TOWN OF FALMOUTH
ORDINANCE NO 81-2026

Amendments to Ch. II-19, of the Town of Falmouth Code of Ordinances
To the BP, VC1, VC2, MUC, VMU, WFCMP Districts,
To the Rate of Growth Ordinance,
And to Implement Recommendations from the 2024 Comprehensive Plan
Council Introduction April 14, 2025
Public Hearing May 12, 2025

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances, be amended as follows:



Div. II-19-1-2. Definitions

Affordable Housing Development: A development consisting of one or more permitted land uses in the zoning district where it is located, and which meets ~~meeting~~ the requirements of Sec. 19-73 of this ordinance, and meet~~sing~~ the following requirements:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs;

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

Growth Area: Those areas depicted as "Growth Areas" on the map labeled "Future Land Use", dated 2/19/2025, and approved as part of the 2024 Comprehensive Plan.

Retail and Service Establishment: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale, and may include the display and sale of products and services outside of the building occupying up to and including 100 square feet of area. Fuel pumps are considered an accessory use to a retail and service establishment in all districts except BP, VC1, and VC2.

Self Storage Facility: A building or buildings consisting of individual self-contained units or compartments that are rented, leased, or owned for the purpose of storing property and where the property is customarily stored and removed on a self-service basis.

Tasting Room: An establishment used for the on-premise consumption of alcoholic beverages that are produced on the premises, and which may include incidental retail sales of those alcoholic beverages for off-premise consumption, and may include incidental off-site distribution.

Vertical Mixed Use Building: A building consisting of two or more different land uses and where dwelling units are prohibited on the ground floor of the building.

Div. II-19-1-3. ESTABLISHMENT OF DISTRICTS

Sec. 19-6 Districts

The Town of Falmouth is hereby divided into the following classes of districts as shown on the Zoning Map. ~~The distinction of Residential Rural, Residential Growth and Commercial Growth are as depicted on the September 2014 Rural/Growth Boundary Map approved by the Town Council as part of the adoption of the 2013 Comprehensive Plan.~~

A. Residential ~~Rural~~ Districts

1. Farm and Forest District (FF)
2. Highland Lake Residential District (HL)

~~B. Residential Growth Districts~~

~~1.~~3. Residential District (RA)

~~2.~~4. Residential District (RB)

~~3.~~5. Residential District (RC)

~~4.~~6. Residential District (RD)

~~5.~~7. Open Space Residential District [Adopted 3/27/89] [Repealed 6/19/06] (OSRD)

~~C.~~B. Commercial/Mixed Use ~~Growth~~ Districts

1. Village Center 1 (VC1) [Adopted 05/13/2013]
2. Village Center 2 (VC2) [Adopted 05/13/2013]
3. Village Center Civic (VCC) [Adopted 05/13/2013]

4. Mixed Use Cluster District (MUC)
5. Village Mixed Use District (VMU)
6. Elementary School Redevelopment District (ESRD) [Adopted 05/30/12]
7. Business and Professional District (BP)

~~D.~~C. Overlay Districts

1. Route 100 Corridor Overlay District (CO) [Adopted 1/25/88]
2. Shoreland Districts:
    a. Resource Protection District (RP)
    b. Limited Residential District (LR)
    c. Limited Commercial District (LC)[Adopted 5/27/92]
    d. Stream Protection District (SP) [Adopted 5/27/92]
3. Retirement Community Overlay Districts
    a. Ocean View Retirement Community (OVRC)[Adopted 11/23/98]
    b. Avesta Retirement Community (AVRC) [Adopted 05/23/16]
4. Highland Lake Conservation Overlay District (HLCOD) [Adopted 11/27/00]
5. Resource Conservation Zoning Overlay District (RCZO) [Adopted 12/22/05]
6. Water View Overlay District (WVOD) [Adopted 05/30/12]
7. Village Center Overlay District [Adopted 11/23/98] [Repealed 05/13/13]
8. Garden Center Special Overlay District (GCSOD) [Adopted 05/12/2014]

~~E.~~D. Special Districts

1. West Falmouth Crossing Master Planned Development District (WFCMP) [Adopted 1/26/98] [Amended 12/22/05]
2. Tidewater Master Planned Development District (TWMP) [Adopted 4/4/05]
3. Village Park Special District (VPSD) [Adopted 05/28/2014]
4. Hat Trick Drive Special District (HTDSD) [Adopted 11/24/2014]
5. 234 Middle Road Special District (MRSD) [Adopted 11/24/08]

