



Town of Falmouth Community Development Department
271 Falmouth Road
Falmouth, ME 04105
☎ 207.781.5253
📄 207.781.8677
💻 www.town.falmouth.me.us

Memorandum

Date: July 21, 2011
To: Faith Varney
From: Amanda L. Stearns, Community Development Director
Cc: Nathan A. Poore, Town Manager
Re: Inclusion of Permanent Farm Stands in Residential Districts

In response to your request, I am including the following information regarding how farm stands are addressed in the ordinance and some options for how it might be amended to include them in residential districts. The property owner that inquired about pursuing a zoning change is located in the RA District.

The current ordinance lists farm stands as a specific use and defines them as:

Farm Stand: *A roadside stand not exceeding 400 square feet in floor area selling only farm, garden, greenhouse, or nursery products and, between Labor Day and Christmas, cut Christmas trees, garland, wreaths and wreath materials.*

Farm stands are currently permitted only in the Farm/Forest and Tidewater Districts. Our three residential districts are RA, RB and RC, with RA being the densest with a minimum lot size of 20,000 square feet. RB requires a minimum of 40,000 square feet and RC requires a minimum of 60,000 square feet. The attached zoning map shows the location and extent of the districts.

Some considerations for allowing farm stands in residential districts might be:

1. Where should farm stands be allowed? RA, RB and RC or some of these districts?
2. How to allow the use?
 - a. As a stand-alone non-residential use (would require Planning Board approval)
 - i. Could be permitted as a Conditional Use, allows BZA to review and apply appropriate conditions
 - ii. Could be as a Permitted Use, no BZA approval necessary, or
 - b. Allow as a home occupation with certain restrictions and amend Section 5.21 to include commercial gardens and farm stands.
 - i. Could be as a permitted use, review by CEO

- ii. Could be as a conditional use, review by BZA, or
 - c. Allow as an accessory use to a residential use
- 3. Types of Restrictions that could be applied to assure compatibility in a residential neighborhood:
 - a. Require architecture to look like typical residential accessory building such as a barn or garage (currently required for a home occupation)
 - b. Address how outdoor display would be permitted.
 - c. Address type of goods to be sold, only as grown or produced on site, grown locally (have to define) or some % of others that are pre-packaged.
 - d. Certain lot area minimum – could require to be a conforming lot or a minimum amount of square footage.
 - e. Address setbacks, could it be closer to the street than other buildings, current front setback in all districts is 25 feet, current side setback is 20. Nonconforming lots allow additions and enlargements to 10 feet with a Conditional Use Approval by the BZA.
 - f. Could limit the square footage and height of the structure (farm stands in FF are limited to 400 square feet, current height limitation is 35 feet in all districts)
 - g. Require certain amount of off street parking
 - h. Address signage (treat like a Home Occupation – one 2 square foot sign, either wall or free standing) consider projecting/overhanging sign if not in street ROW