

Draft Zoning Amendment
Chapter 601 Zoning and Site Plan Review Ordinance
Town of Falmouth ME
July 19, 2012, rev 9-24-12, rev 10-2-12

An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding Ground Floor Area 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 existing Permitted Structures and Uses and Conditional Uses lists. *[Note: Ballet Arts Facility will now be under the use "Wholly enclosed place of assembly, amusement, recreation, culture, and government".]*

Add a new Section 3.6.1, Permitted Uses, Conditional Uses and Size Limitations for Ground Floor Tenant Space:

Route One Business District (SB1) – Permitted Uses, Conditional Uses and Tenant Space Ground Floor Area Limitations	
Permitted Uses	Maximum Ground Floor Area (sq. ft.)
Business and professional offices	50,000
Wholly enclosed places of assembly, amusement, recreation, culture, and government	50,000
Motels and hotels	Not applicable
Private clubs	50,000
Restaurants (excluding carry-out and drive-through restaurants)	50,000
Automobile sales	50,000
Automobile related sales and services	50,000
Retail and service establishments	50,000
Grocery Retail*	60,000
Accessory buildings and uses	50,000
Farmer's Markets	50,000
Mixed Use Development	50,000
Diverse Housing	50,000
Tier I Personal Wireless Service Facilities	Not applicable
Tier II Personal Wireless Service Facilities	Not applicable
Municipal buildings & uses	50,000
Commercial Schools	50,000
Conditional Uses	
Light manufacturing	50,000
Multiplex residential	50,000
Outdoor recreation facilities, permanent structures	50,000
Outdoor sales and storage of equipment and materials	Not applicable
Automobile repair service garage	50,000
Automobile service station	50,000
Carry-out and drive-through restaurants	50,000

Veterinary Clinic	50,000
Churches	50,000
Public Utilities	Not applicable
Outdoor Eating Areas	Not applicable
Day Care Centers	50,000
*Grocery Retail is limited to 60,000 gross square feet total for all floors	

Add a new Section 3.6.2. Exemption for ground floor area on Map/Lot U52-002

The ground floor area of the tenant space approved as part of the October 2, 2012 Site Plan re-approval, located on Map/Lot U52-002 and granted to Wal-Mart Real Estate Business Trust, is exempt from the ground floor area limitations in Table 3.6.1 provided that a building permit has been issued and construction for the project has commenced on or before October 2, 2013 in accordance with Section 9.6 of the Zoning and Site Plan Review Ordinance. Upon issuance of a building permit, the tenant space shall be considered existing nonconforming tenant space as defined in Section 3.6.3.b.

Add a new Section 3.6.3, Existing Tenant Spaces As of [Date of Adoption]

3.6.3.a Determination of existing tenant space size.

When determining the ground floor area of existing tenant space, the Code Enforcement Officer shall rely on current town records unless it is determined by the Officer that more accurate data exists.

3.6.3.b. Use of existing nonconforming tenant space.

Notwithstanding the ground floor area limitations specified in Table 3.6.1, existing nonconforming tenant space, either vacant or occupied, may be (re)occupied and/or reconfigured within an existing building footprint provided that the size of the resulting tenant configuration does not result in a tenant space exceeding the size of the existing nonconforming tenant space and, further, provided that there is no increase in the number of tenant spaces within the existing building footprint that exceed the ground floor area limitations in Table 3.6.1.

3.6.3.c. Definition of terms.

For the purposes of this section, the following terms shall be defined as:

- (1) "Existing building footprint" is defined as the building footprint existing as of [date of adoption].
- (2) "Existing nonconforming tenant space" is defined as tenant space existing as of (date of adoption), which exceeds the ground floor area limitations in Table 3.6.1.
- (3) "Ground floor area" is defined as the indoor floor space occupied by a single tenant, either by rent, lease or ownership as measured from the interior wall faces.

Amend Section 2, Definitions

1. Add a definition: "Grocery Retail – A self-service retail store selling primarily food products for consumption off site."

2. Amend 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; b) mechanical, electronic, video or computer games if such games are accessory to a principal use which conforms to the provisions of this Ordinance or [\(c\) presentation of the performing arts and cinematography](#). 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]

Amend Section 3.8, "MUC" Mixed Use Cluster District

Add "17. Grocery Retail as part of a mixed use development"

Amend Section 3.9, "VMU" Village Mixed Use District

Add "16. Grocery Retail with less than 5,000 SF of gross floor area

Amend Section 3.14, West Falmouth Crossing Master Planned Development District

Add "14. Grocery Retail as part of a mixed use development"

Amend Section 3.18.1, Tidewater Master Planned Development District

Add "26. Grocery Retail