Sec. 19-12 Route One North~~Business and Professional~~ District (R1N~~BP~~) [Amended 04/24/2023]

~~To establish within the Town of Falmouth space for business and professional offices, with exceptions for certain other uses with appropriate site design. Uses locating in this District shall be located, sited and landscaped in such a manner as to preserve open space, control vehicle access and traffic, maintain appropriate setbacks, buffers and natural screening, and to screen parking areas from Route One and other roadways.~~

The District is established to allow an intentionally diverse mix of residential and nonresidential land uses within the Town's designated growth area. The District provides zoning flexibility to allow a broad range of housing and business types and to promote an efficient use of land by allowing different land uses to be sited in close proximity to each other.

Permitted Structures and Uses	**Conditional Uses**
A. Business and professional offices B. Retail Service C. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] D. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] E. Essential Services [Adopted, 7/28/2014] F. Accessory Structures & Uses [Adopted 7/25/22] G. Veterinary Clinic [Adopted 4/24/2023] H. Bed and Breakfast Establishments I. Residential Planned Developments J. Multi-family Dwellings K. Affordable Housing Developments L. Accessory Dwelling Units M. Wholly Enclosed Place of Assembly, Amusement, Recreation, Culture, and Government N. Private Schools O. Museums P. Municipal Uses Q. Health Institutions R. Restaurants[2] S. Restaurants, Carry-out[2] T. Art and Craft Studio U. Tradesman's Office V. Retail and Service Establishment[1, 2] W. Grocery Retail[1, 2] X. Neighborhood Variety/Convenience Store[1, 2] Y. Congregate Housing	A. Light manufacturing operations B. Laboratory facilities C. Private clubs D. Research facilities E. Warehouses and wholesale distributors not exceeding 30,000 SF in gross floor area and not having more than two off-street loading berths. F. Hotels~~ and motels, but only on the westerly side of U.S. Route One in the area between Bucknam Road and Johnson Road.~~ G. Motels H. Place of Worship I. *[Repealed 1/10/2022]* J. Day Care Centers [Adopted, 7/23/01] K. Ballet Arts Facilities [Adopted 5/24/04] L. Commercial Schools not exceeding 2,000 square feet of net leasable area. [Adopted 5/27/08] M. Day Care Homes N. Tasting Rooms O. Home Occupations P. Roadside Stands

[1] Maximum ground floor tenant area 5,000 square feet

[2] Buildings containing these uses may not be located within 100 feet of the Route One right of way unless the building contains two or more stories. Restaurants associated with tasting rooms are exempt from this requirement

Note: Buildings containing dwelling units may not be located within 100 feet of the Route One right of way unless the building is a vertical mixed use building

~~Minimum Lot Size~~		~~Maximum Impervious Surface~~	~~Minimum Setbacks (ft)~~		
~~Lot Area (sq ft)~~	~~Lot Width (ft)~~		~~Front~~	~~Side~~	~~Rear~~
~~40,000~~	~~200~~	~~50%~~	~~80~~	~~25~~	~~50~~

~~Min. setback between parking areas and roadways (ft)~~	~~Min. setback where residential district abuts (ft)~~	~~Max. height of structures (ft)~~	~~Min. distance between buildings at closest point~~
~~40~~	~~75~~	~~39~~	~~25~~

Dimensional Standards

1. There shall be no requirements for minimum lot area, minimum lot width, minimum setbacks, or maximum lot coverage, however, buildings may not be located within a street right of way.
2. Nonresidential structures and uses shall comply with the requirements of Section 19-37 (Buffers).
3. Maximum building height: Notwithstanding any provision of Section 19-53 to the contrary, buildings are not restricted by number of stories. Buildings shall have a maximum height of:
    a. 55 feet if located on the west side of Route One;
    ~~a.~~b. 45 feet if located on the east side of Route One.

Additional Standards

The following standards shall apply to all projects requiring Planning Board review or Minor Site Review:

1. Maximum Residential Density (Sec.19-64.1)

    Maximum residential density shall be 5,000 sf/unit, however, this maximum residential density requirement shall not apply to dwelling units in vertical mixed use buildings. Vertical mixed use buildings are exempt from any density limitations under Sec.19-64.1.

