

CHAPTER 601

THE ZONING AND SITE PLAN REVIEW ORDINANCE, Sections 5 and 9 **Route One Amendments, February 20, 2013 – Draft 3**

This draft is the result of the initial review January 31 through February 15, 2013 of the ordinance by the Community Development Committee. Continued review and editing will occur by the Committee, based on feedback from the public. The final draft will be prepared on or before March 20, 2013 in preparation for an introduction at the March 25, 2013 meeting of the Town Council.

Future opportunities for input at a meeting include the following meetings. You may also submit comments to the CDC via Amanda Stearns at astearns@town.falmouth.me.us or councilors Bonny Rodden, Teresa Pierce and Tony Payne.

February 27, 7:00-8:30 PM	CDC Community Forum at Council Chambers on Phase 2 Design and Zoning Concepts
February 28, 8:00 – 9:00 AM	CDC reviews comments on Zoning Amendment from Community Forum and FEIC meeting
March 5, 4:30 – 6:30 PM	Planning Board/CDC meeting to discuss zoning (tentative)
March 7, 8:00 AM	CDC meeting to review comments on Zoning from Council, PB and FEIC
March 14, 8:00 AM	CDC to review and comment on infrastructure Phase 2 Plan and vote on final zoning amendment language for Council introduction
March 25, 7:00 PM	Council introduction and presentation of zoning with public forum for zoning and infrastructure plan.
April 22, 7:00 PM	Council/MRA Zoning Hearing
May 13, 7:00 PM	Possible Council Workshop on zoning

SECTION 5. SPECIFIC REQUIREMENTS

5.4 Buffers ~~—~~.

- a. No non-residential structure shall be erected or any use permitted in the MUC ~~and~~ VMU districts unless a buffer strip at least 25 feet wide is provided and maintained between any adjoining residential district and the nonresidential structure or use.

5.5 Off-Street Parking [Amended, 5/24/04]

- a. Off-street parking, either by means of open air spaces or by garage space, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.
 - b. To better match actual demand for parking with supply the Planning Board shall determine the minimum number of off-street parking spaces required. The number and proximity of on-street parking spaces shall be considered when determining the number of spaces required. The table below provides minimums for the uses listed. Parking for uses not listed will be determined by the Board.
 - ~~b.c.~~ Shared and off-site parking may be approved by the Board provided the applicant provides evidence of legal rights to the parking for a minimum of ten years. Off-site and shared parking shall be located within 1,300 feet and be accessible by sidewalk or pathway.
 - ~~c.~~ The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use:
- | | |
|--|---|
| (1) Dwellings | |
| a. Single Family | 2 parking spaces for each dwelling unit |
| b. Multiplex | 2.5 <u>1</u> parking spaces for each dwelling unit. |
| c. Accessory Dwelling Unit | 1 parking space for the ADU [Added 5/24/04] |
| <u>Units in VC1 and VC2</u> | <u>1 parking space per unit</u> |
| (2) Motels, bed and breakfasts, hotels | 1 parking space for each sleeping room. |
| (3) Schools | 5 parking spaces for each room used for purpose of instruction. |
| (4) Health Institutions (bed facilities only) | 1 parking space for every 3 beds and 1 for each employee based on the expected average employee occupancy. |
| (5) Theaters, auditoria, and churches <u>place of worship, enclosed place of assembly</u> | 1 parking space for every 4 <u>5</u> seats or for every 100 square feet or major fraction thereof <u>5</u> of assemblage space if no fixed seats. <u>5</u> |
| (6) Retail stores and service establishment | 1 parking space for every 200 <u>500</u> square feet or <u>gross floor area</u> <u>or outdoor display area.</u> |
| <u>Automobile Dealership</u> | ?????? |

