

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 commercial~~ly 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, commercial schools 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]

3.7 "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]

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]

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]

3.14 West Falmouth Crossing Master Planned Development District*

[Adopted, 1/26/98] [Amended, 12/22/05] **(Formerly Exit 10 Master Planned Development District)*

To create a planned development at the West Falmouth Crossing interchange that will be in keeping with the semi-rural character of West Falmouth and surrounding neighborhoods. To permit maximum creativity in site design and to ensure high quality construction with special attention to landscaping, lighting, building orientation and form, coordination of architecture, and signage. To accomplish these goals, the Town Council may approve a Master Development Plan that guides the site plan review process in keeping with general performance standards of the ordinance, but with more flexibility granted to developers and the Planning Board in implementing the approved Master Development Plan.

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. Retail business as part of a mixed use development
5. Research facilities
6. Restaurants (not including carry-out or drive through service)
7. Municipal buildings and uses
8. Tradesman's offices
9. The following additional uses if specifically shown on a Master Development Plan approved by the Town Council:
 - a. Motels and hotels
 - b. Restaurants with carry out and/or drive through service
 - c. Movie theaters
 - d. Service establishments
 - e. Convenience stores with gas pumps as an accessory use
 - f. Outdoor recreational facilities
 - g. Light manufacturing operations with no exterior storage of material, equipment or products
 - h. Wholesale, warehousing, and distribution facilities
 - i. Automobile related sales and services
10. Farmer's Markets [Adopted 7/23/01]
11. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
12. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]

13. Commercial schools as part of a mixed use development

(Note: The Town Council may require design specific information for Master Plan approval of items 9.a. through i.)

Conditional Uses

1. Day care centers
2. Churches
3. Veterinary clinic
4. Public utilities
5. Outdoor eating areas

3.18 Tidewater Master Planned Development District [Adopted, 4/4/05]

3.18.1 Allowed Uses

The use of land, buildings and structures within the Tidewater Master Planned Development District shall be consistent with the adopted Master Development Plan. The following uses shall be specifically allowed in accordance with the Master Development Plan:

Tidewater Master Planned Development District

Permitted Structures and Uses

1. Accessory buildings and structures
2. Single family detached dwellings
3. Two-family dwellings
4. Multiplexes
5. Apartments on the upper floors of a mixed-use building
6. Business and professional offices
7. Research facilities
8. Wholly enclosed places of assembly, amusement, recreation, and government
9. Outdoor facilities for recreation, entertainment and culture
10. Retail and service establishments; and commercial schools
11. Restaurants (not including drive through service)
12. Outdoor eating areas
13. Hotels
14. Municipal buildings and uses
15. Day care centers
16. Churches
17. Health Institutions
18. Libraries
19. Museums
20. Private clubs
21. Farming
22. Animal Husbandry
23. Farm Stands
24. Forestry
25. Riding Stables
26. Farmer's Markets

Conditional Uses

1. Public utilities
2. Light manufacturing operations with no exterior storage of material, equipment or products
3. Home occupations

[NOTE: In order to preserve the uses permitted on the Master Plan and to integrate this amendment, commercial schools were added to Item 10 as the Master Plan references permitted uses by Item number.]

[NOTE: The following excerpt from the Zoning Ordinance is for reference only. There are no proposed changes to this section.]

Sign Regulations

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.