2. Pedestrian and Bicycle Circulation
    a. Development shall include a well-defined, safe bicycle and pedestrian circulation system that encourages walking and cycling and that, wherever possible, provides connections to adjacent developments and to adjacent bicycle and pedestrian facilities.
    b. A minimum of one bike rack shall be provided near each customer entrance of a building and be placed so as to minimize conflicts with pedestrians. Single-family and two-family dwellings are exempt from this requirement.
3. Access Management
    a. The limitation on curb cuts in Section 19-140.b shall apply to all land uses within the BP District.
    b. To facilitate internal circulation, and to minimize turning movements on Route One, developments with frontage on Route One are encouraged to be connected with vehicular connections to adjacent developments with frontage on Route One. Provision of inter-parcel vehicular connections to adjacent properties will result in a four parking space reduction in the minimum number of parking spaces otherwise required for the development under Section 19-38 provided that an inter-parcel access easement is recorded at the Registry of Deeds.
4. Landscaped Border Strip

All uses shall be required to maintain a landscaped border strip along the street right-of-way in accordance with Section 19-153.

5. Future Development Concept Plan

Prior to or concurrent with the submission of a subdivision or site plan application for all or a portion of a lot, and prior to the Planning Board granting subdivision or site plan approval for any project, the property owner shall submit a future development concept plan ("concept plan") to the Planning Board. The concept plan shall be based upon a site inventory plan identifying existing conditions on the entire land area owned by the property owner and, to the maximum extent possible, existing conditions within 200 feet of the area owned by the property owner. The concept plan and site inventory plan shall be prepared by a registered landscape architect or a professional engineer. The site inventory plan shall identify major development opportunities and development constraints on the property and shall include the following: natural drainage features; topography; environmentally sensitive areas including streams, floodplains, and wetlands; existing and proposed buildings, land uses, and utilities; roads; and other significant man-made and natural features of the site.

The concept plan shall identify the areas on the property that are proposed to be developed immediately and the areas of the property that have the potential to be further developed or redeveloped in the future. The concept plan shall include both a map and a written narrative describing how the proposed development and any existing or potential adjacent developments may be coordinated with each other in a way that will generally meet the standards within the Town's ordinances. The concept plan will be used to provide guidance to applicants and the Planning Board in the submission and review of development proposals. The concept plan may be in schematic form and must depict an overall conceptual circulation system that promotes vehicular and pedestrian connectivity, minimizes dead end road and driveway conditions, minimizes impacts to environmentally sensitive areas, and coordinates accesses and curb cuts onto Route 1.

Once the concept plan has been submitted with the Planning Board, any application for approval shall be consistent with the concept plan unless a revised concept plan is submitted and reviewed by the Planning Board.

Sec. 19-11.3 Use and Maximum New Ground Floor Tenant Area Tables

19-11.3.1 VC1 and VC2

Permitted Uses, Conditional Uses and Maximum New Ground Floor Tenant Area (MNGFTA)				
Permitted Uses	**VC 1 MNGFTA (sq. ft.)**	**Category of Use**	**VC 2 MNGFTA (sq. ft.)**	**Category of Use**
Accessory structure or use [Amended 7/25/22]	50,000	P	50,000	P
Affordable Housing Development[1] [12/11/23]	na	P	na	P
Art and Craft Studio[1]	na	P	na	P
Automobile dealership (sales, service, storage & rental)	na	X	50,000	P
Bed and Breakfast Establishment	50,000	P	50,000	P
Business and professional office	50,000	P	50,000	P
Commercial School	20,000	P	20,000	P
Car Wash [Amended 7/24/17]	na	X	20,000	CU
Day care center	50,000	P	50,000	P
Dwelling Unit[1]	na	P	na	P
Essential Services	na	P	na	P
Gas Station	na	CU	na	CU
Home Occupation	na	~~P~~ CU	na	~~P~~ CU
Horticultural Nursery	na	P	na	P
Hotel	na	P	na	P
Kennels [Amended 04/13/2020]	50,000	CU	50,000	CU
Light manufacturing[1]	na	P	na	P
Municipal Use	50,000	P	50,000	P
Outdoor recreation facility, permanent structure	50,000	CU	50,000	CU
Outdoor retail display > 100 and ≤2,500 square feet as an accessory use	na	P	na	P
Outdoor display of automobiles as an accessory use to automobile dealership	na	X	No limit	P
Place of Worship	50,000	P	50,000	P
Private club	50,000	P	50,000	P
Private School	20,000	P	20,000	P
Restaurant, including carry-out [Amended 1/10/2022]	50,000	P	50,000	P
Restaurant, drive-through	na	X	50,000	CU
Retail and service establishment, includes outdoor retail display not to exceed 100 sq. ft.	50,000	P	50,000	P
Retail, grocery[2]	60,000	P	60,000	P
Service garage	50,000	CU	50,000	CU
Tasting Room	50,000	CU	50,000	CU
Tier I & Tier II Personal Wireless Service Facility	na	P	na	P