- (7) ~~Restaurants, eating and drinking establishments, indoor seating only~~ 1 parking space for every 3 seats.
- (8) ~~Offices, professional and public buildings, business and professional office~~ 1 parking space for every ~~200-500~~ square feet of gross leasable area, exclusive of cellar and bulk storage areas.
- (9) ~~Warehousing, wholesaling, manufacturing, Industrial~~ 1 parking space for each ~~1.2 employees, based on the highest expected average employee occupancy. 1,000 square feet of gross leasable area~~
- (10) Day Care Home In addition to the spaces required for the dwelling unit, 2 additional spaces.
- (11) Day Care Center In addition to employee parking spaces (1 per full-time employee), 1 parking space for every four persons attending the day care center at any one time.
- (12) Congregate Housing Facility 1 space per dwelling unit.
- (13) Elderly Boarding Home In addition to the spaces required for the dwelling unit, 1 space per non-owner elderly resident.
- (14) Ballet Arts Facility 1 parking space for every 200 sq. ft. of office area and 1 space for every 500 sq. ft. of instruction/performance space. [Added 5/24/04]

~~e. Off-site parking If parking is provided on a lot other than where the principal building or use is located, the applicant must provide proof of the dedication of that parking to the use.~~

~~f. Shared Parking The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements of this Ordinance by reason of variation in the probable time of maximum use by patrons or employees of such establishments and where said parking facility is located within one hundred (100) feet of each establishment.~~

5.6 ~~Off-Street Loading Area Requirements~~

a. In connection with every building or group of buildings which is to be occupied by industrial, office, laboratory or commercial uses or by uses involving distribution of material or merchandise by vehicles, there shall be provided and maintained ~~on the same lot with such building or buildings off-street loading areas~~ berths provided appropriate to the individual business as demonstrated by the applicant and approved by the Planning Board. ~~in accordance with the requirements set forth below.~~

~~b. Each loading berth shall be at least twelve (12) feet wide, fifty (50) feet long and fourteen (14) feet high, and no loading berth may occupy any part of any required front, side or rear setback; provided that on lots on which the rear or side yard abuts a limited access highway or a railroad, such loading berth may occupy the rear or side setback area up to the rear or side lot line.~~

e. ~~Minimum off-street loading requirements:~~

Uses	Gross Floor Area (sq. ft)	Required Berths
Health Institutions (in addition to space for ambulances)	10,000 to 30,000 –Each additional 30,000 or fraction thereof	1 1 additional
Hotels and offices	10,000 or more	1
Retail, commercial, planned commercial and industrial groups; wholesaling, manufacturing and industrial uses	5,000 to 15,000	1
	15,000 to 30,000	2
	30,000 to 50,000	3
	50,000 to 75,000	4
Schools	15,000 or more	1
Undertakers and funeral parlors	5,000 –Each additional 5,000 or fraction thereof	1 1 additional

5.9 **Multiplex**

- a. A dwelling in a multiplex shall contain no more than six (6) dwelling units. In a site with more than one multiplex, dwellings shall contain an average of four (4) or fewer dwelling units.
- b. In order to integrate open space within a multiplex site, multiplex buildings shall be located at least two hundred (200) feet apart.
- c. Multiplexes in the VC Districts are exempt from a. and b. above.

5.11 **Permanent Signs – General Provisions –**

1. Change all references ~~to~~ from SB1 to VC

5.13 **Regulations Applicable to Permanent Signs**

Exempt VC Districts

5.14 – 18 Remove reference to SB District – signs are now in Section 3.6.

5.24 **Junk Yards and Salvage Operations Prohibited**

Junk yards, salvage operations, and automobile dismantling operations are expressly prohibited in ~~both the Commercial and Suburban Business Districts~~ BP, VC1 and VC2 Districts.

- 5.36 Residential Growth Permit** [Adopted 7/24/00] [Amended 5/24/04; 12/19/06]
- c. **Exemption** - The following are exempt from the provisions of this section and the requirement to obtain a residential growth permit.

5) Dwelling units constructed in the VC Districts.

