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CORRECTED Memorandum

Date: September 20, 2017
To: Town Council
From: Amanda L. Stearns, Community Development Director
Re: Council Work Plan Item - Resource Conservation Zoning Overlay
District Policy Implementation – Report from Council Study Group
(Hemphill and Svedlow)

Councilors Hemphill and Svedlow met with Nathan Poore and me last week as requested by the Council. The adopted policy was discussed with the following conclusions.

The implementation could be phased in the following manner:

1. The amount of open space in the Resource Conservation Zoning Overlay District (RCZOD) for rural area districts (FF and HL) to 50% could be brought forward immediately as a separate amendment. It is recognized that any changes to open space in the growth area will wait until the completion of the Greening of Falmouth 2.0.
2. The integration of two-family and multi-family into the RCZOD can be drafted without addressing the density disparity in the ordinance.
3. The study group would like direction on whether or not they are charged with addressing the density issue and if so, seek guidance on the issue.

As an overview on the timing of ordinance amendments, all amendments are effective on the date passed unless otherwise stated. State statute protects projects and permits that have received “substantive review” from the reviewing authority as of the effective date. The state also allows amendments to be adopted with an effective date earlier than the adopted date, commonly referred to as retroactivity. An example is the moratorium ordinance that was adopted for Retail Marijuana included an effective date at the date of introduction rather than the date of adoption.