



**TOWN OF FALMOUTH
ORDINANCE NO 105-2020**

An Ordinance to Amend the Code of Ordinances Division II-19-1-2 and Division II-19-1-3, Sections 19-11, 19-13, 19-14, and 19-19 Relative to Kennels

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances be amended to read as follows:

Div. II-19-1-2. Definitions

Kennel: An establishment in which more than four (4) dogs or four (4) cats more than one year old are housed, bred, boarded, trained or sold. Without limitation, included in this definition are establishments that provide short-term daytime care and/or overnight care.

Div. II-19-1-3. ESTABLISHMENT OF DISTRICTS

Sec. 19-11.3 Use and Maximum New Ground Floor Tenant Area Tables

19-11.3.1 VC1 and VC2

Permitted Uses, Conditional Uses and Maximum New Ground Floor Tenant Area (MNGFTA)				
Permitted Uses	VC 1 MNGFTA (sq. ft.)	Category of Use	VC 2 MNGFTA (sq. ft.)	Category of Use
Accessory building or use	50,000	P	50,000	P
Art and Craft Studio ¹	na	P	na	P
Automobile dealership (sales, service, storage & rental)	na	X	50,000	P
Bed and Breakfast Establishment	50,000	P	50,000	P
Business and professional office ²	50,000	P	50,000	P
Commercial School	20,000	P	20,000	P
Car Wash [Amended 7/24/17]	na	X	20,000	CU
Day care center	50,000	P	50,000	P
Dwelling Unit ¹	na	P	na	P

Essential Services ⁴	na	P	na	P
Gas Station	na	CU	na	CU
Home Occupation	na	P	na	P
Horticultural Nursery	na	P	na	P
Hotel	na	P	na	P
Kennels	50,000	CU	50,000	CU
Light manufacturing ¹	na	P	na	P
Municipal use	50,000	P	50,000	P
Outdoor Recreation facility, permanent structure	50,000	CU	50,000	CU
Outdoor retail display > 100 and ≤2,500 square feet as an accessory use	na	P	na	P
Outdoor display of automobiles as an accessory use to automobile dealership	na	X	No limit	P
Place of Worship	50,000	P	50,000	P
Private club	50,000	P	50,000	P
Private School	20,000	P	20,000	P
Restaurant, including carry-out/outdoor seating	50,000	P	50,000	P
Restaurant, drive-through	na	X	50,000	CU
Retail and service establishment, includes outdoor retail display not to exceed 100 sq. ft.	50,000	P	50,000	P
Retail, grocery ³	60,000	P	60,000	P
Service garage	50,000	CU	50,000	CU
Tier I & Tier II Personal Wireless Service Facility	na	P	na	P
Tradesmen's Office ¹	na	P	na	P
Wholly enclosed place of assembly, amusement, recreation, culture, and government	50,000	P	50,000	P
¹ Permitted on upper floors only				
² Includes Veterinary Clinic				
³ Retail, Grocery is limited to 60,000 gross square feet total for all floors				
⁴ Establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board				
P – Permitted; CU – Conditional Use Permit Required; X – Not permitted				

Sec. 19-13 Mixed Use Cluster District (MUC)

To establish within the Town of Falmouth areas for well-planned mixed use developments with access to the region's major highway system.

Permitted Structures and Uses	Conditional Uses
<ul style="list-style-type: none"> A. Accessory buildings and structures B. Accessory Dwelling Unit C. Business and professional offices D. Wholly enclosed places of assembly, amusement, recreation, and government E. Wholesale, warehousing and distributions facilities F. Light manufacturing operations with no exterior storage of material, equipment or products G. Retail businesses as part of a mixed use development H. Two family or multi family as part of a mixed use development I. Research facilities J. Restaurants (including carry-out or drive through restaurants)[Amended 11/14/12] K. Residential planned developments as part of mixed use development L. Municipal buildings and uses M. Tradesman's offices N. Single Family Detached Dwellings (only in established residential areas and except on lots fronting on Gray Road) [Adopted 5/28/96] O. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] P. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] Q. Commercial Schools as part of mixed use development [Adopted 5/27/08] R. Grocery retail as part of a mixed-use development. [Adopted 11/26/12] S. Essential Services** [Adopted, 7/28/2014] 	<ul style="list-style-type: none"> A. Outdoor recreation facilities B. Day Care Centers C. Churches D. Excavating Business E. Land reclamation F. Processing of Mineral materials for resale [Amended, 4/25/88] G. Veterinary Clinic [Amended,7/22/91] H. Outdoor Eating Areas [Adopted, 5/28/96] I. Day Care Homes [Adopted, 7/23/01] J. Kennels
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