- 6.2.d** Any single family detached dwelling located in the ~~Suburban Business District, Commercial District, or the Business and Professional District~~BP, or VC and Districts which is nonconforming solely because of its use, may be expanded or enlarged in accordance with the preceding requirements. [Amended, 12/22/86]

SECTION 9. PLANNING BOARD SITE PLAN REVIEW

9.1 Site Plan Approval Required [Amended 4/28/03]

9.1.2 Exemptions

The following activities are specifically exempt from site plan review:

- c. Alterations to curb cuts, parking areas, landscaping, interior circulation and any other site alterations that occur in conjunction with the Town's implementation of the 2013 Route One Infrastructure Plan are exempt from this section and further, shall be considered part of and in compliance with previously approved site plans.

9.2 Site Plan Review Procedure [Amended 3/14/11]

The following procedure shall govern the submission and review of building and site plans:

- a. The property owner shall submit to the Planning Board building and site plans in a number and format as determined by the Planning Department, and such submissions shall include: [Amended 8/27/07]

(4) A signage plan, drawn to scale of one (1) inch equals one (1) foot, or a scale acceptable to the Town Planner, showing the elevations, dimensions, color, materials, lettering and other graphics, type of illumination, mounting details, and area of all free standing and wall mounted signs proposed for the site. [Adopted, 4/27/87] The sign plan shall illustrate how each sign will be compatible in terms of color, forms, materials, lighting and other design elements.

- (6) A lighting plan prepared by a qualified professional in lighting to include
- a) A photometric plan drawn to a scale of one (1) inch equals forty (40) feet showing projected levels of illumination from all external lighting sources,
 - b) proposed mounting heights of all fixtures.
 - c) lighting fixtures,
 - d) a short written description of the lighting intent that demonstrates how lighting will be used to provide safety and security as well as aesthetic effects,
 - e) lighting manufacturer specifications (cut sheets) with color photographs of all proposed lighting fixtures, detailed IES formatted photometric data for each fixture at mounting height and lumens proposed, color rendering

index of all lamps (bulbs), cutoff characteristics and other descriptive information on the fixtures.

9.7 General Site Plan Review Standards

The following standards shall be utilized by the Planning Board in reviewing proposed site plans including all accessory buildings, structures, signs, and other site features.

- a. Preservation of the Landscape: the landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
Development in the VC Districts is exempt where preserving landscaping is in conflict with placing buildings closer to a street.

Within the ~~Village Center Overlay, Suburban Business~~ VC Districts, Business Professional, and Route 100 Corridor Overlay zoning districts, all individual electrical and telecommunication services shall be placed underground from the building(s) to the main utility lines unless the cost of doing so would exceed twenty (20 %) percent of the total estimated project construction cost. [Amended 10/25/99]

- g. ~~Route One:~~ All Site Plan Review applications within the ~~SB-VC Zoning Districts and Village Center Overlay District~~ shall, ~~wherever possible, follow the recommendations contained in the Route One Study, dated September 12, 1986, the Route One Design Guidelines, dated October 27, 1997, the Village Center Design Guidelines and master plan dated August 27, 2001, and the Route One Corridor Traffic Study, dated March 1986, copies of which are on file in the Town of Falmouth Planning Office.~~ are subject to Section 3.6. Site Plans shall include those portions of the public right of way necessary to demonstrate how the ~~recommendation of the two studies and the applicable Design Guidelines standards~~ have been incorporated into the site plan under review. [Adopted 4/27/87.] [Amended 12/16/97, 8/31/98, 8/27/01]

- ~~h. h. Village Center Overlay District Setback Reduction: To provide maximum flexibility in meeting the Design Guidelines, the Planning Board may reduce building setback requirements by no more than fifty (50%) percent. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required. [Adopted, 8/31/98]~~

- c. General Location. No off-street parking or loading shall be located within the required front setback except as permitted in Section 3.6. ~~except along Route One where off street parking may be permitted twenty (20) feet or further from the public right of way within the front setback.~~ [Adopted 4/27/87.]

