

Draft Zoning Amendment
Chapter 601 Zoning and Site Plan Review Ordinance
Town of Falmouth ME
July 19, 2012, rev 8-06-12

An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding Ground Floor Size Limitations for Tenant Space 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.

Amend Section 3.6

Delete Item 11. Ballet Arts Facility from the list of Permitted Structures and Uses [NOTE: This use is now permitted under the amended definition of Wholly enclosed places of assembly, amusement, recreation, culture, and government.]

Add a new Section 3.6.1, Size Limitations on Tenant Space:

Section 3.6.1.a, Table of Tenant Space Ground Floor Area Limitations

Tenant space ground floor area limitations are as specified in the following table. The term "gross square footage" shall include the indoor space rented or leased by a tenant and shall be measured from outside wall faces. The gross square footage of adjacent tenant spaces, including separate buildings or structures, 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.

Where a structure or building is occupied by one tenant, the total gross square footage shall be measured as defined by this Ordinance as Gross Floor Area of the ground floor.

Route One Business District (SB1) - Tenant Space Ground Floor Area Limitations	
	gross square footage
Permitted Structures and Uses	
Business and professional offices	30,000
Wholly enclosed places of assembly, amusement, recreation, culture, and government	30,000
Motels and hotels	Not applicable
Private clubs	30,000
Restaurants (excluding carry-out and drive-through restaurants)	30,000
Automobile sales	30,000
Automobile related sales and services	30,000
Retail and service establishments	30,000
Grocery Retail*	60,000
Accessory buildings and uses	30,000
Farmer's Markets	30,000
Mixed Use Development	30,000
Diverse Housing	30,000
Tier I Personal Wireless Service Facilities	Not applicable
Tier II Personal Wireless Service Facilities	Not applicable
Municipal buildings & uses	30,000
Commercial Schools	30,000
Conditional Uses	
Light manufacturing	30,000
Multiplex residential	30,000
Outdoor recreation facilities, permanent covers	30,000
Outdoor sales and storage of equipment and materials	Not applicable
Automobile repair service garage	30,000
Automobile service station	30,000
Carry-out and drive-through restaurants	30,000
Veterinary Clinic	30,000
Churches	30,000
Public Utilities	Not applicable
Outdoor Eating Areas	Not applicable
Day Care Centers	30,000
*Grocery Retail is limited to 60,000 gross square feet total for all floors	

Add a new Section 3.6.1.b, Existing Tenant Spaces

- 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. Individual tenant space existing as of the adoption of this section may not be combined or expanded so to result in a tenant space in excess of the maximum allowed under Section 3.6.1.a.

Amend Section 2, Definitions by:

1. Adding a definition for Grocery Retail – A retail and service establishment which primarily sells food items, either prepackaged or prepared, which are intended for consumption off-site. Other inventory may include but is not limited to household products, alcoholic beverages, seasonal products and floral products.[Added ??????]

2. Amending the definition of Wholly enclosed places of assembly, amusement, recreation, culture and government to read:

“An establishment providing a) indoor recreation facilities such as a bowling alley, skating rink, swimming pool, tennis or racquet ball courts but not including a mechanical, electronic, video or computer game arcade; ~~or~~ b) mechanical, electronic, video or computer games if such games are accessory to a principal use which conforms to the provisions of this Ordinance; (c) presentation of the performing arts and cinematography; or (d) cultural or social activities, but not including museums, libraries, schools, churches or private clubs. In the Tidewater Master Planned Development District, such facilities are limited to public gatherings and activities related to approved uses of the Master Plan. [Amended, 5/27/93; 4/4/05][Amended ?????]