

2.136 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.~~

Add new definitions to Section 2 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 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.”

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.

3.6 "SB-1" - Route One Business District [Adopted, 4/27/87]

To establish within the Town of Falmouth general retail sales, services, and business space within the Route One corridor between Route 88 and the BP Zoning District. It is the intent of this District to create an attractive entrance to Falmouth's major commercial district, to promote the overall aesthetics of the District, and to control vehicle access and encourage an orderly and safe traffic flow along Route One. Landscaping requirements are mandated within the front setback. All structures and uses are subject to Planning Board Site Plan Review.

Permitted Structures and Uses

1. Business and professional offices less than 20,000 SF of ground floor area
2. Wholly enclosed places of assembly, amusement, recreation, culture, and government [Amended 5/27/93]
3. Motels and hotels
4. Private clubs
5. Restaurants (excluding carry-out and drive-through restaurants)
6. Automobile sales
7. Automobile related sales and services
8. Retail and service establishments
9. Accessory buildings and uses
10. Farmer's Markets [Adopted 7/23/01]
11. Ballet Arts Facility [Adopted 5/24/04]
12. Mixed Use Development [Adopted 5/24/04]
13. Diverse Housing [Adopted 5/24/04]
14. Tier I Personal Wireless Service Facilities [Adopted 4/25/05]
15. Tier II Personal Wireless Service Facilities [Adopted 4/25/05]
16. Municipal buildings & uses [Adopted 4/23/07]
17. Commercial Schools [Adopted ???]

Conditional Uses

1. Light manufacturing
2. Multiplex
3. Outdoor recreation facilities
4. Outdoor sales and storage of equipment and materials
5. Automobile repair service garage
6. Automobile service station
7. Carry-out and drive-through restaurants
8. Business and professional offices more than 20,000 SF of ground floor area
9. Veterinary Clinic [Amended, 7/22/91]
10. Churches [Amended, 7/22/91]
11. Public Utilities [Adopted, 7/22/91]
12. Outdoor Eating Areas [Adopted, 5/28/96]
13. Day Care Centers [Adopted, 7/23/01]

3.6 "SB-1" - Route One Business District (cont.) [Adopted, 4/27/87]

Minimum Lot Size, Maximum Lot Coverage

	<u>Lot Area Sq Ft</u>	<u>Minimum Lot Size Lot Width In Feet</u>	<u>Maximum Lot Cover.</u>	<u>Minimum Net Residential Area Per Dwelling Unit Sq Ft</u>	<u>Minimum Site Size In Acres</u>
Multiplex	-	200	20%	15,000	2
Other Uses	-	200	-	-	-

**Minimum Setbacks
In Feet**

	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Multiplex	80	25	50
Other Uses	80	25	50

3.7 **"BP" - Business and Professional District**

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.

Permitted Structures and Uses

1. Business and professional offices
2. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
3. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]
4. Commercial Schools not exceeding 2,000 square feet of net leasable area. [Adopted ???]

Conditional Uses

1. Light manufacturing operations
2. Laboratory facilities
3. Private clubs
4. Research facilities
5. Warehouses and wholesale distributors not exceeding 30,000 SF in gross floor area and not having more than two off-street loading berths.
6. Hotels and motels, but only on the westerly side of U.S. Route One in the area between Bucknam Road and Johnson Road.
7. Public Utilities [Adopted, 7/22/91]
8. Churches [Amended, 7/22/91]
9. Outdoor Eating Areas [Adopted, 5/28/96]
10. Day Care Centers [Adopted, 7/23/01]
11. Ballet Arts Facilities [Adopted 5/24/04]

