

**Draft Zoning Amendment**  
**Chapter 601 Zoning and Site Plan Review Ordinance**  
**Town of Falmouth ME**  
**July 19, 2012**

**An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding Size Limitations for uses in the Route One Business District (SB1)**

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.

Add a new Section 3.6.1, Size Limitations on Structures and Buildings to include:

Section 3.6.1.a, Table of Building and Structural Gross Square Footage Limitations

The term "gross floor area" shall include indoor space utilized. The gross floor area of adjacent tenant spaces shall be aggregated in cases where the uses (1) are engaged in activities that operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

[See attached table for limitations]

Section 3.6.1.b, Existing Buildings and Structures

- a. Individual tenant space existing as of the adoption of this section may be occupied without limitation on size, whether or not it is nonconforming.
- b. Existing individual tenant spaces may not be combined or expanded to accommodate non-grocery retail space in excess of the 30,000 gross square foot maximum ground floor area requirement.
- c. Existing individual tenant spaces may not be combined or expanded to accommodate grocery retail space in excess of the 60,000 gross square foot maximum ground floor area requirement.
- d. One store shall not occupy multiple tenant spaces.

Add a new Section 5.43, Wholly enclosed places of assembly, amusement, recreation, culture, and government, Conditional Use criteria.

Notwithstanding Section 3.6.1.b., the Board of Zoning Appeals may grant a Conditional Use for new buildings or the conversion of existing buildings, or portions thereof, to Wholly enclosed places of assembly, amusement, recreation, culture and government that contain more than 30,000 square feet of gross ground floor area and up to and including 60,000 square feet of gross ground floor area provided the applicant demonstrates the following:

NOTE: [Need to create an appropriate list of criteria to give the BZA guidance in measures necessary to maintain the integrity of the village infrastructure.]

Amend Section 2, Definitions by:

1. adding definition of grocery retail
2. amending definition of Wholly enclosed places of assembly, amusement, recreation, culture and government to be clear it includes uses such as theaters, cinemas, convention space, community centers, and auditoriums.

**Building and Structural Gross Square Footage Limitations – Route One Business District -SB1**

<u>Use</u>	<u>Ground Floor Area Limitation gross square footage</u>	<u>Total Floor Area Limitation gross square footage</u>
<b><u>Permitted Structures and Uses</u></b>		
Business and professional offices	30,000	60,000
Wholly enclosed places of assembly, amusement, recreation, culture, and government [Amended 5/27/93]	30,000	60,000
Motels and hotels	30,000	60,000
Private clubs	30,000	60,000
Restaurants (excluding carry-out and drive-through restaurants)	30,000	60,000
Automobile sales	30,000	60,000
Automobile related sales and services	30,000	60,000
Retail and service establishments	30,000	60,000
<b><u>Grocery Retail</u></b>	<b>60,000</b>	<b>60,000</b>
Accessory buildings and uses	30,000	60,000
Farmer’s Markets [Adopted 7/23/01]	30,000	60,000
Ballet Arts Facility [Adopted 5/24/04]	30,000	60,000
Mixed Use Development [Adopted 5/24/04]	30,000	60,000
Diverse Housing [Adopted 5/24/04]	30,000	60,000
Tier I Personal Wireless Service Facilities [Adopted 4/25/05]	Not applicable	Not applicable
Tier II Personal Wireless Service Facilities [Adopted 4/25/05]	Not applicable	Not applicable
Municipal buildings & uses [Adopted 4/23/07]	30,000	60,000
Commercial Schools [Adopted 5/27/08]	30,000	60,000
<b><u>Conditional Uses</u></b>		
Light manufacturing	30,000	60,000
Multiplex	30,000	60,000
Outdoor recreation facilities, permanent covers	30,000	60,000
Outdoor sales and storage of equipment and materials	Not applicable	Not applicable
Automobile repair service garage	30,000	60,000
Automobile service station	30,000	60,000
Carry-out and drive-through restaurants	30,000	60,000
Veterinary Clinic [Amended, 7/22/91]	30,000	60,000
Churches [Amended, 7/22/91]	30,000	60,000
Public Utilities [Adopted, 7/22/91]	Not applicable	Not applicable
Outdoor Eating Areas [Adopted, 5/28/96]	Not applicable	Not applicable
Day Care Centers [Adopted, 7/23/01]	30,000	60,000
Wholly enclosed places of assembly, amusement, recreation, culture, and government	60,000	Not applicable