

**Amendments to Ch.II-19 and Ch.II-24 of the Code of Ordinances
To Comply With State Mandates Regarding Poultry, Setback Variances,
and Energy Systems**

Town Council Introduction: 7/13/2026

CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

Sec. 19-40 Animals [Amended 01/11/2021]

- a. Household pets are allowed in all districts. Animals kept for personal use or enjoyment not falling within the definitions of household pets, including but not limited to wild animals, horses, cattle, sheep, goats, swine, and poultry are permitted only in accordance with the provisions of this section.
- b. Regulations for Animals Other Than Household Pets Kept for Personal Use or Enjoyment [Amended 10/27/08]:

	<u>F</u>	<u>RB, RD, VMU</u>	<u>RA, RC</u>	<u>HL, ESRD, MRSD, MUC, OSRD, R1N, TWMP, VC1, VC2</u>	<u>All Other Districts</u>
Minimum Lot Size	40,000 sq ft	40,000 sq ft	40,000 sq ft	N/A	Not Permitted
Animals Specifically Prohibited	None	Swine	Swine and Cattle	All except poultry	Not Permitted

- c. The keeping of more than one horse or head of cattle shall require an additional 10,000 square feet per animal in addition to the minimum lot size.
- d. Keeping of Poultry [Adopted 10/27/08; Amended 12/12/11]:
 1. General Restrictions
 - a. No roosters shall be permitted in any district with the exception of Farm and Forest.
 - b. No slaughtering shall be permitted in any district with the exception of Farm and Forest.
 - c. Notwithstanding ~~paragraph~~Section 19-40.b. above, no minimum lot size is required for the keeping of poultry.
 2. The following requirements shall be met for the keeping of poultry on lots less than 40,000 square feet in F, RB, RD, HL, and VMU, and all lots regardless of size in RA, ~~and~~ RC, ESRD, MRSD, MUC, OSRD, R1N, TWMP, VC1, and VC2.
 - a. Fencing for containing poultry and enclosed coops shall be setback a minimum of twenty (20) feet from all property lines.

- b. Poultry shall be contained by fencing or other suitable materials installed in such a manner and to a sufficient height to restrict poultry from leaving the area of containment.
- c. Enclosed coops, if utilized, shall not exceed one (1) in number, 100 gross square feet or 12 feet in height.
- d. Waste Storage and Removal - Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 19-121 Set-back Variance For ~~Single-Family~~ Dwellings [Adopted, 5/27/93]

Notwithstanding subsection 19-120, the Board may grant a set-back variance for a ~~single-family~~ dwelling when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- a. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- b. The granting of a variance will not alter the essential character of the locality;
- c. The hardship is not the result of action taken by the applicant or a prior owner;
- d. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- e. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This subsection is strictly limited to permitting a variance from a set-back requirement for a ~~single-family~~ dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

CH. II-24 MUNICIPAL GREEN BUILDING ORDINANCE

Sec. 24-1 Statement of Purpose.

The purpose of this ordinance is to comply with Falmouth's Climate Action Plan, adopted on October 11, 2023, to reduce greenhouse gas emissions. The ordinance establishes performance requirements for constructing and renovating town buildings and facilities to maximize energy performance, minimize adverse environmental impacts, provide healthy workplaces, conserve natural resources, promote sustainable development, and achieve portfolio-wide zero emissions in government operations by 2040 to mitigate the impacts of climate change.

This is done by seeking LEED certification for all relevant projects, prioritizing proven energy efficiency strategies, and providing EV infrastructure,~~and eliminating the use of non-emergency fossil fuel systems and appliances.~~

Sec.24-3 Requirements.

~~A.~~ New Construction and Major Renovation Requirements:

~~1.~~ All new construction and major renovation projects to be owned or occupied by the Town of Falmouth that are of 5,000 square feet (conditioned space) in floor area or greater shall meet the following requirements:

- a. Achieve LEED Certified level using the appropriate LEED Rating System.
- b. Achieve two or more points in the LEED Optimize Energy Performance Credit using Option 1, 2 or 3.

~~c. Shall be prohibited from installing fossil fuel systems for meeting regulated loads.~~

~~d.c.~~ The requirements related to electric vehicle infrastructure in a, b, and c, below, shall be met for:

- i. New construction projects involving the construction of 10 or more off street parking spaces for light duty vehicles and/or light duty trucks; and
- ii. Major renovation projects where the building is served by an existing parking facility with 20 or more off street parking spaces for light duty vehicles and/or light duty trucks and where the project increases the off-street parking space capacity by 30% or more:
 - a. All new parking spaces designated for overnight parking of government owned light duty vehicles and light duty trucks shall be EV Ready or EVSE spaces and at least 50% shall be EVSE spaces.
 - b. No fewer than 50% of new parking spaces not designated for overnight parking of government-owned vehicles shall be EV Capable, EV Ready, or EVSE spaces, and at least 10%, and no fewer than one, shall be EVSE spaces. Existing parking spaces may be used to meet these requirements if it is more feasible to install the required electric vehicle infrastructure in the location of existing parking spaces.
 - c. The building electrical panel must provide the physical space to accommodate the future installation of circuit breakers for EV Capable spaces and shall have sufficient electrical capacity to provide no less than 1.9 kVA per EV Capable space.

~~B.~~ Energy Retrofit Requirements:

~~1. New or replacement fossil fuel systems used for regulated loads are prohibited from being installed as part of an energy retrofit project for buildings that are owned or occupied by the Town of Falmouth.~~