

TOWN COUNCIL
Town of Falmouth, Maine

**An Ordinance Amending the Zoning and Site Plan Review Ordinance
Regarding Certain Net Residential Area and Natural Resource Setback
Provisions**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Zoning and Site Plan Review Ordinance be amended as follows.

Section 1. Section 5.31.2 is amended to read:

5.31.2 Minimum Net Residential Area Per Lot

a. Residential lots 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 5.31.1.b through f; or

(2) After deducting land that falls within one or more of the categories in Section 5.31.1.b through f, the lot area equals at least the following square footage:

(a) Residential A – 15,000

(b) Residential B - 20,000

(c) Residential C - 30,000

(d) Farm and Forest – 40,000

(e) Village Mixed Use – 15,000

(f) Mixed Use Cluster – with sewer 7,500, without sewer 15,000.

~~Any residential lot created after August 26, 1996 shall consist of land, in the minimum square footage amount(s) prescribed below, that does not fall within Section 5.31.1.b through f., whichever is less:~~

~~At least fifty percent (50%) of the lot area, or~~

~~A square footage amount of:~~

~~Residential A—15,000~~

~~Residential B—20,000~~

~~Residential C—30,000~~

~~Farm and Forest—40,000~~

~~Village Mixed Use—15,000~~

~~Mixed Use Cluster— with sewer 7,500, without sewer 15,000~~

b. 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 5.31.1.

c. Notwithstanding subsections a and b 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:

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.

Sec. 2. Section 5.38.2 is amended to read:

5.38.2 Applicability

A. The requirements of this section 5.38 apply only to the construction of: 1) new single family dwellings and their accessory structures and lawns, when constructed upon lots created after the effective date of this section, whether by subdivision or otherwise; and 2) private ways which are subject to review under section 5.27. For purposes of this subsection 5.38.2, subdivision and private way applications that have had at least one substantive review before the effective date of this section shall not be subject to the requirements of this section. Alterations and enlargements of single family dwellings and their accessory buildings existing on the effective date of this section are not subject to the requirements of this section. The requirements apply to the construction of new single family dwellings and their accessory buildings, private ways, and subdivision plans in residential districts.

B. In the event that the requirements of this section overlap the requirements of Shoreland Zoning or the Highland Lake Conservation Overlay District, the requirements of Shoreland Zoning or the Highland Lake Conservation Overlay District shall apply.

C. Notwithstanding subsections a and b above, lots created prior to December 18, 2001 and altered in either of the following ways shall not be considered new lots for purposes of this section:

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
- ~~1.~~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.