




TOWN OF
FALMOUTH MAINE

January 20, 2015

Annotated Outline Presentation to Ad-Hoc Zoning Committee




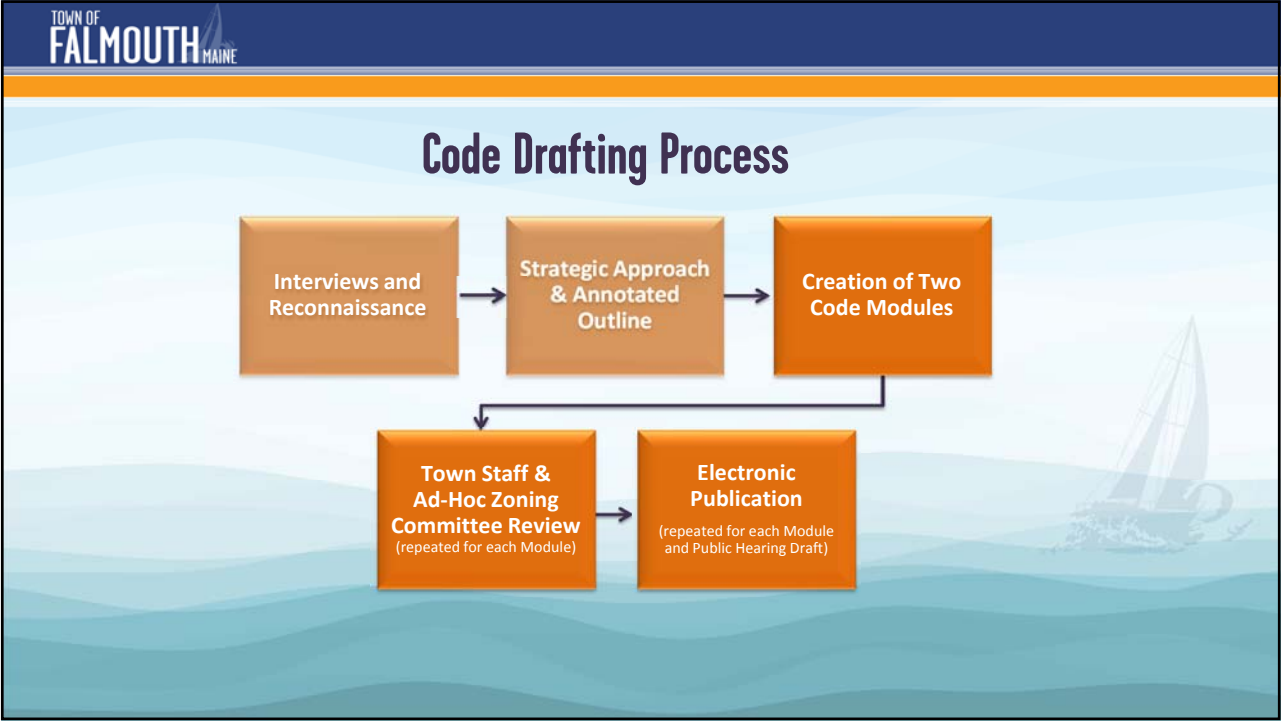
 KENDIG KEAST
COLLABORATIVE

TOWN OF
FALMOUTH MAINE

Our Agenda

- **Proposed Overall Ordinance Organization**
 - Why its organized in this manner
 - General Content of Articles and Divisions
- **Denotation of Relative Importance (red, orange, yellow)**
- **General Code Observations & Recommendations**
- **Town Staff Questions & Comments**
- **Next Steps**





TOWN OF FALMOUTH MAINE

Casual Users

- What can I do with my land (or, what can my neighbor do with their land)?
- What types of buildings and structures can I build -- and how big?
- What, if anything, do I have to protect or preserve?

The background of this slide features a stylized blue and white wave pattern with a sailboat on the right, matching the design of the first slide.

