CREATING USER FRIENDLY LAND USE ORDINANCES AND PROCEDURES

TECHNICAL BULLETIN #3 (Revised, August, 2008)

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Introduction – How to Use This Bulletin:

The purpose of this technical bulletin is to provide ideas and suggestions to develop a land use regulatory system that is user friendly. "User friendly" means different things for many people, but in the context of this bulletin refers to the ease with which both local administrators and prospective applicants can understand and comply with the regulations.

This bulletin differs from such documents such as the *Site Plan Review Handbook* (Maine State Planning Office, 1997) in that it is not concerned with the content of ordinances, e.g. what should constitute a "major development" or how many lumens an outdoor lighting fixture should have. It should be used as a reality check for a manual or model ordinance – a test of your presentation of format, style, language and administrative practices.

The suggestions in this document are equally applicable to zoning provisions; performance standards; site review and subdivision ordinances; application procedures; permit requirements; building ordinances; or, frankly, any form of regulation that engages the public and citizen government. It is intended to provide you with the skills and insight necessary to organize an efficient and accessible regulatory system. We hope that ideas presented in this bulletin will stimulate discussion among planning boards, municipal officials and the public on ways local laws can be improved for the benefit of the community.

Part One:
How User-Friendly is your System?

The Term "User Friendly" is a relatively new but widely used addition to the terminology of bureaucracy. Perhaps it has been over-used to a point that its meaning is somewhat unclear. We shall define the term for our purpose as follows:

> **"User Friendly"** means laws, regulations, procedures and maps that are designed, written, and administered in a clear and precise manner in order to communicate necessary regulatory information to a non-technical audience. The primary focus is to provide the information necessary to allow the reader or user to comply with the regulation and complete procedural requirements with a minimum of time, error, and outside technical assistance.

As you can see from the definition, the user-friendly approach is not limited to the written words of the ordinance. The key components of a user-friendly system are clear and precise ordinance language, people who understand the language, and administrative procedures that are not only spelled out but understood and followed by the reviewing authority.

A user-friendly land use system will have the following characteristics:

- ✓ Phrases and terms in the ordinance are understandable by a non-technical audience or are clearly defined.

- ✓ The ordinance is easy to navigate.

- ✓ Goals and purposes are clearly laid out. The desired result ("purpose") is directly tied to the provisions of the ordinance.

- ✓ Application procedures and review criteria are clear, timely and relevant.

- ✓ Forms are available to assist the applicant, and to assist administrators in meeting ordinance requirements.

- ✓ Pre-review or application assistance is offered to applicants. Appropriate officials are available to answer questions.

- ✓ Maps provide up-to-date, accurate, and useful information.

- ✓ Performance standards are not overly vague; prescriptive standards are not overly technical.

- ✓ Ordinances are based upon a comprehensive plan and both the plan and the ordinances are reviewed and updated on a regular basis.

It is not always easy to determine if you are user-friendly. Here are some clues: if local residents are always complaining about code enforcement, or if the planning board takes way too long reviewing development applications. But there are subtler clues as well. The following sections of this bulletin demonstrate how to evaluate your existing ordinance, where to look for omissions or errors, and how to go about adding a user friendly element to your regulatory system.

As we look at user-friendly systems, it may be useful to know what we are trying to *avoid*:

Permissive: "User-friendly" does NOT mean that applicants can provide minimal information or incomplete applications, or that anyone can do almost anything in town. User-friendly is content neutral; that is, it can be either very permissive or very restrictive. The only goal is that everybody knows where they stand.

Brief: A three-page ordinance is not often user friendly. Since a user friendly ordinance is one in which the rules and procedures are explicitly stated, terms defined and standards described, it needs to be a thicker document. It's the difference between your boss ordering you to do a job you've never done before, versus sitting down with you and explaining where the tools are, how not to make mistakes, and when to know

when you've got it right. Which approach is briefer? Which is better?

Part Two:
Language and Structure

The authority to regulate land use at the local level comes from a locally adopted (or state mandated) law. The law is usually the first place to look for problems.