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

3.8 **"MUC" - Mixed Use Cluster District**

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

1. Accessory buildings and structures
2. Business and professional offices
3. Wholly enclosed places of assembly, amusement, recreation, and government
4. Wholesale, warehousing and distributions facilities
5. Light manufacturing operations with no exterior storage of material, equipment or products
6. Retail businesses as part of a mixed use development
7. Multiplexes as part of a mixed use development
8. Research facilities
9. Restaurants (not including carry-out or drive through restaurants)
10. Residential planned developments as part of mixed use development
11. Municipal buildings and uses
12. Tradesman's offices
13. Single Family Detached Dwellings (only in established residential areas and except on lots fronting on Gray Road) [Adopted 5/28/96]
14. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
15. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]

16. Commerical Schools as part of mixed use development [Adopted ???]

Conditional Uses

1. Outdoor recreation facilities
2. Day Care Centers
3. Churches
4. Excavating Business
5. Land reclamation
6. Processing of Mineral materials for resale [Amended, 4/25/88]
7. Veterinary Clinic [Amended, 7/22/91]
8. Public Utilities [Adopted, 7/22/91]
9. Outdoor Eating Areas [Adopted, 5/28/96]
10. Day Care Homes [Adopted, 7/23/01]
11. Accessory Dwelling Units [Amended 11/27/06]

"MUC" Mixed Use Cluster

	Min. Lot Area (Sq ft)	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			Min. net residential area per dwelling unit (sq ft)
				Front	Side	Rear	
Single family detached & Accessory dwelling units	20,000	125 ft.	20%	25	20	40	10,000 with public sewerage or 20,000 w/o public sewerage
All other uses	--	200 ft.	30%	50	25	25	20,000 w/o public sewerage

3.9 **"VMU" - Village Mixed Use District**

To establish within the Town of Falmouth areas for small scale, low intensity nonresidential uses which are compatible with the residential character of the district.

Areas designated as VMU are areas with historical development patterns as village centers.

Permitted Structures and Uses

1. Retail and service establishments with less than 5,000 SF of gross floor area
2. Professional offices
3. Art and craft studios
4. Tradesman's offices
5. Restaurants (not including carry-out or drive through restaurants) with less than sixty seats
6. Museums
7. Bed and Breakfast establishments
8. Single family detached dwellings
9. Multiplexes
10. Residential planned developments
11. Municipal buildings and uses
12. Accessory buildings and uses
13. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
14. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]

15. Commercial Schools with less than 5,000 SF of gross floor area

Conditional Uses

1. Accessory Dwelling Units
2. Cemeteries
3. Day care centers
4. Day care homes
5. Churches
6. Health institutions
7. Libraries
8. The conversion of an existing structure into multi-family housing with no more than three dwelling units
9. Congregate care facilities
10. Home occupations
11. Veterinary Clinic [Amended, 7/22/91]
12. Public Utilities [Adopted, 7/22/91]
13. Elderly Boarding Home [Adopted, 5/28/96]
14. Outdoor Eating Areas [Adopted, 5/28/96]

	Min. Lot Area (Sq ft)	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			Min. net residential area per dwelling unit (sq ft)
				Front	Side	Rear	
All other uses	--	150 ft.	35%	25	15	15	10,000 sq with public sewerage - 20,000 w/o public sewerage

3.9 "VMU" - Village Mixed Use District (cont.)

Additional Standards

1. The conversion of an existing building or structure to another use shall be permitted only if off-street parking can be provided to meet the requirements of Section 5.5.
2. The enlargement of an existing building or structure shall be permitted only if off-street parking can be provided to meet the requirements of Section 5.5.
3. Any modification of any existing building or structure including, without limitation, any enlargement or change in use which results in an increase in the level of traffic generation, shall be permitted only if the vehicle entrance(s) meets the sight distance requirements set forth in Section 9.14 or improvements will be made to meet this requirement.
4. Notwithstanding the setback requirements above and in subsection 9.10.c, the area between the front lot line and a line drawn at the actual front setback depth and parallel to a straight line connecting the intersections of the front lot line with the side lot lines shall not be used for parking or service and shall be maintained as landscaped area except for necessary access roads and pedestrian ways.
5. In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of this section. An established uniform setback relationship is deemed to exist when the actual front setbacks for the two adjacent parcels on either side of and fronting on the same street as the subject parcel are within +/- 5 feet of the average actual front setback for the four (4) parcels. For lots near intersections, the parcels on the opposite side of the intersection and on the same side of the street shall be considered for this determination if necessary.