Technical Users

- What are the design and layout criteria for site plans and subdivisions?
 - How much parking must be provided, and what are the design criteria?
 - What are the design standards for buildings?
 - In areas set aside for landscaping and buffering, how much area and landscaping must be provided, and what are the design criteria?
 - What must be dedicated or constructed to mitigate the impacts of a development?
 - What are the standards for design of infrastructure (streets, sidewalks, utilities, and drainage systems)?
- What positions, boards, and commissions are responsible for administering the regulations?
- What approvals are necessary for development?
- Who grants which approvals?
- What rules apply to development that conformed to the requirements of the prior ordinances but no longer conform to the UDC?
- How is the UDC interpreted and enforced?
- What do the words in the UDC mean?

General Code Observations & Recommendations

- Current code provisions will provide substance of UDC, with supplemental text only as necessary
- The general applicability statement will make the distinction between zoning and non-zoning provisions for the purposes of being consistent with statutes and for administration (variances vs. waivers)
- Purpose and applicability statements will be added to each Article to clarify their purpose and intent, as well as when the regulations apply or do not apply
- It is advised to add Transitional Provisions to clarify the handling of applications and permits during this interim period
- The UDC will group “like” provisions to make UDC intuitive and to assure consistency (and avoid conflicts):
 - Base, Overlay and Special Districts
 - Permitted and Conditional Uses
 - Residential and Non-Residential Development Standards (density, height, area, setbacks, etc.)
 - Design and Special Development Standards (architecture, landscaping, signage, parking, etc.)
 - Procedures
 - Definitions
- Opportunity to simplify and streamline districts, now or later

General Code Observations & Recommendations

- **Applicable provisions of the Code of Ordinances will be integrated, such as:**
 - Ch. 8, Art. X, Personal Wireless Service Facilities Siting
 - Ch. 15, Swimming Pools
 - Ch. 8, Art. XI, Temporary Signs
 - Ch. 19, Art. II, Floodplain Management
 - Ch. 20, Stormwater and Non-Stormwater Discharge Ordinance
- **Related provisions will be cross-referenced and hyperlinked**
- **Roles and responsibilities of each administrative body will be outlined**
- **Permits and procedures will include:**
 - Standard Approval Procedures (inactive and successive applications, public notice, etc.)
 - Administrative Permits
 - Public Meeting and Hearing Permits

General Code Observations & Recommendations

- **Variances, Waivers, and Appeals will be spelled out separately**
- **Definitions**
 - Will be centralized into one section, with hover-over, pop-ups
 - Will not include standards or procedures
- **Appendices**
 - A.** Exit 53 Design Guidelines
 - B.** OSRD Provisions
 - C.** Fees

TOWN OF
FALMOUTH
MAINE

Town Staff Questions & Comments

- Disposition table
- Statutory Application: Zoning v. Non-Zoning Provisions
- Transitional Provisions (1 MRSA 302) ?
- Remove Special District Category
- Sec. 19-2-300 Separating various provisions for each district — please explain
- Functionally Similar Uses
- Prohibited uses — general statement
- Setbacks for accessory structures and wastewater pump stations — part of dimensional table?
- Zoning compliance statement vs. certificate

TOWN OF
FALMOUTH
MAINE

Town Staff Questions & Comments

- Public Meeting and Hearing Procedures; break into three articles — please explain
- Distinguish:
 - Variances issued by Board of Zoning Appeals
 - Waivers issued by Planning Board

TOWN OF
FALMOUTH
MAINE

Town of Falmouth Code Observations (Example)