There are certainly plenty of potential problems to be on the lookout for in the way an ordinance is written. (Even if you are not on the lookout, they may beat you over the head.) Listed below are a few of the symptoms of a non-friendly ordinance:

- An ordinance is poorly organized. Users are often unable to distinguish procedure from standards, or to find which rules apply to their particular case. Often, this is attributable to insufficient numbering, labeling, or section breaks.

- The CEO or planning board frequently receive applications that are incomplete, requiring several submittal attempts before a complete application is arrived at.

- The criteria upon which the CEO or planning board makes a permit decision are hard to find, not spelled out, or generally ignored. The applicant may not even be aware that specific criteria exist.

- There is no clear connection between the review criteria and standards. Since standards are intended to instruct the applicant how to meet the criteria, the connection should be obvious.

- There are no standards. A lack of standards leaves compliance with the criteria up to the discretion of the reviewing authority, leaving the whole process open to mistakes or abuse.

- Technical or bureaucratic terms in the ordinance are not defined.

- The text contains legal or technical jargon, confusing phrases, or outdated terminology.

- Legal citations and references are no longer current.

- Administrative and appeal procedures are not clearly spelled out in the ordinance.

- The reviewing authority often has to make interpretations and "judgment calls," or spends time asking whether they are setting a precedent. The ordinance does not provide sufficient detail.

- Information is presented in long paragraphs, as opposed to tables, lists, or graphics.

- Related maps are unclear, illegible, or drawn on the wrong base. Maps are not backed up by text descriptions to help resolve the inevitable uncertainties.

- The ordinance is internally inconsistent. This means that provisions of the ordinance appear from the language to conflict with each other.

There is no golden rule that says your ordinance is not user friendly if you have more than three of the symptoms in the above list, or seven, or twelve. Each of the bullet points above can be addressed as a separate issue, and can be remedied with varying amounts of effort. Of course, if you have several elements to change, it makes sense to work on them all at once, to minimize the overall effort.

Clarity and Simplicity:

"Simple and direct" has long been a goal of writers; this is not, however, the equivalent of "brief." Many a brief ordinance attempts to

address complex issues, only to generate frustration. The users of such ordinances are asked to carry out a stated policy with little guidance from the text. This situation leads to a vague or arbitrary decision, creating an environment ripe for misunderstanding and lawsuits.

The final length or number of pages is not the appropriate criteria for determining if you have a clear and simple ordinance. The most understandable ordinances contain more pages than their counterparts. An example from the publishing world should illustrate this point:

The scourge of the modern office is the software Help Menu. The authors of these cryptic instructions seem to forget that they are writing them for relative novices, rather than fellow tech-heads. Ignorance of the principles of simplicity and clarity created the market for the popular series' of *Idiot's Guide to . . .* and *Computers for Dummies*, large books that offer explanations and instructions geared for a very non-technical audience. The difference? The popular books cost extra and contain more words than the Help Menus, or the original technical manuals. A technical audience would not need each and every step explained; a non-technical audience is lost without this type of detailed guidance.

Land use regulations are very similar. Ordinances and regulations are often written by and for a technical audience of planners, engineers, lawyers or Code Enforcement Officers instead of the general public. This can lead to a situation where only the CEO can interpret the language and only an engineer can file an application. This disenfranchises a large number of planning board members and prospective applicants.

Ordinance language can become far more user-friendly if you keep in mind just a few drafting principles:

- Use words everybody knows. Avoid jargon. "Jargon" is verbal shorthand used by technical or legal professionals. You can often say the same thing with a simple sentence rather than one word.

- Sometimes, technical terms are necessary, as when they link to specific requirements in other laws, rules, or court cases. In these cases, the terms should always be included in your definitions chapter.

- The definitions chapter is critical. In our experience, 90 percent of interpretation questions can be answered by simply reading the definitions. Or, a question can't be answered, because a critical definition is lacking. The term at issue may be as simple as the word "street."

- Avoid standards which require users to follow complex procedures or calculations, or to reference multiple other sections of the ordinance. The more complex a procedure is, the greater the chance for error and frustration.

