

Administrative Rewrite of Development Ordinances



General Project Progress

- Module 1 Draft Completed (Articles 1-5)
- KKC currently working on Module 2 (Articles 6-15)
- Land Use Tables created
- Dimensional Standards Table being reviewed



Module 1 Code Articles and Divisions

- **Article 1: Authority, Jurisdiction, Applicability, and Purposes**
- **Article 2: Zoning Districts and Land Uses**
 - Division 100: Purpose and Applicability
 - Division 200: Zoning Districts
 - Division 300: Land Uses
 - Division 400: Specific Use Standards
 - Division 500: Temporary Uses
- **Article 3: Development Standards**
 - Division 100: Purpose and Applicability
 - Division 200: Residential Development Standards
 - Division 300: Nonresidential and Mixed Use Development Standards
 - Division 400: Height and Age Exceptions



Module 1 Code Articles and Divisions

- **Article 4: Accessory Use Standards**
 - Division 100: Purpose and Applicability
 - Division 200: Accessory Uses and Buildings
 - Division 300: Motor Vehicles
 - Division 400: Setbacks
 - Division 500: Swimming Pools



Article 5: Design and Development Standards

- Division 100: Country Estate Lots
- Division 200: Elementary School Redevelopment
- Division 300: Garden Center
- Division 400: Manufactured Housing Units
- Division 500: Middle Road
- Division 600: Residential Planned Developments
- Division 700: Resource Conservation Zoning Overlay
- Division 800: Retirement Community
- Division 900: Tidewater Village
- Division 1000: Route 100 Corridor
- Division 1100: Village Center
- Division 1200: Village Park
- Division 1300: West Falmouth Crossing
- Division 1400: Business Professional



Module 1 Work Examples

Sec. 19-1-103 Applicability

- A. **Generally.** No land shall be used or developed except in accordance with this ~~Chapter Code~~ and the Falmouth Charter and Code of Ordinances, where applicable.
- B. **Conflicting Provisions.** If any portion of this ~~Chapter Section~~ conflicts with any other ~~portion chapter section~~ of this ~~Chapter ordinance~~ Code ~~or the~~ Subdivision ~~Ordinance~~, the ~~stricter~~ standards of this Chapter ~~Section~~ shall prevail ~~unless otherwise stated~~. (Sec. 3.6.2)

KKC Recommended
Addition

Staff Edits

Old Code Reference

Sec. 19-2-202 Establishment of **Zoning** Districts

The Town of Falmouth is hereby divided into the following classes of districts as shown on the Zoning Map:

Table Sec. 19-2-202 Zoning Districts		
Zoning District	District Designation	District Purpose
Base Districts		
Business and Professional	BP	To establish within the Town of Falmouth space for business and professional offices, with exceptions for certain other uses with appropriate site design. Uses locating in this District shall be located, sited, and landscaped in such a manner as to preserve open space, control vehicle access and traffic, maintain appropriate setbacks, buffers and natural screening, and to screen parking areas from Route One and other roadways. (Sec. 3.7)
Farm and Forest	FF	The Farm and Forest District is To establish an area which is not expected to be provided with public sewer, located in a generally rural area and intended to remain in that character. The district allows residential uses at low density and recreational and agricultural pursuits. (Sec. 3.2)

Sec. 19-2-202 Establishment of **Zoning** Districts

The Town of Falmouth is hereby divided into the following classes of districts as shown on the Zoning Map:

Table Sec. 19-2-202 Zoning Districts		
Zoning District	District Designation	District Purpose
Overlay Districts		
Route 100 Corridor	CO	To establish additional development standards for all uses within one thousand (1,000) feet either side of the centerline of Route 100 (the Gray Road), throughout its length in Falmouth, to assure that the traffic capacity of Route 100 is maintained while the visual environment and rural character of the corridor is maintained. (Sec. 3.10)
Ocean View Retirement Community	OV	The OV District Ocean View Retirement Community is designated as a Retirement Community Overlay District as depicted on the Official Zoning Map and the Approved OVRC Conceptual Master Plan, dated May 30, 2012 (Sec. 3.16.9)

Sec. 19-2-301 Legend

- A. **Table Format.** The zoning districts are arranged in columns, ~~organized as base and special districts and~~ by general land use type. Where rows and columns intersect, a letter indicates if the use is permitted, ~~conditional special~~, or prohibited in the corresponding district. All the tables in this Section use the following symbols:
1. "P" means that the land use is a Permitted Use, subject to the standards that apply to all permitted uses.
 2. "C"~~S~~ means that the use is allowed as a ~~Conditional Special~~ Use, which may be approved ~~following a public hearing~~ by the Zoning Board of Appeals, subject to:
 - a. The standards for permitted uses that are set out in this ~~Chapter Code~~;
 - b. The applicable ~~Conditional special~~ use standards for the specified use, as set out in Div. II-19-2-400, Conditional Special Use Standards; and
 - c. The procedures set out in Sec. 19-13-502, Conditional Special Use Permit.