Table 25.06.06.3 Public Meeting and Hearing Approvals					
Permit	Required For	Timing	Exceptions	Issued By	Standards ¹
PUBLIC MEETINGS (NO PUBLIC HEARING REQUIRED)					
Plans and Plats					
Site Plan	New development, redevelopment, substantial improvement and expansion of multiple-family residential, nonresidential, and mixed use buildings and sites in all districts, as well as special districts upon referral by the Administrator or upon appeal of the applicant	Prior to issuance of permits that allow for land clearing, site grading, or construction	Single-family, duplex, twin home, and townhome dwellings on individual lots	Planning and Zoning Commission, upon referral of the Administrator or appeal by the applicant, following recommendations of the Design Review Committee and Administrator	See Subchapter 25.03-C, Design Standards
Design Review					
Sign Permit	Conditionally permitted uses set out in the tables in Subchapter 25.02-C, Land Uses; for existing public, institutional, nonresidential, and mixed uses within the RR, SR, GR, and UR districts, and the NC.4 and NC.5 sub-districts; and for certain sign types in certain districts as set out in Table 25.05.18.1, Sign Types by District	Prior to installation of sign or sign mount or any enlargement or improvement of an existing sign	Signs that do not require a permit, as set out in Section 25.05.140, Application, and signs that are "allowed" or "limited" in Table 25.05.18.1, Sign Types by District	Limited Approvals: Administrator. Conditional Approvals: City Council upon recommendation of the Planning and Zoning Commission	See Subchapter 25.05-C, Signs, particularly Section 25.05.180, Permanent and Temporary Signs
Conditional Use Permit	New conditional uses; changes to an existing conditional use; material changes to or expansion of a conditional use	Prior to establishment or modification of a conditional use	None	Board of Adjustment (BOA), followed by City Council review who may take no action or remand it back to the BOA for further consideration	See Subsection 25.06.09.7, Conditional Use Permit, and Subchapter 25.02-D, Conditional and Limited Uses

TOWN OF
FALMOUTH
MAINE

Proposed Organization

- Article 1: Authority, Jurisdiction, Applicability, and Purposes
- Article 2: Zoning Districts and Land Uses
- Article 3: Development Standards
- Article 4: Accessory Use Standards
- Article 5: Design and Special Development Standards
- Article 6: Site Plan Review
- Article 7: Environmental Management
- Article 8: Land Subdivision

TOWN OF
FALMOUTH
MAINE

Proposed Organization

- Article 9: Growth Management
- Article 10: Nonconforming Structures, Uses, and Lots
- Article 11: Administrative Bodies
- Article 12: Permits and Procedures
- Article 13: Variances, Waivers, and Appeals
- Article 14: Enforcement and Remedies
- Article 15: Definitions
- Article 16: Appendices

TOWN OF
FALMOUTH
MAINE

Proposed Organization

□

AUTHORITY, JURISDICTION, APPLICATION, AND PURPOSES

- Authority, Jurisdiction, Application, and Purposes
 - Authority
 - Jurisdiction
 - Application
 - Purposes
 - Effective Date
- Transitional Provisions
 - Pending Applications
 - Development Approvals that Predate this Code
 - Prior Conditions of Approval
 - Existing Violations

- Zoning Provisions (for discussion purposes only)
 - Zoning Districts (base, special, and overlay)
 - Land Uses (including accessory uses and standards)
 - Development Standards (density, height and area)
 - Nonconforming Structures, Uses and Lots
 - Administrative Bodies, as applicable
 - Permits and Procedures, as applicable
 - Variances, Waivers and Appeals, as applicable
 - Enforcement and Remedies, as applicable
 - Definitions, as applicable
- Non-Zoning Provisions
 - Design and Special Development Standards (?)
 - Site Plan Review
 - Environmental Management
 - Land Subdivision
 - Growth Management
 - Administrative Bodies, as applicable
 - Permits and Procedures, as applicable
 - Variances, Waivers and Appeals, as applicable
 - Enforcement and Remedies, as applicable
 - Definitions, as applicable

Kendig Keast Collaborative

7

TOWN OF
FALMOUTH
MAINE

Proposed Organization

□ ZONING DISTRICTS AND LAND USES

- Purpose and Application
- Zoning Districts
 - Official Zoning Map
 - Establishment of Zoning Districts
 - Special and Overlay Districts
- Land Uses
 - Residential and Residential Accessory Uses
 - Institutional, Recreation, and Amusement Uses
 - Commercial Uses
 - Agriculture, Industrial, Utility, and Communication Uses
 - Prohibited Uses
 - Functionally Similar Uses
- Conditional Uses
- Temporary Uses (as needed)