Tradesmen's Office[1]	na	P	na	P
Veterinary Clinic	50,000	P	50,000	P
Wholly enclosed place of assembly, amusement, recreation, culture, and government	50,000	P	50,000	P
[1] Permitted on upper floors only				
[2] Retail, Grocery is limited to 60,000 gross square feet total for all floors				
P – Permitted; CU – Conditional Use Permit Required; X – Not permitted				

Sec. 19-13 Mixed Use Cluster District (MUC) [Amended 4/25/22; 12/11/23; 4/24/24]

To establish within the Town of Falmouth areas for well-planned mixed use developments with access to the region's major highway system.

Permitted Structures and Uses	**Conditional Uses**
A. Accessory structures & uses [Amended 7/25/22] B. Accessory Dwelling Unit C. Business and professional offices D. Wholly enclosed places of assembly, amusement, recreation, culture, and government E. Wholesale establishments F. Warehouses G. Light manufacturing H. Retail and service establishments[1] I. Two family dwellings [Amended 12/11/23] J. Research facilities K. Restaurants (including carry-out or drive through restaurants)[Amended 11/14/12] L. Residential planned developments[5] M. Municipal buildings and uses N. Tradesman's offices O. Single Family Detached Dwellings (only in established residential areas and except on lots fronting on Gray Road) [Adopted 5/28/96] P. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] Q. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] R. Commercial Schools [Adopted 5/27/08] S. Grocery retail [2] [Adopted 11/26/12] T. Essential Services [Adopted, 7/28/2014] U. Hotels[3] V. Art and Craft Studios W. Day Care Centers X. Veterinary Clinics Y. Multi-family Dwellings[4] [Adopted 4/24/24] Z. Affordable Housing Developments[4] [Adopted 4/24/24] AA. Self Storage Facilities	A. Outdoor recreation facilities B. *[Repealed 4/25/22]* C. Place of Worship D. Excavating Business E. Land reclamation F. Processing of Mineral materials for resale [Amended, 4/25/88] G. *[Repealed 4/25/22]* H. *[Repealed 1/10/22]* I. Day Care Homes [Adopted, 7/23/01] J. Kennels [Amended 4/13/20] K. Tasting Room

[1]Maximum ground floor tenant area 50,000 square feet [2]Maximum ground floor tenant area 60,000 square feet [3]Maximum building footprint 20,000 square feet [4] Only on lots that are wholly within the MUC District and which abut Woods Road [5] Notwithstanding Div.II-19-1-2, Residential Planned Developments on lots that are wholly within the MUC District and which abut Woods Road may include Multi-family Dwellings	

Sec. 19-14 Village Mixed Use District (VMU) [Amended 4/25/22; 12/11/23]

Permitted Structures and Uses	**Conditional Uses**
A. Retail and service establishments with less than 5,000 SF of gross floor area B. Business and Professional offices C. Art and craft studios D. Tradesman's offices E. Restaurant [1] [Amended 1/10/2022] F. Restaurant, Carry-out[1] G. Museums H. Bed and Breakfast establishments I. Single family detached dwellings J. Two Family dwellings K. [*Reserved 12/11/23]* L. Residential planned developments M. Municipal buildings and uses N. Accessory structures and uses [Amended 7/25/22] O. Accessory Dwelling Units P. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] Q. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] R. Commercial Schools with less than 5,000 SF of gross floor area S. Grocery Retail with less than 5,000 SF of gross floor area T. Essential Services [Adopted, 7/28/2014] U. Hotels[2]	A. Cemeteries B. Day care centers C. Day care homes D. Place of Worship E. Health institutions F. Libraries G. Congregate care facilities H. Home occupations I. Veterinary Clinic [Amended, 7/22/91] J. Elderly Boarding Home [Adopted, 5/28/96] K. Kennels [Amended 04/13/2020] L. Tasting Room
1 Restaurants not served by public sewer shall have no more than 60 seats 2 Maximum building footprint 20,000 square feet	

Sec. 19-19 West Falmouth Crossing Master Planned Development District (WFCMP) [Adopted 1/26/98] [Amended 12/22/05; 6/15/09; 4/13/20; 4/26/21; 4/25/22; 2/24/25]