- Charts and tables simplify a complicated set of conditional rules (e.g. zone-by-zone setbacks) and they are useful for this task. But they lose their effect if every cell is filled with qualifiers, asterisks, and footnotes. Sometimes, it's just easier to spell things out.

Getting the Words Right

It is, of course, quite important to not only say things clearly, but to say the right things. For this reason, ordinance drafters quite properly use models or samples from other jurisdictions.

Existing ordinances are among the most useful tools you can find when it comes to writing an ordinance from scratch, adding sections, or revising procedures. The reason for this is clear: over the years, planners in other jurisdictions have faced the same issues, tried out solutions, some of which didn't work, refined their solutions, possibly faced some court cases and

refined some more, and eventually crafted what you see now. "Model ordinances" (as opposed to borrowing from the town next door) have the further advantage of being the collected wisdom of several such jurisdictions. In other words, a model ordinance is your opportunity to learn from a lot of other blunders.

Watch out for two things when using model ordinances:

A model ordinance is very likely to contain the type of jargon and technical terminology that make for confusion in the first place. Though such wording may be quite specific it will be a precision of an engineering nature; that is, very technical and comprehensive. You may need to "translate" it.

Consider the source. Model language comes from jurisdictions that have already faced the issues you are trying to solve; they are likely to be larger than yours, with greater staff capacity, or from a different part of the country. Their language may not be appropriate to your town. For example, model design standards usually rely on the assumption that a town has professional staff versed in architecture. It's not really intended for a volunteer board to interpret.

Land use ordinances are required by law and tradition to be consistent with the town's comprehensive plan. The plan may set broad guidelines or recommend specific wording. You cannot just import language from another jurisdiction, if your plan sends you in another direction.

Approval Criteria and Performance Standards

The critical elements of an ordinance are the *approval criteria* (findings which the reviewing authority must make to approve a permit) and *performance standards* (guidance on how to meet those findings). For example, the Maine statute governing subdivisions (30-A MRSA, sec. 4401 et seq.) list 19 criteria, for which the

reviewing authority must make findings of compliance. The law does not go into a discussion of how applicants shall meet those criteria, so local versions contain a set of performance standards customized for that town.

Approval criteria should track the purposes of the law. In other words, if a board finds that all of the criteria have been met, this will assure that the purposes stated in the ordinance have been met as well. Conversely, a criterion not supported by the purpose could be deemed illegal.

In turn, the standards follow the criteria. Each standard should relate directly to a particular criterion. If it does not (or if a criterion has no standard to implement it), there is a good chance for confusion, or even illegal regulation.

A common practice is to mash criteria and standards together in the text. The SPO's *Site Plan Review Handbook* uses this approach. If you follow this practice, you must remember to keep a clear distinction between what is an approval criterion and what is a performance standard.

The approval criteria are your checklist for the review – items like "undue impact on traffic," and "no significant degradation of water quality." They tend to allow a little room for interpretation, but must be met and cannot be waived.

Performance standards are the visible and measurable elements that must be incorporated into the development to demonstrate compliance with the criteria. They tend to be more rigid, but because one set of rules cannot fit every kind of development, ordinances generally include waiver procedures. Standards must be separated from criteria if for no other reason than ensuring the criteria aren't waived by mistake.

Perhaps the best approach is to combine criteria and standards, but structure each section so that the criteria clearly stand out. An example might be as follows:

Section X: Traffic Safety

A: Approval Criteria: The development will not create unsafe traffic conditions on public roads.

B: Performance Standards:
    Access location . . .
    Driveway design . . .
    Level of service . . .

Throughout this bulletin, we refer to development rules as "performance standards" because that's what everyone calls them. However, there is a distinction to be made here. Technically, *performance standards* define only a level of demonstrated results. A different type of standard is the *prescriptive standard*. The prescriptive standard requires specific actions.

Some examples of prescriptive standards:

A double row of hay bales shall be placed on the downside slope of all disturbed areas, and anchored in the ground with wooden stakes.

The driveway throat shall be no less than fifty feet in length.

