

To: Falmouth Town Council
From: Community Development Committee, all members attending with CDD Director
Re: Amendments to Zoning Ordinance Permitting Retail Establishments in the RB District, Falmouth Corners
Date: September 24, 2008

As you recall, at our June meeting, property owner Chris Richards made a request of the Council that we examine the possibility of amending our zoning ordinances to permit retail establishments, in the Falmouth Corners neighborhood, RB District. This issue was referred to the Community Development Committee for further study. On July 14, 2008, the CDC met, and this report encapsulates our recommendations.

That this zoning request comes from one person, to rectify his personal economic situation, was a concern for the committee, and there was discussion of granting Mr. Richards a contract zone to permit him to have a tenant at his building who would sell stoves. Community Development Director Amanda Stearns reported that our Town Attorney advises against establishing a contract zone for one property owner, as such actions generally devalue the integrity of the Town's zoning. The contract zone option, however, may take less time and staff resources to study and develop, given its simplicity. There are state law requirements for contract zones which have not been explored by the committee.

If the Council does not wish to pursue a contract zone here, the Committee recommends we look to an option which would have the least possible impact on the surrounding neighborhood. Permitting retail throughout the Falmouth Corners Neighborhood could result in businesses with parking lots and other attributes of retail establishments cropping up contrary to residents' expectations.

The alternative recommendation is to create an overlay district in the immediate area of Falmouth Corners (6 to 10 lots including Mr. Richards' property), where retail as a use would be a conditional, not a permitted, use, and performance standards would be required. A list of these standards would include the following:

- The use would be limited to existing structures
- Rebuilds would be required to use architecture consistent with the surrounding neighborhood
- Signs would be allowed, but according to the home occupation standards (no larger than 2 square feet)
- No temporary signs
- Signs would be lit with downward cast light only, with no backlighting or animation permitted
- No outdoor displays would be permitted
- Parking spaces would be limited (6 spaces maximum seems appropriate)
- Lighting generally would be consistent with residential use; no light spillage over property lines would be permitted
- Year round screening of parking and other business activity would be required, as well as reasonable restrictions on fencing.