Linked Cross-Reference

Yet to be Linked Cross-Reference

Sec. 19-2-302 Base Districts

Table 19-2-302 BASE DISTRICTS												
LAND USE	REFERENCE	FARM	RESIDENTIAL				MIXED USE					NONRESIDENTIAL
		FF	RA	RB	RC	V1	V2	VC	VM	MU	BP	
AGRICULTURAL												
Animal Husbandry	Sec. 19-2-405	P	X	X	X	X	X	X	X	X	X	
Farming		P	P	P	P	X	X	X	X	X	X	
Forestry		P	P	P	P	X	X	X	X	X	X	
Horticultural Nursery	Sec. 19-2-405	X	X	X	X	CP ¹⁰	CP ¹⁰	X	X	X	X	
Kennels		C	X	X	X	X	X	X	X	X	X	
AUTOMOBILE SALES AND REPAIR												
Automobile Dealership		X	X	X	X	X	P	X	X	X	X	
Automobile related sales and services		X	X	X	X	X	X	X	X	X	X	

Table Notes:

10. Performance Standards for Horticultural Nursery exists at Sec. 19-2-405

Sec. 19-2-303 Overlay Districts

Table 19-2-303 OVERLAY DISTRICTS																	
LAND USE	REFERENCE	USES AFFECTED ¹							USES NOT AFFECTED ²					SHORELAND ³			
		CO	WF	RT	TW	MR	ES	GC	RZ	HL	VP	OV	WV	RP	LR	LC	SP
AGRICULTURAL																	
Animal Husbandry	Sec. 19-2-405	X	X	X	P	X	X	X	SEE NOTE #2								
Farming		X	X	X	P	X	X	X									
Forestry		X	X	X	P	X	X	X									
Horticultural Nursery	Sec. 19-2-405	X	X	X	X	X	X	X									
Kennels		X	X	X	X	X	X	X									
AUTOMOBILE SALES AND REPAIR																	
Automobile Dealership		X	X	X	X	X	X	X	SEE NOTE #2								
Automobile related sales and services		X	CP ⁷	X	X	X	X	X									

Table Notes:

1. Overlay Districts can change the base district zoning.
2. Overlay Districts do not change the underlying base district.
3. Zoning Districts have been created pursuant to Shoreland Zoning Act.
7. Must be shown on a Master Development Plan approved by Town Council. Additionally, Town Council may require specific information for Master Plan approval.

Current Ordinance

6. All uses shall be required to maintain a landscaped border strip along the street right-of-way of Route 100 meeting the requirements of subsection 9.27. The width of the border strip shall be related to the setback of the building as shown on the following table:

<u>Width of Border Strip</u>	<u>Building Setback</u>
10 ft.	less than 25 ft.
15 ft.	25 to 49 ft.
20 ft.	50 to 74 ft.
25 ft.	75 to 99 ft.
30 ft.	100 ft. or more



New Ordinance: In Progress

Sec. 19-5-1004 ~~Special Landscape and Buffer Requirements in the CO District~~ **Landscape Border Strip [Amended 7/22/91]**

B. **Width of Border Strip and Building Setback.** All uses shall be required to maintain a landscaped border strip along the street right-of-way of ~~Route 100~~ the CO District . The width of the border strip shall be related to the setback of the building as shown on the following table:

<u>Width of Border Strip</u>	<u>Building Setback</u>
10 ft.	less than 25 ft.
15 ft.	25 to 49 ft.
20 ft.	50 to 74 ft.
25 ft	75 to 99 ft.
30 ft.	100 ft. or more

(Sec. 3.10: Additional Standards: #6)



Current Ordinance

F. Streetscape Buffers Adjacent to Existing Public Streets -- A vegetated buffer strip shall be maintained along any public street existing as of April 1, 2005 that is adjacent to a Conservation Subdivision to minimize the visual impact of the Conservation Subdivision on the streetscape. The depth of the buffer strip shall be at least one hundred (100) feet. This provision shall be reduced to twenty-five (25) feet for individual residential lots that front on public streets that existed as of April 1, 2005. No parking, buildings, structures, or recreational facilities, with the exception of trails required under Appendix 1(N) of the Subdivision Ordinance, shall be permitted within this buffer strip but accessory structures such as signs, walls, underground utility structures, and drainage facilities may be located within this buffer. The buffer strip may be crossed by driveways or access drives that run essentially perpendicular to the street. The buffer strip shall be naturally vegetated or landscaped in a manner appropriate to the existing site conditions and the secondary conservation value of the strip. The treatment of the buffer strip shall be subject to approval by the Planning Board as part of the approval of the subdivision. Appropriate legal mechanisms shall be established by the subdivider, subject to approval by the Planning Board as part of the approval of the subdivision, to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07]