Table 19-19 Uses Allowed - West Falmouth Crossing	
Permitted Structures and Uses	**Conditional Uses**
A. Accessory structures & uses [Amended 7/25/22] B. Business and professional offices C. Wholly enclosed places of assembly, amusement, recreation, culture, and government D. Retail and service establishments E. Research facilities F. Restaurants [Amended 1/10/2022] G. Restaurants, Carry-out H. Municipal buildings and uses I. Tradesman's offices J. Hotels[1] K. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] L. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] M. Commercial schools [Adopted 5/27/08] N. Grocery Retail [2] [Adopted 11/26/12] O. Essential Services [Adopted, 7/28/2014] P. Day care centers Q. Places of worship R. Veterinary clinics	A. *[Repealed 1/10/2022]* B. Kennels C. Private schools [3] D. Car Washes[3] [2/24/25] E. Tasting Room

Div. II-19-1-5. SPECIFIC REQUIREMENTS

Sec. 19-37 Buffers

a. No nonresidential structure shall be erected or any nonresidential use permitted in nonresidential districts unless a buffer strip at least seventy-five (75) feet wide is provided and maintained between any adjoining residential district and the nonresidential structure or use. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Falmouth. For the purposes of this Section 19-37, the term "nonresidential districts" refers to the VC1, VC2, VCC, MUC, VMU, and BP Districts.

b. All buffer areas shall be developed and maintained within the 75 foot required setback except that no more than 45 feet shall be required for such purpose. The remaining setback area may be used for parking and loading.

c. In the BP District, the buffer area shall include the following minimum amount of plantings per 100 linear feet of buffer: 15 canopy trees; 15 understory trees; 20 shrubs; and 20 evergreen trees. The Planning Board may approve variations from these specific planting requirements where it can be demonstrated that alternative buffering methods will result in an equally effective or more effective buffer.

Sec. 19-38 Off-Street Parking [Amended 5/24/04; 5/13/13; 8/26/13; 07/11/16; 12/11/23]

a. To match actual demand for parking with supply the permitting authority shall determine the number of off-street parking spaces required. The number and proximity of on-street parking spaces shall be considered when determining the number of spaces required. The table below provides the minimum number of parking spaces required for the uses listed. Parking for uses not listed shall be determined by the permitting authority except that the permitting authority may not impose any parking requirements for accessory dwelling units and may not require more than two parking spaces for every three units in an Affordable Housing Development.

~~Staff~~The permitting authority may waive parking requirements ~~for improvements approved under Minor Site Plan Review~~ if it is satisfactorily demonstrated ~~to the staff~~ by the applicant that there is adequate parking provided for the property without the addition of spaces as required in this section. For purposes of this section the term independently accessible shall mean that each parking space shall be accessible for use without need for the removal of any other vehicle from any other approved parking space on the site.

Sec. 19-42 Multi family dwelling [Amended 05/09/16; 07/11/16]

A multi family dwelling shall contain no more than six dwelling units. On a site with more than one two family or multi family dwelling, each dwelling shall contain an average of four or fewer dwelling units. This provision shall not apply to dwellings in the BP District.

Sec. 19-53 Height Restrictions

a. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, as measured from the average finished grade within twenty (20) feet of the building. This restriction shall not apply to farm buildings not used for human habitation, windmills, antennas, transmission towers, place of worship steeples, flagpoles, chimneys, skylights, and penthouses or other extensions for mechanical equipment. On public school campuses and in the ~~BP and~~ MUC District~~s~~, no building shall exceed three (3) stories or thirty-nine (39) feet so measured. All three (3) story buildings shall be protected by an automatic fire suppression system in accordance with the Falmouth Building and Fire Safety Ordinance. [Amended 2/22/99]

b. Notwithstanding any provision of paragraph (a) to the contrary, single family detached dwellings are not restricted by number of stories but may not exceed thirty-five (35) feet in height. [Adopted 5/28/96]

Sec. 19-54 Home Occupations [Amended 10/25/93, 04/09/12; 7/24/17]

a. The purpose of the Home Occupations provision is to permit the conduct of only those businesses which are reasonably compatible with the ~~residential~~zoning districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure.