9.12 General Circulation and Parking Design Guidelines

The following guidelines shall apply to parking area designs, except where they differ from Section 3.6, in which case Section 3.6 shall govern circulation and parking design in the VC1 and VC2 Districts.

- (1) Parking space allocations should be oriented to specific buildings.
- (2) Parking areas should be designed to focus on major walkways, which should be fenced or marked.
- (3) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designed by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counterclockwise) should be developed around the parking areas, and parking bays should run perpendicular off the road.
- (4) Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
- (5) Whenever possible, one-way traffic should be established at building entrances, except for buildings located on a street in the VC1 and VC2 Districts where two-way traffic is allowed.
- (6) Where buses are a factor, bus shelters and bus indentation slots off the roadway should be provided.

9.13 **Waiver of Parking or Loading Requirements**

If any applicant can clearly demonstrate to the Planning Board that, because of the nature of his operation or use, the parking and/or loading and unloading requirements of this ordinance are unnecessary or excessive, the Planning Board shall have the power to approve a site plan showing less paved parking or unloading area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking or unloading requirements in the event that a change of use of the premises shall make such additional off-street facilities necessary. This section shall not apply to parking in the VC Districts.

9.14 **Entrances Location and Design**

- a. As used in this Section, driveway includes any private, local or collector streets, as well as entrance roads ~~to~~ for any use other than single-family dwelling units.
 - (1) All entrance and exit driveways shall be located to afford maximum safety to vehicular, pedestrian and cycling traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic. ~~In designing or redesigning entrance and exit driveways within the SB District applicants shall be guided by the recommendations of the Route One Corridor Traffic Study, dated march 1986, by T.Y. Lin/Hunter Ballew Associates. Any variations from these design recommendations shall be justified by suitable support documentation from a qualified traffic engineer. [Adopted, 4/27/87.]~~
 - (4) No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. ~~However,~~ the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites. Driveways and internal streets in the VC Districts are exempt from this section.

- b. Curb cuts within the ~~SB~~VC, BP and CO Districts: It is the policy of this Ordinance to reduce and consolidate, for safety purposes, the number of driveways and curb cuts on the portion of Route One located within the ~~SB~~VC and BP districts, as delineated on the Town's Official Zoning Map, and along the entire length of Route 100 (the Gray Road). Wherever possible, excess driveways and curb cut areas should be eliminated or consolidated in accordance with the driveway standards outlined in Section 9 of this Ordinance and the applicable recommendations of the ~~Route One Corridor Traffic Study~~2013 *Route One Infrastructure Plan* and the ~~date?~~ *Route 100 Study*, copies of which are available at the Town Hall. [Effective, 1/25/88.]

9.20 Acceleration Lanes

Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an average daily traffic (A.D.T.) volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curb line. A minimum thirty-five (35) foot curb return radius shall be used from the driveway to the acceleration lane. Development and redevelopment in the VC Districts is exempt from this section.

9.21 Deceleration Lanes

Where the same conditions exist as in the previous paragraph 9.20 and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curbline. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway. Development and redevelopment in the VC Districts is exempt from this section.

9.23 Lighting Design Standards

In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of illumination, manufacturer's specification sheet and the intensity in footcandles. The following design standards shall be followed:

- b. The maximum height of freestanding lights shall be the same as the principal building but not exceeding twenty-five (25) feet. Section 3.6 for lights in the VC Districts.
- h. Pathways, sidewalks and trails should be lighted with ~~low or mushroom type standards.~~pedestrian scaled lighting. The maximum height of pedestrian freestanding lights is 12 feet.
- i. Light posts shall be installed so that the pillar bases are near flush with the ground. Pillar bases for unprotected lighting in parking lots may be a maximum of one foot.
- j. Lighting should be provided where buildings are set back or offset.
- k. ~~—The following~~Illumination levels shall meet the following: intensity in footcandles should be provided:

