



Town of Falmouth Community Development Department

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Memorandum

Date: November 18, 2008
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Ethan Croce, Senior Planner; Al Farris, CEO; Nathan Poore, Town Manager; William Plouffe, Town Attorney
Re: Amendment on Conditional Rezoning for 234 Middle Road

Based on the Town Council discussion on October 27th, I have prepared the following amendment language. The language changed is shown as ~~striketrough~~ for deletion and **bold underlined** for additions. The changes are on page 3, paragraph G.

Conditions to be met prior to the ordinance language being effective:

1. Payment of the \$500 fee for the conditional rezoning as well as any legal fees for the Town Attorney's time for review.
2. Establishment of Current Conditions – The property owner shall be responsible for the preparation of a property survey prepared by a Maine professional licensed surveyor and shall include at a minimum: location and dimensions of all property lines, natural features and vegetation, easements, structures, buildings, pavement, landscaping, setbacks, signage and structure heights, time frame of use established prior to amendment. This submittal shall also include photo documentation of all aspects of the site and be approved by the Community Development Director. This plan shall be titled “234 Middle Road, Existing Conditions Plan” Once approved, the plan shall be recorded at the Cumberland County Registry of Deeds at the property owner's expense and a recorded copy returned to the Town.

Chapter 601 of the Falmouth Code of Ordinances, Zoning and Site Plan Review Ordinance
Add a new Section 3.19 CONDITIONAL ZONE – 234 Middle Road

3.19.1. Purpose.

Pursuant to Section 3.12 of the Zoning and Site Plan Review Ordinance, Conditional Rezoning, the property identified by Assessor's Map U23 – 002 is rezoned due to the unique architecture of the mercantile structure in a residential district, the historic use characteristics of the structure and its physical location relative to the existing travel lanes of Middle Road (Route 9).

3.19.2. Zone Changed from RB to MSRD with Conditions.

The zoning map for the Town of Falmouth, Maine, is amended as shown on the attached fragmentary map entitled, "Zone Change for Property Proposed to be Rezoned from Residential B (RB) to Middle Road Special District (MRSD), with Conditions and Restrictions, dated???????" This fragmentary map is hereby incorporated in and made a part of said zoning map.

3.19.3. Conditions and Standards for Zone Change to MRSD.

Wherever inconsistencies exist between these provisions and other provisions of the Zoning and Site Plan Review Ordinance, the provisions within this section shall prevail. The property described in Section 3.19.1 above shall be limited as follows:

- A. Existing Use – At the time of the adoption of this section, the use of the property consists of one second floor residential unit.
- B. Change, Expansion or Addition – Site Plan approval by the Planning Board must be obtained prior to any change of use, addition of a new use, structural alteration or modification of lot lines or site improvements. The Planning Board shall apply the requirements of Section 9 of this Ordinance except that, where Section 9 is more restrictive, the standards of this section shall apply.
- C. Site Access – Prior to establishment of a use other than a single-family dwelling under this section, the property owner is required to obtain the necessary approvals to establish a curb cut to Middle Road and to complete construction in conformance with approved permits.
- D. Permitted Uses
 - 1. Single – Family Detached Dwellings
 - 2. Accessory Building and Use
- E. Conditional Uses
 - 1. Accessory Dwelling Units
 - 2. Home Occupation
 - 3. Multiplex
 - 4. Bed and Breakfast Establishment
 - 5. Neighborhood Variety /Convenience Store
 - 6. Retail and Service Establishments
 - 7. Professional Office
 - 8. Restaurant with no drive-thru
 - 9. Outdoor Eating Area
 - 10. Commercial School
 - 11. Tradesmen Office
 - 12. Art and Craft Studio
- F. Space and Bulk Regulations – The existing lot size, maximum lot coverage, net residential area per dwelling unit, minimum site size, structure height and setbacks shall be considered conforming within this district for all permitted uses.

G. Off-Street Parking

1. Dimensional Requirements - Off-street parking shall be limited to ~~a~~ the -square footage amount equal to the existing paved and gravel surface area on the site currently used for parking. This area may be reconfigured to maximize the amount of parking. All spaces, access and aisle widths shall meet the minimum dimensional requirements as specified in Sections 5 and 9 of this Ordinance.
2. Required Parking – No minimum amount of off-street parking spaces or loading areas are required.

H. Building Conditions –No additions are permitted that increase the building footprint or peak height of the building. Architectural changes may be permitted through Site Plan review approved by the Planning Board and the Board shall use the Route One Design Guidelines as a basis for architectural review.

I. Lighting - All lighting must conform to Section 9 of this Ordinance and shall be designed and installed to minimize spillover and glare onto abutting residential properties. Mounting heights for all external fixtures shall not exceed fourteen (14) feet with exception of sign lighting.

J. Signage – A comprehensive signage plan shall be part of any site plan approval. Existing advertising signs documented under paragraph B. above may be used in their current location and configuration. The Planning Board may permit reductions in size, or a change in location or configuration provided the redesigned sign conforms to the Route One Design Guidelines. No internally lit signs are permitted. Number and dimensions of additional signs are regulated as in the Residential B (RB) District.

K. Landscaping and Screening - Year-round screening for parking, utility structures, and garbage disposal from the abutting properties is required for all uses other than single family dwellings to provide appropriate visual separation between non-residential and adjacent residential uses.

L. Protection of Natural Resources – The property shall comply with any and all requirements elsewhere in this ordinance that provide for the protection of natural resources.