Similar requirements as performance standards:

The disturbed area shall be protected from erosion until a permanent vegetative cover is installed. Erosion control design shall comply with that in the Erosion Control Handbook.

The driveway throat shall be of sufficient length to accommodate the expected peak hour traffic without impeding movement within the parking lot or on the public road.

The advantage of a performance standard is that it allows the developer a range of options, one of which may work better and cost less than the prescriptive standard. Sometimes, as in the erosion control example above, the performance standard is really only referencing some other prescriptive standard, but one that is more likely to keep up with advancing technology and practice than your ordinance.

This is one area where you really have to balance results with user-friendliness. The prescriptive standard is a black-and-white, usually numerical measure, there for all to see. The board knows exactly what to look for; the developer knows exactly what is required. The performance standard allows for better solutions, yet the board is faced with less certainty and the developer does not have a guarantee of acceptance.

Look at your current procedures and results. If you find that you are always waiving your standards, they may be too prescriptive and you need to move towards performance standards. If you find that development on the ground is not what you thought you approved, you need to move the other direction.

Ordinance Structure

Beneath the words of an ordinance are its bones, or structure. The structure provides shape to the ordinance, which allows the user to navigate to the language he or she needs to see. At its simplest, a structure may consist of section headings and paragraphs; a more complex structure may closely resemble a statutory code, but may be easier to locate what you want.

What kind of structure you need depends to some degree on the complexity of the document. A comprehensive land use ordinance will need to be constructed much differently than a simple rule for building permits or minimum lot sizes. And the longer an ordinance is, the greater the possibilities for improvement. Complex ordinances tend to be built up over time; some may have evolved different review procedures for half a dozen permits. Your examination may reveal opportunities to bring it all together into one process or a simple set of standards.

There are many relatively simple ways to improve the structure of an ordinance.

- ✓ A strong purpose statement will establish the context for other sections. The purpose statement is the justification for the ordinance. If you find a section of the ordinance that does not serve the purpose, it is likely either superfluous, illegal, or both.

- ✓ The ordinance should be organized logically. All of the "boilerplate" sections on authority, validity, amendment, and so on, should be in one place. It should be followed by the section on administrative procedures, proceeding from initial review through to appeals. The "review criteria" and "performance standards" should lock together.

- ✓ Cross referencing will be necessary in more complex ordinances. Cross referencing (referring the reader to other sections) will reduce the size of the ordinance by eliminating redundant sections, and reduces the chances of creating internal conflicts caused by putting similar requirements in separate sections.

- ✓ Cross referencing can also be useful in alerting the reader to related sections of the ordinance. The requirement for setbacks, for example, may be related to standards for buffers, drainage easements, driveway separation, and so on. One way to incorporate this -- under the section head "Setbacks," insert: "Related Sections: Buffer areas, drainage easements, driveway separation."

- ✓ A detailed table of contents will assist the user greatly. It may also help to organize your own thoughts, as authors, when you start to list all the sections and realize how they relate on paper.

Formatting and Style

As simple a thing as providing a clear and easy-to-follow format can make any document more user friendly. The language of an ordinance is an important element of communicating complex information to the users, but the format is what allows them to find it.

- ▪ Text should be highly readable. With electronic media comes an almost infinite variety of type fonts and sizes. Some of them are cute but nearly illegible. Courier is the font that most typewriters used to have. Times New Roman is what most newspapers use, and they should know what gets people reading.

- ▪ It's tempting to use a smaller font size to save on paper. Just remember that most of your audience has old eyes.

- ▪ Use font styles, such as Bold, Italic, Small Caps, or Underlining to direct eye traffic. The reader's eye is drawn to visual differences, so use it for headings, for emphasis, etc.

- ▪ Sections should be organized/indented in outline form. A coding system helps the reader to distinguish a hierarchy of importance, while leaving room for future amendments. This also makes creating the table of contents much easier.

- ▪ Numbers used in the ordinance can be presented in numerals (24) or written out (twenty four). The legal practice is to use both together, to avoid errors due to typos, but this is obviously not possible in tables and charts. Numerals make for easier reading, but more likely to be mis-typed. Whatever format you use, keep it consistent throughout the document.