Trails required under Appendix 1(N) of the Subdivision Ordinance may be located within the buffer strip. [Adopted 5/29/07]

Section 19-5-707 Streetscape Buffers

New Ordinance: In Progress

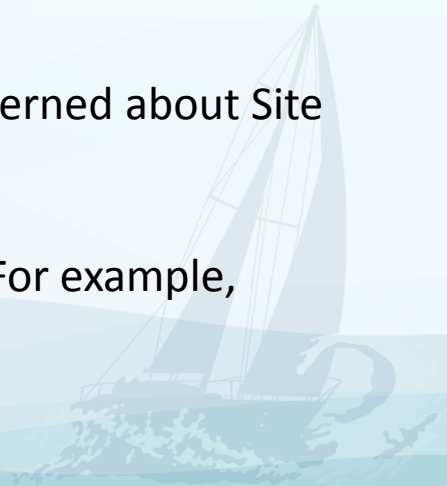
Sec. 19-5-707 Streetscape Buffers

- A. **Generally.** A vegetated buffer strip shall be maintained along the external perimeter or property line of the Conservation Subdivision, with the exception of property lines along public streets, to minimize the impact of the Conservation Subdivision on abutting properties. The buffer strip shall be naturally vegetated or landscaped in a manner appropriate to the existing site conditions and the secondary conservation value of the strip. The treatment of the buffer strip shall be subject to approval by the Planning Board as part of the approval of the subdivision.
- B. **Required Depth.** The depth of the buffer strip shall be at least ~~one hundred (100)~~ feet. This provision shall be reduced to ~~twenty-five (25)~~ feet for individual residential lots that front on public streets that existed as of April 1, 2005.
- C. **Trails.** Trails required under Appendix 1(N) of the Subdivision Ordinance may be located within the buffer strip. [Adopted 5/29/07]
- D. **Prohibited Development.** No parking, buildings, structures, or recreational facilities, with the exception of trails required under Appendix 1(N) of the Subdivision Ordinance, shall be permitted within this buffer strip but accessory structures such as signs, walls, underground utility structures, and drainage facilities may be located within this buffer.
- E. **Vehicular Access.** The buffer strip may be crossed by driveways or access drives that run essentially perpendicular to the street.
- F. **Protection and Maintenance.** Appropriate legal mechanisms shall be established by the subdivider, subject to approval by the Planning Board as part of the approval of the subdivision, to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07] (Sec. 3.13.5.F)



Dimensional Standards Table

- Work remaining for Module 1: Staff currently studying to determine best course of action
- Town's current regulations require different dimensional standards for different land uses within different districts and with additional specific restrictions for some uses
- Lack of Uniformity: Some Zoning Districts concerned about Setbacks and other districts concerned about Site Size without a scheme as to the reasoning behind the regulation.
- Numerous dimensional standards have similar methodology used to define the regulation. For example, Maximum Height of Structures and Maximum Building Height.



Next Steps

June 30	--	DELIVERABLE(S)	KKC	Task 3.1	➤ Revised draft UDC Module No. 1 (based on comments from AZC)
July 27	7:00 pm (EST)	Town Council briefing	KKC	Task 3.1	➤ Presentation of project status ➤ Seek direction, as needed
Phase 3: Code Drafting – UDC Module No. 2					
Jun 25	10:30 am (EST)	Staff teleconference	KKC	Task 3.1	➤ Discussion of UDC Module No. 2
Jul 16	--	DELIVERABLE(S)	KKC		➤ UDC Module No. 2
Jul. 30	--		Town		➤ Receipt of written staff comments on UDC Module No. 2
	10:30 am (EST)	Staff teleconference	KKC		➤ Discussion of staff comments on UDC Module No. 2
Aug 13	--	DELIVERABLE(S)	KKC		➤ Revised draft UDC Module No. 2, staff forward to AZC
Aug 20	--	DELIVERABLE(S)	KKC	Task 3.1	➤ PowerPoint Presentation
Aug 20		Ad-Hoc Zoning Committee	Town		➤ Meet with staff to develop comments