• Overlay / Special Districts

- Spell out base districts vs. overlay / special districts
 - Overlay – base district use and standards still apply
 - Special – an independent district for special purposes (e.g. Tidewater, Village Park, etc.
- To be deleted
 - Village Center Overlay District (repealed 5/13)
 - Retirement Community Overlay District
- Generally (for future reference)
 - Overlay districts that do not require mapping may be a:
 - Conditional use (Garden Center Special Overlay District)
 - Accessory or supplemental use standards applicable Town-wide
 - Overlay districts that apply only to certain districts may:
 - Be handled as a conditional use (Ocean View Retirement)

TOWN OF
FALMOUTH
MAINE

Example of a Land Use Matrix

Institutional, Recreation, and Amusement Uses																
Land Use	Standards Reference ¹	Zoning Districts														
		Agriculture			Residential			Mixed Use	Nonresidential					Overlay and Special		
		AG	RR	SR	GR	UR	MU	SC ²	GC	DC ²	BP	GI	AP	CE ²	PI	
Institutional Uses																
Adult Day Care	-	P	P	P	P	P	A	A	A	A	P	P	Refer to BP and GI Districts. Also, see Subsection 25.02.06.1 Airport Protection (AP) Overlay District	P	P	
Child Care Center	§ 25.02.17	P	C	C	C	C	A	A	A	A	A	C		P	P	
Crematory	§ 25.02.17	P	P	P	P	P	P	P	C	P	A	A		P	P	
Funeral Home, Chapel, or Mortuary	§ 25.02.17	P	P	P	C	C	A	C	A	A	P	P		P	P	
Government Office	-	P	P	P	P	P	A	P	A	A	A	A		P	A	
Institutional Residential	§ 25.02.17	C	C	C	C	L	A	L	A	A	P	P		P	P	
Library	-	P	C	C	C	A	A	A	A	A	P	P		A	A	
Place of Assembly	§ 25.02.17	C	C	C	C	C	A	C	A	A	A	P		A	A	
Post Office	-	P	P	P	P	C	A	C	A	A	A	A		A	A	
Private Club	-	P	P	P	P	P	A	C	A	A	A	A		A	A	
Public Safety Facility	-	A	C	C	C	C	A	C	A	A	A	A		A	A	

TOWN OF
FALMOUTH
MAINE

Proposed Organization

DEVELOPMENT STANDARDS

Purpose and Application

Residential Development Standards

- Standards for Conservation Subdivisions and Country Estate Lots

Nonresidential and Mixed Use Standards

Height and Area Exceptions

TOWN OF
FALMOUTH
MAINE

Example of a Development Standards Table

Single-Family Detached Lot and Building Standards									
District and Neighborhood Type	Lot Dimension		Minimum Setbacks				Maximum		
	Area	Width	Front	Interior Side ⁴	Street Side	Rear	Height	Building Coverage Ratio	Impervious Coverage Ratio
Agricultural (AG)									
Standard (Farm)	20 ac.	600'	50'	75'	50'	75'	45'	5%	1%
Rural Residential (RR)									
Standard (Acreage)	10 ac.	500'	50'	50'	50'	75'	45'	5%	1%
Cluster (Ranchette)	2 ac.	175'	50'	15'	30'	75'	45'	10%	2%
Planned (Homestead)	1 ac.	125'	50'	12'	30'	75'	35'	15%	2%
Suburban (SR)									
Standard	2 ac.	175'	50'	15'	30'	75'	45'	5%	1%
Cluster ¹	31,000 sf.	110'	50'	10'	20'	75'	35'	30%	10%
Planned ¹	6,000 sf.	60'	25'	6'	15'	25'	35'	40%	30%

TOWN OF
FALMOUTH MAINE

Proposed Organization

- **ACCESSORY USE STANDARDS**
 - Purpose and Application
 - Accessory Uses
 - Accessory Apartments
 - Accessory Cottages
 - Accessory Dwelling Units
 - Animals
 - Motor Vehicles
 - Commercial Motor Vehicles
 - Recreational Vehicles
 - Deposit of Waste Material
 - Setbacks
 - Accessory Structures
 - Wastewater Pump Station
 - Swimming Pools