- ▪ Begin a new chapter at the top of a page, to emphasize its importance.

- Think about amendments. While electronic media have completely done away with the old practice of re-typing a document from scratch to make a few changes, you can still make it easier on yourself. A coding style of outline format allows you to insert paragraphs without screwing up the numbering.

- You can use the underlining and strikeout features of your word processor to indicate amended text, as long as it doesn't get too messy.

- Setting page numbers by chapter (e.g. "page IV-3") rather than beginning-to-end means that you won't have to re-check all of your cross-references and reprint the whole document with every amendment.

- The front of the document should contain an amendment page, showing date, section number, and a brief synopsis of the change.

- Think about color. Using color in your document is eye-catching. But colored pages (to distinguish sections), illustrations, or colored inks, for emphasis, make it much more expensive to photocopy, and if copied in black and white, may disappear altogether.

Maps

Many ordinances contain maps, and in a zoning ordinance they are critical. Official Zoning Maps should be as accurate as possible and in most circumstances should be overlaid on a property boundary base map that provides landowners with an easy way to locate their property. All ordinances should also include rules for the interpretation of the official maps and assign responsibility to a municipal board for making official interpretations.

A general rule of thumb is that the most restrictive zoning, land use or overlay districts should be displayed on the most accurate map possible. Here are some additional pointers for map clarity:

- Boundaries should be tied to fixed objects, such as roads and watercourses, as opposed to simply drawn.

- If your boundary parallels a fixed object, tie it in with a label, for example an arrow labeled "500 feet" pointing to the road centerline and the zone boundary.

- Polygons may also be rendered as metes and bounds descriptions in the text. You must include a method of resolving problems if the map and narrative don't match.

- The text should contain rules for interpreting the maps, e.g. that streams are measured from the thread, roads are measured from the centerline.

- Both the map and the text should note that the map may not be accurate and the true boundary is to be found on the ground.

A map that is too large to fit into the ordinance book – meaning most zoning maps – must be incorporated by reference. It must be treated the same as the text, with an official copy in the town clerk's office and copies available to the public. Remember color is hard to copy. If you want to distinguish districts, use grayscale, screening, or map symbols to supplement the color.

Maps created electronically by GIS are far prettier than hand-drawn maps, but a hard copy is a necessity. *A map inside a computer is not a legal map!* GIS lines are not actually artwork; they are databases with coordinate references. They are subject to all the potential errors typical of databases, as well as intentional or unintentional tampering. Don't be dazzled by sharp lines and crisp colors. A computer-drawn mistake is still a mistake.

Part Three:
User-Friendly
Administrative Procedures

The form and content of an ordinance contribute to its smooth administration, but you can have a great ordinance and still have a clunky review procedure. "The proof is in the pudding."

Do you have a user-friendly administrative system? Here are a few of the danger signals. Some of these relate to ordinance content itself, many relate to the staffing and procedures in place at the town office.

- When a potential developer inquires about an ordinance, town office staff make a mad scramble to find the most recent version, then don't have more than the single copy available.

- Town office staff are unfamiliar with application procedures. The only person who knows how an application is to be filed is absent most of the time.

- Only one or two copies of the land use map exist and they are not easily reproducible.

- Permit applications are distributed without any explanation or offer of assistance with submission requirements.

- Applicants are unsure of whether their application contains all the necessary elements.

- The application is not determined to be complete prior to review on its merits.

- Reviews often drag on for months, due to incomplete submissions or vague ordinance requirements. Simple applications take more than one meeting to resolve.

- Review boards fail to follow legal procedures, are confused about voting, leave no paper trail, or fail to inform an applicant of his appeal rights.

- Decisions of the CEO or planning board are often appealed.

Each of these examples has a remedy. In some cases, it may be as simple as creating new forms and checklists. Others may be a little harder to address, requiring additional staff time and costs. This bulletin focuses on the simpler solutions.

