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## Memorandum

**Date:** October 4, 2012  
**To:** Town Council  
**From:** Amanda L. Stearns, Community Development Director  
**Cc:** Nathan A. Poore, Town Manager  
Ethan Croce, Senior Planner  
**Re:** SBI - Tenant Space Limitation Amendment

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As a follow up from the September 24 Town Council meeting, I have made several changes to the introduced amendment as last revised by the CDC. This memo highlights the changes and includes as attachments the August 6 revised amendment as well as the amendment showing recommended changes, dated October 4. A list of the changes follows:

### Changes

1. Section 3.6.1 - Delete the existing lists of Permitted Structures and Uses and Conditional Uses under Section 3.6.1 and replace it with the new table that will serve as both a list of Permitted and Conditional Uses and ground floor limitations. This eliminates duplicate lists under the SBI section of the zoning ordinance.
2. Section 3.6.1 - Change maximum ground floor area from 30,000 to 50,000 for all uses where the 30,000 limit was indicated in the earlier proposal.
3. Section 3.6.2 - Add an exemption the approval for the expansion of Walmart.
4. Section 3.6.3 - Add section giving the Code Enforcement Officer the discretion to determine the tenant space size based on the most accurate information.
5. Section 3.6.3 - Allow the reconfiguration of existing nonconforming tenant spaces provided that there is no increase in any resulting space beyond the existing space for those exceeding the required maximum and that the number of spaces exceeding the maximums does not increase.
6. Section 3.6.3 - Add definitions for terms used in this section.
7. Section 2 - amend definition of "Grocery Retail"
8. Various Sections - add Grocery Retail as a permitted use where Retail and Service Establishment is currently permitted.

In response to the input given at the October 2 Planning Board meeting I offer the following:

1. It has been clarified that existing tenant space means both vacant and occupied tenant space.
2. Height restrictions and building size are not limited by this ordinance amendment. The current height restriction in SBI is two and a half stories or 35 feet.
3. An exemption has been added to expressly exempt the Walmart expansion approval. State law protects projects receiving “substantive review” by the Planning Board but this added language makes it clear in our local ordinance.
4. The term Grocery Retail has been added to all other districts where Retail and Service Establishments are allowed.
5. All non-residential uses permitted in residential districts are by Conditional Use. One of the criteria that the BZA must find that the project meets is “will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures”
6. Incentives for allowing larger tenant spaces on the ground floor were discussed at the Council meeting on September 24 and it was decided to put them aside for now.