

**TOWN COUNCIL
Town of Falmouth, Maine
May 12, 2014**

**An Ordinance Amending the Zoning and Site Plan Review Ordinance
Regarding a Special Overlay District to accommodate outdoor retail sales and
storage and to establish Hat Trick Drive as an internal drive.**

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 as follows:

3.22 Garden Center Special Overlay District (GCSOD)

3.22.1 Purpose - This district is established in to allow for outdoor retail display and general storage of gardening and horticultural supplies as well as the outdoor storage of bales and pallet storage in the amount and volume permitted prior to the rezoning to VC1.

3.22.2 Conformance with Other Requirements of this Ordinance – This District shall be overlain on the underlying district and provisions herein shall supersede and replace all provisions elsewhere in this ordinance with the exception of Section 2 - Definitions, Section 8 – Board of Zoning Appeals and Section 10 - Administration.

3.22.3 District Boundaries -The boundaries of the GCSOD are as depicted on the Garden Center Special Overlay District Fragmentary Zoning Map dated March 18 which shall be made part of the Official Zoning Map upon adoption.

3.22.4 Site Plan Review – Site improvements shall be made in accordance with the plan entitled “Site and Landscaping Plan, Seasonal Retail Sales – 2014, prepared by Sewall Associates, and dated March 18, 2014” (Plan). Modifications, proposed after the adoption of this amendment, meeting the criteria for Minor Site Plan Review may be approved provided the modifications meet all of the ordinance provisions of the underlying district.

a. Completion of Site Improvements

- 1) No use of the district area other than the loading area shall commence until such time as a performance guarantee for 110% of the estimated cost of improvements as shown on the District Plan is submitted in a form satisfactory by the Community Development Director.
- 2) Notwithstanding 1) above, the screening of bales and pallets shall be ~~installed~~ substantially complete within thirty (30) days of the adoption of this amendment and fully installed within forty-five (45) days of the adoption of this amendment.-

- 3) All improvements as shown on the Plan shall be completed on or before December 31, 2014. The Community Development Director may allow a onetime extension if it is determined that extenuating circumstances warrant. An extension shall not exceed June 30, 2015.

3.22.5 Permitted Uses – The following uses are permitted:

- a. Outdoor Retail Display
- b. Outdoor Sales and Storage
- c. Loading Area
- d. Parking
- e. Any other use in the underlying district provided it meets all provisions of the Zoning and Site Review Ordinance.

3.22.6 Performance Standards for Outdoor Retail Display and Outdoor Sales and Storage Use – Outdoor Retail Display and Outdoor Sales and Storage shall meet the following general standards and those standards as shown on the Plan.

- a. Shall be in a dedicated area;
- b. Areas immediately adjacent to a public right(s) of way shall be enclosed with a fence and landscaping to screen views from the right(s) of way. Storage areas must be enclosed with a solid fence or wall.
- c. The maximum height of a fence shall be eight (8' 0") feet. The design of the fencing enclosure shall be compatible with the main building(s) and surrounding development.
- d. Storage of bales and empty pallets may be located outside a fenced area on the day they are being removed, however, in no event shall they be located outside a fenced area overnight;
- e. Streetscape - Street frontages should encourage pedestrian interest and provide safe movement through installation of street trees, curbing, pedestrian lighting and sidewalks.

3.22.7 District Termination – This district shall be considered terminated if:

- a. The performance guarantee is not submitted as required in Section 3.22.4.a above.
- b. Improvements as shown on the plan are not complete as required in Section 3.22.4.a above.

Attest: _____

Ellen Planer

Town Clerk

May 12, 2014