Planning Board Procedures

Volunteer citizen government is a strong Maine tradition; however, it does create a constant turn-over of board members. The influx of new officials means a constant need for training and knowledge of local and State land use law and administrative procedures.

Many towns rely upon the institutional memory of a key person such as the CEO or a veteran board member to provide reliable interpretation of land use ordinances. This practice works only until that particular person leaves. Reliance upon one or two persons may have been valid when board members served for twenty years. Today, there is a much higher turn-over rate of officials and board members.

The following ideas and suggestions should be considered as a way to address this issue:

- A well written ordinance will minimize the need for frequent interpretation.

- Revise the ordinance if the planning board commonly trips over the same section.

- Appoint alternate board members as a way to provide hands-on training for future members.

- Regular board training should be a priority, especially for new members.

- Ensure that each board member has a complete package of the town's land use ordinances, maps, checklists, guidelines, etc.

- Use the services of your regional council or MMA to provide training in legal and procedural issues and assistance with complex permit applications.

Perhaps the most important thing the board can do is develop procedural and administrative checklists. A procedural checklist, for example, can include the following items:

- ✓ Date application submitted: ___
- ✓ Date found complete: ____
- ✓ Abutters notified
- ✓ Media and public notice
- ✓ Public hearing held
- ✓ Decision rendered, date: ____
- ✓ Plan signed
- ✓ Notice of decision and right to appeal

The procedural checklist should incorporate your timetable. As soon as you enter the date that the application was submitted, you should know the dates by when it should be found complete, the public hearing notice issued, and the decision rendered. These become ticklers on the checklist.

In most cases, planning boards must make findings of fact and conclusions. It helps to outline these on paper. Obviously, you cannot fill out the findings or conclusions prior to review, but having an outline in front of you saves time and helps to ensure you don't miss something.

For example, the conclusions should mirror the approval criteria. Your outline will list all of the approval criteria, with the option to circle:

> *Meets*
> *Does not meet, or*
> *Can meet with conditions.*

If done properly, the outline will result in the conditions of approval already noted.

Copies of all the forms and checklists should be included in a binder for all board members.

Legal Requirements

The administration of any law requires that you comply with the law itself, with Constitutional protections and procedures, and with other laws. If you have been sued by an applicant or abutter, you know you've had a close encounter with legal requirements, but you can also be pro-active in your practices, to minimize the risk.

There is nothing user-friendly about legal requirements, but it helps to have a clear idea of what the public's rights are, and how things operate. Fundamental among their rights is the right to question your decision.

Variances and administrative appeals are a necessary component to every land use system. The public has a right to due process, by allowing for consideration of hardships and for addressing perceived abuses by municipal officials and boards. However, frequent appeals should alert you to problems with the system. A well written and relevant ordinance that is fairly administered should result in a low number of variance and administrative appeals.

Variances should be the exception rather than the rule. If you have a high number of variance requests, you should attempt to identify what is causing them. Consider changing the ordinance in a manner that would reduce or eliminate the need for a variance.

Administrative appeals allow a person to question the town's interpretation of the ordinance. They are necessary to protect the public from arbitrary decisions on the part of the CEO or planning board. Again, if administrative decisions are frequently appealed, this should be a red flag.

The local board of appeals exists to provide a semi-judicial forum for variances and administrative appeals. It is not a reviewing authority. Some towns mistakenly treat it as such, allowing it to grant permits and review planning board permit approvals or denials.

If your town is doing this, it should cease. Allowing the board of appeals to be a second planning board is confusing and possibly illegal. The authority of the board of appeals should be limited to questions of interpretation of (or relief from) the law; review of permitting decisions should go directly to the courts.

Another legal issue to be aware of is the potential for regulatory takings. A "taking" is government-sponsored action to take a person's property without just compensation. Modern legal concepts have split "property" into myriad bits of property "rights," leaving the question of what constitutes a taking much thornier.

The taking issue is most important in the ordinance itself, and is why you should always have a draft ordinance reviewed by an outside party with some knowledge of the issue. But it can also come up in the course of application review. Conditions of approval can sometimes constitute a taking.