Business uses conducted wholly within a residence or accessory structure which are incidental to the residential use of the property and are of no impact to the surrounding properties are permitted as a matter of right if they conform with the following criteria:

b. All other home occupations ~~or professions~~ which are accessory to and compatible with a residential use, and located in a zoning district where home occupations are listed as a

conditional use, ~~an RA, RB, RD, HL, VMU, or F district~~ may be permitted as a conditional use~~,~~ if approved by the Board of Zoning Appeals after public hearing with due notice given, and if the home occupation conforms with the following criteria:

Sec. 19-69 Rate of Residential Growth [Adopted 7/24/00] [Amended 5/24/04; 12/19/06; 5/13/13; 07/11/2016; 08/23/2021; 12/11/23]

a. **Applicability** - A development permit is required for the construction of new dwelling units as required below.

b. **Legal authority** - This section is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, 30-A M.R.S.A. §2101 et seq., and 30-A M.R.S.A. §4360. [Amended 4/28/03]

c. **Purpose** - The purpose of this section is to:

1. Provide for the local housing needs of the Town's existing residents;
2. Plan for continued residential population growth of the Town at a rate that is compatible with the orderly and gradual expansion of community services, including education, fire and police protection, road maintenance, waste disposal, health services, etc;
3. Avoid a situation in which the rapid completion of major subdivisions, housing many families with school-age children, could outstrip the towns capability to expand its schools and other services soon enough to avoid serious overcrowding; and
4. Ensure fairness in the allocation of building permits.

d. **Exemptions** - The following are exempt from the provisions of this section:

1. The repair, replacement, reconstruction or alteration of any existing building or structure.
2. The construction of a nonresidential building or structure.
3. The construction of congregate housing, elderly boarding homes, and dwelling units located in a RCOD.[Amended 5/09/16]
4. The construction of any dwelling unit meeting the definition of affordable housing.
5. The construction of any dwelling unit in the VC Districts. [Adopted 5/13/13]
6. The construction of any dwelling unit in the portions of the BP District located within the growth area.
7. The construction of any dwelling unit in the portions of the Tidewater Master Planned Development District located within the growth area.
8. The construction of any dwelling unit meeting the definition of housing for older persons.

e. Maximum rate of residential growth **-** The maximum number of development permits issued in any calendar year shall be limited in the manner prescribed below:

1. Town Wide Growth Cap. ~~The maximum number of development permits issued in any calendar year shall be limited in the manner prescribed below.~~

a) No more than ~~65~~56 development permits total for new single family detached dwelling units, two-family dwelling units or manufactured housing dwelling units combined.

b) No more than 24 development permits for new multi-family dwelling units.

2. Growth Cap applicable to Farm and Forest (FF) and Highland Lake (HL) Districts only. ~~The maximum number of development permits issued in any calendar year shall be limited to n~~No more than ~~26~~20 development permits total for new single family detached dwelling units, two-family dwelling units or manufactured housing dwelling units combined.

3. Growth Cap applicable to areas not within the Growth Area: No more than 50 development permits total for new single family detached dwelling units, two-family dwelling units, multi-family units, or manufactured housing dwelling units combined.

Sec. 19-73 Affordable Housing Developments [Adopted 12/11/23]

Prior to the Town granting final approval of an affordable housing development, the Town shall ensure that any such approval is conditioned upon the owner of the affordable housing development being required to execute a restrictive covenant, recorded in the registry of deeds, for the benefit of and enforceable by a party acceptable to the Town, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

Affordable Housing Development Density Bonus

The maximum residential density for Affordable Housing Developments in the MUC and BP Districts shall be 2 ½ times the maximum residential density that is otherwise allowed for residential development in the zoning district provided that the Affordable Housing Development is either located in the Town's growth area or is served by public water and public sewer.

Div. II-19-1-9. PLANNING BOARD SITE PLAN REVIEW

Sec. 19-136 Parking Area Design Standards

b. Size of aisles. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees (90).

Parking Angle (degrees)	Minimum Aisle Width (feet)
0 (parallel parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	2~~5~~

c. Location of Parking, general.[Adopted 4/27/87] [Amended 5/13/13; 11/10/14]

1. VC Districts - No off-street parking or loading shall be located within the required front

setback except as permitted in VC2 (refer to Section 19-11.5.10).

2. All other Zoning Districts - No off-street parking or loading shall be located within the required front setback except along Route One where off-street parking may be permitted twenty (20) feet or further from the public right-of-way within the front setback. ~~(Refer to Section 19-12 for additional restrictions in the BP District)~~

3. BP District Parking Setback from Route One and Johnson Road-

   a. For lots in the BP District that front on Route One and/or Johnson Road, no off-street parking or loading shall be located closer to the Route One right of way than the building on the lot that is closest to the Route One right of way, and no off-street parking or loading shall be located closer to the Johnson Road right of way than the building on the lot that is closest to the Johnson Road right of way.

   b. Off-street parking and loading that is located at least 100 feet from both the Route One right of way and the Johnson Road right of way is exempt from the requirement in paragraph a above.

