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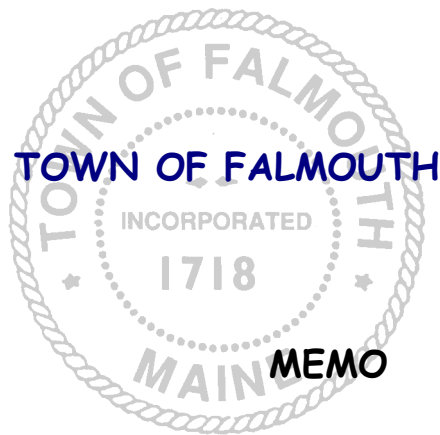
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TOWN MANAGER

KATHLEEN BABEU
TOWN CLERK



DATE: February 20, 2008
TO: Falmouth Town Council
FROM: Councilor Tony Payne
RE: Minor changes to Commercial School Amendment as introduced

Based on the discussion at February's workshop I am suggesting the following changes to the original language as shown in bold. The proposed amendment to Chapter 601, Zoning and Site Plan Review Ordinance would add a new use to the Business Professional District (BP) **with the condition that the use not exceed 2,000 square feet of net leasable area.** In addition this use would be added to all districts which currently allow Retail Business and in the same manner in which it is allowed. This will preserve the intent of the current ordinance as commercial schools are currently considered a retail business. These districts are MUC (as part of a mixed use development), VMU (with less than 5,000 square feet) and SB-1 (no condition.)

This amendment would add the use "Commercial School" to Section 2 of the Zoning and Site Plan Review Ordinance as follows:

*"Commercial School - A for-profit business facility or institution which provides instruction or tutoring by previous arrangement for a particular skill or subject ~~typically~~ to a group of students in a classroom or similar type setting and may include private lessons **as an ancillary service.** By way of example only may include schools for performing arts, fine arts, photography, driving, pottery, business, beauty, sports, language or driving."*

It would also add a definition for Net Leasable Area:

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Net Leasable Area

In a building or project, floor space that may be rented to tenants excluding common areas and space devoted to the heating, cooling, and other equipment of a building.

The definition of Private School in Section 2 would also be amended to strike language as noted below:

2.64 "Private School: A private institution for education or instruction including a college, university, or school conducting classes pursuant to a program approved by the State Board of Education or similar governmental agency, but not including commercially operated schools, ~~such as schools of beauty culture, business, dancing, driving, music or recreation which shall be deemed retail businesses.~~"

I hereby ask that you schedule a Public Hearing for the Council's March regular meeting agenda and that you properly post notices and advertise for a public hearing as required by the Charter.