

Brief Project Narrative

The Town of Falmouth is embarking upon a process to reorganize its development ordinances to make them easier to navigate; improve their understanding; resolve issues of interpretation; streamline the application submittal, review, and approval procedures; and generally, to update them to reflect current terminology and contemporary development practices. In general, it is a priority to improve the organization and readability of the ordinances, particularly for non-technical readers.

The Town's development ordinances have been in place for over 30 years, which have served the community well. However, they have since been amended and re-amended over 70 times, which has naturally created inconsistencies, conflicts among policies and ordinances, and disorganization. For this and other reasons, an administrative reorganization is warranted.

Currently, the Town maintains the following development-related ordinances:

1. Zoning and Site Plan Review Ordinance, which includes parking/loading and signs (Chapter 19, Zoning and Floodplain Management – reserved);
2. Subdivision Ordinance (Chapter 7 – reserved);
3. Floodplain Management (Article II of Chapter 19, Zoning and Floodplain Management);
4. Stormwater and Non-Stormwater Discharge Ordinance (Chapter 20); and
5. Other related provisions, such as:
 - a. Chapter 2, Administration; Article III, Boards, Committees, Commissions including related provisions for the Board of Zoning Appeals and Planning Board;
 - b. Chapter 4, Buildings and Building Regulations; Article IV, Condominium Conversions;
 - c. Chapter 8, Licenses, Permits, and Business Regulations; Article X, Personal Wireless Service Facilities Siting and Article XI, Temporary Signs;
 - d. Chapter 11, Mobile Homes and Mobile Home Parks – reserved;
 - e. Chapter 14, Streets, Sidewalks and Other Public Places; Article II, Streets; and
 - f. Chapter 15, Swimming Pools.

The approach of maintaining independent ordinances like those listed above cause the development-related provisions to be difficult to locate. Also, maintaining independent ordinances lends itself to inconsistencies and conflicts as the amendment of one ordinance warrants amendment of one or more other ordinances.

Therefore, this project entails the preparation of a Unified Development Code (UDC) in which all development-related ordinances are consolidated into a single code. In recent years, many towns and cities across the country have migrated toward UDC's to achieve a better coordinated set of development regulations, standards, and procedures. This is an advisable approach for Falmouth, particularly since the ordinances are now independent and are both stand-alone and integrated into the Town's Code of Ordinances. Unification will consolidate all development-related ordinances, standards, and procedures into a single document, and recodify them as part of the Code of Ordinances.

A UDC will yield the following benefits:

- Consolidate all development-related ordinances into one document (e.g., subdivision, zoning, site plan, development and design standards, signs, landscaping, lighting, parking and loading, streets and utilities, circulation and access management, storm water and floodplain management, nonconformities, etc.). This will help to ensure consistency among the different components and promote a more holistic consideration of subdivision, zoning and site plan requirements and standards by both applicants and the Town.
- Make the regulatory specifics easier to navigate and comprehend (i.e., more “user friendly”) for the development, real estate, and consultant communities versus dispersed and uncoordinated ordinances within an overall town code. Better cross-referencing across code sections will help to ensure that all relevant provisions are taken into account pertaining to any particular development issue or proposal.
- Condense into one code section all administrative procedures and considerations, helping to streamline and make clearer the roles and responsibilities of each official and decision-making body. Tables will be created to outline the individual permits, when they are required, provisions of timing relative to other development activities, any noted exceptions, and the body responsible for issuing each permit, all of which will be organized for administrative processes, as well as for public meetings and hearings. This will be especially helpful to identify “crossovers” in the permitting process between subdivision and zoning reviews, for example.
- Offer a consolidated list of definitions, which will help to prevent inconsistencies and questions of interpretation between what are now separate ordinances.
- Greatly improve the Town’s ability to track the total development process because various components are organized and coordinated in a logical, sequential order.
- Streamline the process for future ordinance amendments and enhancements.

Kendig Keast Collaborative (“KKC”) was hired by the Town to reorganize and revise the Town’s development ordinances (as specified above) to:

- address structure and organization;
- revise non-policy related content (standards, criteria, and procedures);
- include appropriate, accessible tables, graphics, and illustrations; and
- in the on-line version of the Code (which may be found at online.encodeplus.com/regs/Falmouth), include hyperlinks.

Aside from this administrative reorganization project, the Town may seek the consulting assistance of KKC to develop new regulatory content, which may be identified through this project.

About Kendig Keast Collaborative

Kendig Keast Collaborative (KKC) was founded as Lane Kendig, Inc. in 1982. With the collaboration of Lane H. Kendig and Bret C. Keast, AICP, beginning in 2003, the firm has transitioned to the ownership and management of Mr. Keast, KKC President. KKC continues to build on the foundation and body of work established by Mr. Kendig, the firm's founder and a respected authority in the urban planning field, who retired from full-time practice in 2009 and remains a Strategic Advisor to the firm and its clients.

Together with Gary K. Mitchell, AICP, Vice President, Mr. Keast directs a highly qualified staff which provides professional services in the areas of comprehensive and strategic planning, zoning and other development regulations, urban design, growth management and resource protection, parks and open space planning, land planning, and various related specialties. KKC's unique approach and process is grounded in the encouragement of meaningful public participation, a clear understanding of planning issues and implementation options, and a direct linkage between plans and ordinances to ensure they are both politically feasible and able to be implemented. The firm has a reputation for providing clients with highly customized and responsive approaches to challenging community planning issues, resulting in innovative yet viable solutions.

KKC's implementation and regulatory practice includes evaluating, drafting, and amending land development regulations. Through thorough analysis and close attention to community input and expressed concerns and aspirations, KKC tailors regulatory strategies to achieve specific desired outcomes and foster sensitive site design and creative development practices. This sometimes requires interim ordinances to ensure protection of community character or resources while permanent regulations are drafted. KKC also has developed model codes for specific purposes which are then adapted by a variety of jurisdictions. The firm's principals and senior staff have also drafted proposed zoning amendments on behalf of private-sector clients who seek to develop or redevelop property in progressive ways that are not permitted under existing zoning regulations in a particular community. The firm has worked on codes, code amendments, code critiques, and other plan implementation programs in more than 100 jurisdictions across the nation.