TOWN OF
FALMOUTH MAINE

Proposed Organization

- **DESIGN AND SPECIAL DEVELOPMENT STANDARDS** (applicable standards of these districts)
 - Village Center (VC), applicable to VC1, VC2, and VCC
 - West Falmouth Crossing (WFC)
 - Retirement Community (Remove)
 - Tidewater Village (TV)
 - 234 Middle Road (MR)
 - Elementary School Redevelopment (ESR)
 - Garden Center (GC)
 - Village Park (VP)
 - Residential Planned Developments
 - Route 100 Corridor (RC)
 - Resource Conservation
 - Country Estate Lots

TOWN OF
FALMOUTH MAINE

Proposed Organization

❑ SITE PLAN REVIEW

- Parking and Loading
- Site Access
- Lighting
- Landscaping and Screening
- Buffering and Streetscapes
- Signs

TOWN OF
FALMOUTH MAINE

Proposed Organization

❑ ENVIRONMENTAL MANAGEMENT

- Natural Resource Buffering
- Floodplain Management
- Fill
- Erosion and Sedimentation Control
- Stormwater Management
- Stormwater and Non-Stormwater Discharge
- Post Construction Stormwater Management
- Shoreland Protection
- Highland Lake Protection

TOWN OF
FALMOUTH MAINE

Proposed Organization

▣ LAND SUBDIVISION

- Purpose, Applicability and Guidelines
- General Subdivision Requirements
- Subdivision Design
- Street and Trail Design Standards
- Required Improvements
- Common Use Facilities

TOWN OF
FALMOUTH MAINE

Proposed Organization

▣ GROWTH MANAGEMENT

- Residential Growth Permit
- Development Impacts

▣ NONCONFORMING STRUCTURES, USES AND LOTS

- Purpose and Application
- General Regulation

▣ ADMINISTRATIVE BODIES

- Purpose and Application
- Established Bodies
- Town Staff

TOWN OF
FALMOUTH
MAINE

Proposed Organization

❑ PERMITS AND PROCEDURES

- Purpose and Application
- Permits and Approvals
- Standard Approval Procedures
- Administrative Permits and Procedures
- Public Meeting and Hearings

❑ VARIANCES, WAIVERS, AND APPEALS

- Variances
- Waivers
- Appeals

TOWN OF
FALMOUTH
MAINE

Proposed Organization

❑ ENFORCEMENT AND REMEDIES

- Purpose and Application
- Violations and Penalties
- Enforcement
- Legal Status

❑ DEFINITIONS

❑ APPENDICES

- Exit 53 Design Guidelines
- OSRD Provisions
- Fees

TOWN OF
FALMOUTH
MAINE

Upcoming Tentative Schedule


Phase 3: Code Drafting – UDC Module No. 1					
Feb. 19	10:30 am (EST)	Staff teleconference	KKC	Task 3.1	➤ Discussion of UDC Module No. 1
Mar. 5	--	DELIVERABLE(S)	KKC		➤ UDC Module No. 1
Apr 16	--		Town		➤ Receipt of written staff comments on UDC Module No. 1
Apr 23	10:30 am (EST)	Staff teleconference	KKC		➤ Discussion of staff comments on UDC Module No. 1
Apr 30	--	DELIVERABLE(S)	KKC		➤ Revised draft UDC Module No. 1
May 7	--		KKC		➤ PowerPoint Presentation
May 14	7:00 – 9:00 pm (EST)	Ad-Hoc Zoning Committee meeting	KKC	Task 3.1	➤ Presentation of UDC Module No. 1 ➤ Discussion, direction, and authorization to proceed
May 28	--	DELIVERABLE(S)	KKC	Task 3.1	➤ Revised draft UDC Module No. 1
Jun 15	7:00 pm (EST)	Town Council briefing	KKC	Task 3.1	➤ Presentation of project status ➤ Seek direction, as needed

TOWN OF
FALMOUTH
MAINE

January 20, 2015

Annotated Outline Presentation to Ad-Hoc Zoning Committee

Thank you

 KENDIG KEAST
COLLABORATIVE