- (1) Parking lots: an average of one and five-tenths (1.5) footcandles throughout.
 - (2) Intersections: three (3) footcandles.
 - (3) Maximum at property lines: one (1.0) footcandle.
 - (4) In residential areas: average of six-tenths (0.6) footcandle.
- l. Display lighting shall be shielded and located and maintained so as not to create or constitute a hazard or nuisance to the traveling public or to neighbors. String lights shall not be permitted.
 - m. Parking area lighting shall be shielded and located and maintained so as not to create or constitute a hazard or nuisance to the traveling public or to neighbors.
 - n. Fuel Pumps and Canopies
 - (1) Areas around fuel pumps and under canopies where higher levels of light are necessary for effective use of pumps should be illuminated so the minimum horizontal luminance at ground level is 30 foot candles or less, with a uniformity ratio of 1.25 (average to minimum)
 - (2) Light fixtures mounted under canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture of the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
 - (3) Lights cannot be mounted on the sides (fascia) or top of the canopy and the sides (fascia) cannot be illuminated.

9.24 General Buffer Standards

Exemptions: Development in the VC Districts are exempt from these provisions except along common lot lines with residential districts. Refer to Section 3.6 for landscaping requirements in the VC Districts.

~~9.26 Special Landscaping and Buffer Requirements in the SB District [Amended 9/24/90]~~

~~a. Buffer area landscaping: All areas located within the minimum setbacks required in the SB District shall be used as landscaped buffer areas, except those areas required for access. Within these buffer areas the following minimum plantings and buffers are required. Numbers given are for one hundred (100) linear feet of buffer area.~~

~~Where berms are recommended they shall be designed to fit the specific site conditions with regards to height, visibility, and form. Maximum height shall be four (4) feet. Maximum side slopes shall be 3:1.~~

~~Variations from these requirements may be allowed, provided that the applicant demonstrates that the landscaping is in compliance with the recommendations of the *Route One Study*, dated September 12, 1986.~~

Buffer Area Location	W	S	CT	UT	ET	SH
Rt. One setback—general including parking areas	20'	Berm	2	4	4	20
Rt. One setback—general	80'	Berm	6	3	3	60

Abutting res. District or use	75'	—	8	8	8	30
Side/rear yard screening	10'	—	1	2	1	10
Total screening required by Planning Board or Board of Zoning Appeals	—	Berm Wall	—	—	8	30

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~~Abbreviations: Canopy Trees (CT), Understory Tree (UT), Shrubs (SH),
 Evergreen Trees (ET), Width (W), and Structures (S).~~

9.28 Other Landscaping Requirements

- a. Parking Area Landscaping. In addition to all other requirements, landscaping shall be required in all districts on any site where the aggregate required off-street parking or storage of motor vehicles exceeds ten (10) parking spaces. For each twenty-four (24) parking spaces there shall be required, adjacent to the parking spaces or within the parking lot, three (3) canopy trees, two (2) understory trees, and ten (10) shrubs.
- b. Minimum Plant Sizes. Unless otherwise specifically indicated by the Planning Board, all plant materials shall meet the following minimum size standards:

<u>Plant Material Type</u>	<u>Minimum Size Planting in buffer area abutting vacant land</u>	<u>All other Plantings</u>
Canopy Tree	1 1/2 inch caliper	2 1/2 inch caliper
Single Stem		
Multi-Stem Clump	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1 1/2 inch caliper
Evergreen Tree	3 feet (height)	5-7 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

- c. Required Plant Types. All plantings required under this Ordinance shall be of a type and species appropriate for the soil types and climatic conditions in Falmouth as determined by the ~~Falmouth Town Council~~ Planning Board. ~~A list of approved plant types shall be adopted by the Falmouth Town Council and made available to applicants by the Town Planner.~~
- d. Plant Maintenance Requirements. The owner of any premises approved by the Planning Board under any section of this Ordinance shall have a continuing obligation to maintain required plantings in accordance with the terms of the site plan approval and in a good and healthy condition. [Amended 11/10/08; Effective 01/01/09]