Office Practices

The town office is the public face of your land use system. This is where users get their first impressions. Make sure it is a good one.

An adequate supply of ordinances and maps should be kept on hand. One wonders how the public is expected to comply with land use regulations, when getting a copy of them is virtually impossible. If you are worried about the cost, it is OK to charge for documents.

Some things that could help this situation are the following.

- Provide copies of the official maps and all ordinances to the local library.

- Alert the public to availability of these documents in the town report, local newsletter or newspaper article and the town meeting.

- Put the ordinances online in an easily downloadable format. Don't forget the map, at a legible size.

- Consider attaching a copy of the ordinance to each permit application. The permit fee could cover the cost. If this is too much, at least distribute the checklists governing submission requirements and approval criteria.

- Identify the professionals, such as real estate firms and engineering and construction companies, and make sure they have current copies of the ordinance.

People usually come to the town office asking, first, whether they need a permit, and second, for an application form. This information should be available whenever the town office is open. If the CEO or town manager cannot be there, you should consider writing up a "Guide to Development in _____ town."

A development guide provides immediate assistance to a person. A bulleted list identifies which forms of development require permits. An FAQ can answer what forms are needed, how long it will take, and who to call with questions. It can be as short as one to two pages. It eliminates the possibility of getting wrong information from office staff, and leaves potential applicants a lot less frustrated.

The use of application forms is common practice. Application forms provide each applicant with a uniform and standard method for seeking permit approval. But forms have a tendency to be either too long or too short. The form should make it clear what must be submitted, but not require everything to be entered on the form (unless it is

available online or in electronic form.) A good way to achieve this is simply take the checklist you have prepared for submission requirements and attach it to a basic form.

Consider also including the following elements in your application forms:

- Keep the forms simple and use a clean format free of fancy graphics.

- The form should refer the applicant to the ordinance in order to check for particular requirements that will apply to their proposal.

- An information sheet describing application procedures, fees, and deadlines should be attached to the application. (It should not be on the same page, or the applicant will end up without it when they turn in the form.)

- The approval criteria may be attached to the application with an explanation of how the reviewing body will use these criteria to evaluate the application.

- The form should explain any waiver requirements and procedures.

- The form should indicate the person or department responsible for answering any questions, and contact information.

Streamlining Administrative Procedures

Often, the least user-friendly elements of a process are the procedural requirements themselves, frequently referred to as "red tape." A town should look objectively at its procedures to determine if it is not making things more complex than they need to be.

Perhaps the most common form of red tape is the "permit runaround," in which it is very difficult to learn what kind of permits you need, and from whom. Part of this is structural – multiple laws with overlapping jurisdictions – and part is bureaucratic – people simply not able to know everything.

Some towns have sought to address this problem by providing "one-stop shopping." This means that all permits are available from a single office. For example, the CEO's office has forms for site review, building, plumbing, sewer hookup, and curb cuts.

Another approach would be to create a flow chart for development review. A flow chart often looks like a complex diagram, but is really a set of Yes/No questions: *Is the property within 250' of a waterbody? If Yse, then you need Shoreland Zoning. Is the proposal for a commercial use? If Yes, then you need Site Review.* The flow chart allows the property owner to determine his own requirements, without relying on the town office.

A somewhat deeper approach requires a review of your entire regulatory system. Many a town adopts ordinances one at a time over years, and now has half a dozen permitting processes when a single one might do the same thing. The current trend is for towns to move to a "Unified Ordinance." Usually, this combines zoning or site review with subdivision regulation.   Other ordinances that could be rolled into a unified ordinance include housing, building, mobile home park, streets and ways, floodplain, cell tower, minimum lot size, junkyard, gravel extraction, and so on.

The advantage of a unified ordinance is that you have a single place to look for review process, definitions, submission requirements, etc. You may still choose to have a "tiered" system (e.g. major versus minor, CEO versus board review). But it will be much easier to determine which projects fall into what categories.

A single ordinance will also save paper and strengthen your legal position by having a single set of provisions for administrative and appeals processes, instead of separate ones in each ordinance.