Sec. 19-14 Village Mixed Use District (VMU)

To establish within the Town of Falmouth areas for small scale, low intensity nonresidential uses which are compatible with the residential character of the district. Areas designated as VMU are areas with historical development patterns as village centers.

Permitted Structures and Uses	Conditional Uses
<ul style="list-style-type: none"> A. Retail and service establishments with less than 5,000 SF of gross floor area B. Professional offices C. Art and craft studios D. Tradesman's offices E. Restaurants (not including carry-out or drive through restaurants) with less than sixty seats F. Museums G. Bed and Breakfast establishments H. Single family detached dwellings I. Two Family J. Multi Family K. Residential planned developments L. Municipal buildings and uses M. Accessory buildings and uses N. Accessory Dwelling Units O. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] P. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] Q. Commercial Schools with less than 5,000 SF of gross floor area R. Grocery Retail with less than 5,000 SF of gross floor area S. Essential Services** [Adopted, 7/28/2014] 	<ul style="list-style-type: none"> A. Cemeteries B. Day care centers C. Day care homes D. Churches E. Health institutions F. Libraries G. The conversion of an existing structure into multi-family housing with no more than three dwelling units H. Congregate care facilities I. Home occupations J. Veterinary Clinic [Amended, 7/22/91] K. Elderly Boarding Home [Adopted, 5/28/96] L. Outdoor Eating Areas [Adopted, 5/28/96] M. Kennels
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

Sec. 19-19 West Falmouth Crossing Master Planned Development District (WFCMP) [Adopted 1/26/98] [Amended 12/22/05; 6/15/09]

To create a planned development at the West Falmouth Crossing interchange that will be in keeping with the semi-rural character of West Falmouth and surrounding neighborhoods. To permit maximum creativity in site design and to ensure high quality construction with special attention to landscaping, lighting, building orientation and form, coordination of architecture, and signage. To accomplish these goals, the Town Council may approve a Master Development Plan that guides the site plan review process in keeping with general performance standards of the ordinance, but with more flexibility granted to developers and the Planning Board in implementing the approved Master Development Plan.
**(Formerly Exit 10 Master Planned Development District)*

Table 19-19 Uses Allowed - West Falmouth Crossing	
Permitted Structures and Uses	Conditional Uses
<ul style="list-style-type: none"> A. Accessory buildings and structures B. Business and professional offices C. Wholly enclosed places of assembly, amusement, recreation, and government D. Retail business as part of a mixed use development E. Research facilities F. Restaurants (not including carry-out or drive through service) G. Municipal buildings and uses H. Tradesman’s offices I. The following additional uses if specifically shown on a Master Development Plan approved by the Town Council: <ul style="list-style-type: none"> 1. Motels and hotels 2. Restaurants with carry out and/or drive through service 3. Movie theaters 4. Service establishments 5. Convenience stores with gas pumps as an accessory use 6. Outdoor recreational facilities 7. Light manufacturing operations with no exterior storage of material, equipment or products 8. Wholesale, warehousing, and distribution facilities 9. Automobile related sales and services J. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05] K. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05] L. Commercial schools as part of a mixed use development [Adopted 5/27/08] M. Grocery Retail as part of a mixed use development [Adopted 11/26/12](Note: The Town Council may require design specific information for Master Plan approval of items 9.a. through i.) N. Essential Services** [Adopted, 7/28/2014] 	<ul style="list-style-type: none"> A. Day care centers B. Churches C. Veterinary clinic D. Public utilities E. Outdoor eating areas F. Kennels
<p>**[Note: establishment of an essential service that includes vehicular access or structures requires site plan approval by the Planning Board.]</p>	

Attest: _____
Ellen Planer
Town Clerk
April 13, 2020