Sec. 19-139 Waiver of Parking or Loading Requirements

In ~~the~~ instances where the Planning Board waives parking~~,~~ under Section 19-38, ~~waives parking, it shall have the power to approve a site plan showing less paved parking or unloading area than is required. If parking is waived~~ a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking or unloading requirements in the event that a change of use of the premises shall make such additional off-street facilities necessary. The requirement for reservation of waived spaces shall not apply to required parking in the BP or VC Districts or to projects submitted for Minor Site ~~p~~Plan Review. [Amended 5/13/13; 8/26/13]

Sec. 19-150 General Buffer Standards

Buffers are fences, landscaping, berms, ~~and~~ mounds, and other methods deemed acceptable to the permitting authority used to minimize any adverse impacts or nuisances on the site or from adjacent areas. Development in the VC Districts is exempt from this section. The following guidelines apply:

a. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires six to eight (6-8) foot evergreen trees planted in an alternate pattern, five (5) feet on center.

b. Buffers shall be considered in or for the following areas and purposes:

   1. Along property lines, to shield various uses from each other.

   2. Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.

   3. To totally screen garbage collection areas, loading and unloading areas, electrical transformers, air conditioning units, utility service areas, outdoor storage areas, and similar functions from public area. [Adopted 4/27/87]

   4. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.

   5. To screen parking areas, car lots, auto storage facilities, and other outdoor storage of motor vehicles from the public view. ~~with berms four (4) feet in height. A lower height, not less than three (3) feet, may be used as necessary to ensure that berms and/or~~

~~plantings do not obstruct the visibility required for traffic safety~~. ~~Additional screening shall be provided with plantings which~~ Screening shall be located so as not to obstruct the visibility required for traffic safety. [Adopted 4/27/87]

~~Sec. 19-151 Special Landscape and Buffer Requirements in the BP District~~

a. ~~Buffer area landscaping: All areas located within the minimum setbacks required in the BP District shall be used as buffer areas. Within these buffer areas, the following minimum plantings and buffers shall be required:~~

			~~Buffer Area (per 100 Linear feet)~~			
~~Buffer Area Location~~	~~Width~~	~~Structure~~	~~CT*~~	~~UT*~~	~~SH*~~	~~ET*~~
~~Side/rear yard screening~~	~~10'~~	~~-~~	~~2~~	~~3~~	~~5~~	~~-~~
~~Screening along all roadways, whether on or off premises, with respect to one-story buildings~~	~~40'~~	~~-~~	~~5~~	~~8~~	~~15~~	~~-~~
~~Screening along all roadways, whether on or off premises, with respect to buildings of two stories or more~~	~~40'~~	~~-~~	~~8~~	~~8~~	~~15~~	~~10~~
~~Screening of Route One for all one-story buildings~~	~~60'~~	~~-~~	~~10~~	~~15~~	~~30~~	~~10~~
~~Screening of Route One for all buildings of two stories or more~~	~~60'~~	~~-~~	~~15~~	~~15~~	~~30~~	~~20~~
~~Screening of all abutting residential district for all buildings of any height~~	~~75'~~	~~-~~	~~15~~	~~15~~	~~20~~	~~20~~
~~Screening of all parking areas which are visible from any roadways bounding or bordering the premises~~	~~-~~	~~Berm~~	~~-~~	~~-~~	~~-~~	~~-~~
~~Total screening, where required by Board of Zoning Appeals or Planning Board~~	~~-~~	~~Fencing or Berm Wall~~	~~-~~	~~-~~	~~-~~	~~-~~

~~* CT: Canopy Trees UT: Understory Trees SH: Shrubs ET: Evergreen Trees~~

Sec. 19-153 Special Landscape and Buffer Requirements in the CO District and BP District [Amended 7/22/91; 4/25/22]

a. Buffer Area landscaping. All border strips required in the CO and BP Districts shall be used as landscaped buffer areas, except those areas required for access. Plantings should be designed to enhance the streetscape, reinforce and provide shade to pedestrian ways, shade and buffer parking areas from view, and add seasonal interest to the site. Within these buffer areas the following plantings and buffers are required. Numbers given are for one hundred (100) linear feet of buffer area.

Where berms are utilized~~recommended~~, or required by the permitting authority, they shall be designed to fit the specific site conditions with regards to height, visibility, and form. Maximum height shall be four (4) feet. Maximum side slopes shall be 3:1.

