]                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Outdoor recreation facilities                  Day Care Centers                  Churches                  Excavating Business                  Land reclamation                  Processing of Mineral materials for resale [Amended, 4/25/88]                  Veterinary Clinic [Amended,7/22/91]                  Outdoor Eating Areas [Adopted, 5/28/96]                  Day Care Homes [Adopted, 7/23/01]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

**"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.

<p><b>Permitted Structures and Uses</b>                  Retail and service establishments with less than 5,000 SF of gross floor area                  Professional offices                  Art and craft studios                  Tradesman's offices                  Restaurants (not including carry-out or drive through restaurants) with less than sixty seats                  Museums                  Bed and Breakfast establishments                  Single family detached dwellings                  Two family                  Multi family                  Residential planned developments                  Municipal buildings and uses                  Accessory buildings and uses                  Accessory Dwelling Unit                  Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]                  Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]                  Commercial Schools with less than 5,000 SF of gross floor area                  Grocery Retail with less than 5,000 SF of gross floor area                  Essential Services** [Adopted, 7/28/2014]</p>	<p><b>Conditional Uses</b>                  Cemeteries                  Day care centers                  Day care homes                  Churches                  Health institutions                  Libraries                  The conversion of an existing structure into multi-family housing with no more than three dwelling units                  Congregate care facilities                  Home occupations                  Veterinary Clinic [Amended, 7/22/91]                  Elderly Boarding Home [Adopted, 5/28/96]                  Outdoor Eating Areas [Adopted, 5/28/96]</p>
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

	Min. Lot Area (Sq ft)	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			dwelling-unit-density-allowance (sq ft) <i>See Section 19-69.1</i> Max. Residential Density
				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]

~~1.~~ Any residential lot created after August 26, 1996 must meet the ~~lesser of the~~ following lot area requirements:

~~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.

~~h.~~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.

~~2.~~ 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]

~~3.~~ 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.