5.13 Regulations Applicable to Signs in All Districts

The following provisions relating to signs are applicable in all districts.

- a. Signs identifying the name, address, and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does not exceed two (2) square feet in area, is non-illuminated, and is mounted flat against the wall of the principal building.
- b. A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure is allowed.
- c. No sign shall project over a public right of way.
- d. No sign shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices.
- e. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign.

- f. Any sign which no longer advertises a bona-fide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Building Inspector, except in the case of temporary signs which shall be removed in accordance with Section 5.12.
- g. No billboards or other off-premises signs, including official business directional signs as defined in 23 MRSA, subsection 1903, shall be constructed, erected, or maintained in any district, except as expressly permitted by the terms of this Ordinance, nor shall any banner, streamer, pennant, ribbon, spinner, or similar device be constructed or erected in any district.
- h. Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding three (3) square feet, and not extending higher than seven (7) feet above ground level, are permitted.
- i. Nonconforming signs may continue but may not be altered or relocated on the same premises without approval by the Board of Zoning Appeals as a conditional use. Nonconforming signs located within the public right of way shall not be permitted to be altered or relocated within the public right of way. [Adopted, 4/27/87.]
- j. Identification signs indicating the location of, or direction to, a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten (10%) percent of the area of such doorway or entrance to such portion of the building.
- k. No sign shall be erected in a floodplain.
- l. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.
- m. No portable or roof signs shall be permitted.
- n. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified.
- o. Maximum gross display area of wall signs shall not exceed ten (10%) percent of the wall area to which it is attached.

5.14 Maximum Size of Freestanding Signs (sq. ft.)

Type of sign	F	RA, RB & RC	SB, BP, MUC & VMU	CO
Temporary signs giving notice	12	12	16	16
Temporary real estate	9	9	16	16
Temporary construction	16	16	16	16
Bulletin Board Home	24	24	24	24
Home Occupation	2	2	-	2
Advertising	16	-	100	48

5.15 Maximum Size of Wall Signs (sq. ft.)

Type of sign	F	RA, RB & RC	SB, BP, MUC & VMU
Temporary signs giving notice	12	12	16
Temporary real estate	9	9	16
Temporary construction	16	16	32
Bulletin Board Home	24	24	24
Home Occupation	2	2	-
Advertising	50	-	100

5.16 Maximum Number of Freestanding Signs Per Lot

<u>District</u>	<u>Temporary</u>	<u>Permanent</u>
F	1	1
RA, RB & RC	1	1
SB, BP, MUC & VMU	2	2
CO	1	1

5.17 Free-Standing Signs - Other Requirements

Unless otherwise provided, free standing signs in the Suburban-Business, Route 1 Business and Commercial districts shall conform to the following:

- a. Maximum gross display area one hundred (100) square feet measure from the tops of the topmost display elements to the bottom of the lowest display element including any blank space between the elements.
- b. Maximum length and height sixteen (16) feet.
- c. Minimum distance between signs one hundred (100) feet.
- d. Minimum lot line setback, two hundred (200) feet from a "Residential" or "Farm and Forest " district, fifteen (15) feet from all other lot lines.

5.18 Wall Signs - Other Requirements

Unless otherwise provided, wall signs shall conform to the following:

- a. Maximum gross display area shall not exceed ten (10%) percent of the wall area to which it is attached. Where two signs are utilized, the gross display area shall be the area of both signs added together.
- b. Maximum height seven (7) feet above the eaves.

- c. No wall sign shall extend beyond the wall to which it is attached or party wall separating occupancies.

5.19 Illuminated Signs

Illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of retail establishments during such hours as the establishments are lawfully open to the public. Within the BP and VMU Districts, no sign with internal illumination shall be permitted.