Variations from these requirements may be allowed, provided that the applicant demonstrates that the landscaping is in compliance with the intent of these provisions.

~~Buffer Area Location~~	~~S~~ Berm	CT 2-4	UT 1-3	ET 1-2	SH 5-10

Abbreviations: Canopy Trees (CT), Understory Tree (UT), Shrubs (SH), Evergreen Trees (ET)~~, Structures (S)~~.

b. All uses shall be required to maintain a landscaped border strip along the street right-of- way of Route 100, and along the portions of the street right of ways of Route One and Johnson Road that are located within the BP District. The width of the border strip shall be related to the setback of the building as shown on the following table:

Width of Border Strip	Building Setback
No minimum width	Less than 10 ft.
10 ft.	10 to 25 ft.
15 ft.	25 to 49 ft.
20 ft.	50 to 74 ft.
25 ft.	75 to 99 ft.
30 ft.	100 ft. or more

Note: On lots where a principal building is setback less than 10 feet from the Route 100, Route One, or Johnson Road right of way, the only plantings required under Sec.19-153.a are canopy trees.

Sec. 19-155 Standards for Residential Planned Developments

The intent of the residential planned development provisions is to allow creativity and flexibility in the development of innovative housing projects. The following standards are set forth as a guide to developers in preparing proposals for residential planned developments. The Planning Board shall use these standards as the minimum acceptable unless the applicant demonstrates to the Board's satisfaction that alternate arrangements will meet or exceed the level of service and safety provided by the standard. [Effective 1/25/88]

a. Road Layout - All streets, roads, access drives and parking areas shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

b. Road Construction Standards - Roads ~~within a residential development may either be public streets or private ways. All public streets shall meet the street construction standards of the Town. Private ways~~ shall be constructed to the applicable standards set forth in the Town's ordinances.~~subsection 19-60.~~

~~Sec. 19-156 Minimum Five Acre Site Plan in the BP District.~~

~~In addition to all other requirements of Div. II-19-1-9, the following minimum five acre site plan requirement shall also apply in the BP District.~~

~~a. In the BP District, a site plan encompassing at least five acres of land must be approved by the Planning Board under this Section before any building shall be erected or externally enlarged and before any area for parking, loading, or vehicular service shall be established or substantially changed. If the entire area owned by a landowner in the BP District on the effective date of this subsection is less than five (5) acres, that area may be developed under~~

~~an approved site plan encompassing less than five (5) acres provided that the entire area owned by that landowner is included in the site plan.~~

~~Within the site plans required under this subsection, no lots of less than forty thousand (40,000) square feet in size shall be approved and there shall be no more than one entrance and one exit for motor vehicles located on Route 1. All site plans submitted and approved under this subsection shall include a landscape plan prepared and signed by a registered landscape architect showing the location, type and size of all plantings.~~

~~b. A site plan shall be prepared and submitted to the Planning Board as a comprehensive plan for the entire site. In cases where the applicant only plans to develop a portion of the planned site immediately, the site plan shall nonetheless include the boundaries, dimensions and area of each proposed lot, the location of proposed buildings, the location and layout of proposed driveways, the location and layout of proposed sewer and water utilities and proposed grades and drainage for the entire site. In such cases, the Planning Board may defer final approval as to building plans, landscaping plans, exterior lighting, location of parking areas, fences, signs and advertising features for the portions of the site not to be developed immediately.~~

~~c. A site plan approved by the Planning Board shall set forth the requirements for access, roadways, parking, setbacks, buffer areas, plantings, and other requirements. In cases where the Planning Board has deferred final approval as to portions of the site not to be immediately developed, the site plan shall define the portions of the site which have not received final site plan approval. Within such portions of the site, no building shall be erected or externally enlarged and no unapproved areas for parking, loading or vehicular access shall be established until final site plan approval has been obtained.~~

The following amendments shall be made to the Zoning Map and the Code of Ordinances:

- The Zoning Map shall be amended as follows:
    - Change the name of the BP District to "Route One North"
    - Delete the zoning district categories titled "Residential Rural Districts" and "Residential Growth Districts" and place the zoning districts under those two categories into a new zoning district category titled "Residential Districts"
    - Rename the zoning district category titled "Commercial/Mixed Use Growth Districts" to "Commercial/Mixed Use Districts"

- The Code of Ordinances shall be amended as follows: Replace all references to the "BP District" and "Business Professional District" with the term "Route One North District"

Attest:_____

Ellen Planer

Town Clerk

March 9, 2026