

DRAFT Zoning Amendment regarding Roadside Stands
For introduction January 9, 2012
TOWN COUNCIL
Town of Falmouth, Maine

An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding
Certain Provisions for the allowance of Roadside Stands in Residential Districts.

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Zoning and Site Plan Review Ordinance be amended as follows.

Section 2. Definitions

Amend to delete the Farm Stand definition and add new definitions for Roadside Stand, Projecting Sign, Local home prepared foods, and Local farm and food products.

~~**2.66 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.~~

Roadside Stand: A permanent structure accessory to either a residential or farm use intended for retail of locally made products as identified in Section 5.1.1 of this ordinance.

Sign, Projecting: A sign which is attached to and projects perpendicular from a building wall or other structure or a sign hanging from a projected roof.

Local home prepared foods: food products processed or produced in a non-commercial kitchen in the state of Maine.

Local farm and food products: agricultural, marine, forestry, horticultural, viticultural, dairy, livestock, poultry, and bee raising products or the processed or manufactured products thereof grown, processed, packaged, and distributed by Maine citizens or businesses located wholly within the borders of Maine.

Sections 3.2 Farm and Forest, 3.3 Residential A District, 3.4 Residential B District
3.5 Residential C District, and 3.18 Tidewater Master Planned Development District

Add a new use to the list of Conditional Uses in FF, TMPDD, RA, RB and RC

“Roadside Stand”

Remove Farm Stand from Permitted Uses in FF and TMPDD

Section 5.1 Accessory Uses

Amend to add a new Section 5.1.1 Roadside Stand

5.1.1 Roadside Stand

Roadside stands are exempt from Section 9, Planning Board Site Plan Review. The Board of Zoning Appeals may permit a roadside stand as a Conditional Use. In addition to meeting the standards in Sections 8.3 and 8.7, roadside stands shall meet the following requirements and be shown on a scaled drawing of the lot and building elevation plan submitted as part of a Conditional Use Application.

1. Outdoor display area in conjunction with a roadside stand is permitted and shall be limited to 200 gross square feet.
2. Minimum of three parking spaces shall be provided meeting the ordinance requirements under Section 5, with the exception of Section 5.5.g.
3. Products sold are limited to:
 - a. Local home prepared foods,
 - b. Local farm and food products, and
 - c. Products registered as Maine Made by the Maine Department of Economic and Community Development
4. Roadside stands shall only be located on lots that have a minimum of 125 feet of lot width and are at least twenty thousand (20,000) square feet in size.
5. Minimum setbacks for all improvements related to a roadside stand – Roadside stands are exempt from setback requirements elsewhere in this ordinance.
 - a. Front - 10 feet from the front lot line
 - b. Side - 50 feet from the side lot lines, and
 - c. Rear - 40 feet from the rear lot line.
6. Conversion of roadside stands to another use is permitted only if all appropriate setbacks are met.
7. Maximum floor area
 - a. FF District - 400 gross square feet
 - b. All other Districts where permitted - 300 gross square feet
8. Maximum building height - one story and 24 feet
9. Permanent Signs - One two square foot wall or projecting sign. Permanent signs are exempt from Section 5.13.n. but shall not extend beyond lot lines.

Replace Section 5.12.f with the following language:

- f. Farm Signs - Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruit and vegetable crops are permitted if crops are offered for sale by the grower on the premises on which those crops are grown and if the following requirements are met:
 - (1) Signs may be erected, maintained and kept in place only from June 1 to December 1 of each year.
 - (2) Signs may advertise only those fruits and vegetables that are available for immediate purchase.

- (3) No grower may have more than 6 signs posted or in place within the Town of Falmouth at any one time, not more than 4 of which may be located off the premises on which these crops are grown.
- (4) No signs may exceed six (6) square feet of display area, and all signs must be located within 3 miles, by road, of the premises on which the crops are grown. [Amended 1/24/11]
- (5) Signs may be erected on private property, but only with the landowner's prior, written consent. Signs may also be erected within, but only at the outside edge of, public rights of way with the written permission of the Parks and Public Works Director. [Adopted 1/24/00]