

Administrative Reorganization/Development of Unified Development Ordinance (UDO) Project Update, October 20, 2015

Project Purpose: Generate an ordinance that is understandable by a non-technical reader, is well organized, has clear procedures and review criteria, and is accompanied by accurate maps.

History: A time and materials contract with Kendig Keast Collaborative (KKC) was executed in September 2014 for the complete reorganization of all land use related ordinances, including the Zoning and Site Plan Review Ordinance and the Subdivision Ordinance. The Ad-hoc Zoning Committee (AZC) was created and charged with being a stakeholder representative group to help guide the consultant and staff with the project.

Project Description: The project consists of several major tasks: initial stakeholder input; creation of an organizational outline; and two modules of ordinance drafting. Module 1 includes Authority, Zoning Districts and Land Uses, Development Standards, Accessory Use Standards, and Design and Special Development Standards. Module 2 includes Site Plan Review, Environmental Management, Land Subdivision, Growth Management, Nonconformities, Administration, Permits and Procedures, Appeals, Enforcement and Remedies and Definitions. This project utilizes the new software purchased from enCodePlus, KKC's sister company. This software now hosts the Town Charter and Code of Ordinances online and allows staff to draft and publish ordinance changes directly.

Project Update: The initial schedule called for completion in late 2015. During the development of the organization outline and the first module it became evident that there was a substantial amount of reconciliation of ordinance components that needed to be completed. This was not part of the consultant contract and has involved KKC, staff and the AZC. It was not expected that KKC would need to break apart individual paragraphs and sentences from sections and place them in new sections for the UDO to be intuitively organized, properly structured, and to afford good cross referencing. The thirty year history of amending and drafting ordinances without reconciling them against all other land use ordinance provisions has resulted in this level of disorganization and internal conflict.

Staff was hopeful that some of the work could be absorbed in house, but that has not been possible. In fact as more components of the UDO are drafted, it is clear to the AZC and staff that additional in-house effort is needed. This includes items such as reconciling use terms and definitions and permitting procedures.

Current Status: As a result of these complexities, the contract amount has been expended prior to completion of the project. Based on the level of added work to date, the estimate attempts to be conservative. KKC commits to make the best effort possible to keep costs down to complete the project. The additional costs for KKC services to complete the project could approach \$35,000. It is estimated that the total project, including KKC, staff, and committee time is at about 60-70% complete.

Remaining Work by KKC: In summary the remaining work includes the completion of the second module, review and incorporation of staff and AZC comments in the second module, final review and quality control assessment of the entire ordinance, and preparation and publication of the final adopted ordinance. A list of identified tasks that remain is attached.

Staff Involvement: Based on the work to date, we estimate an increase in staff time required. The committee and staff want to work on as much clean up as possible before the ordinance comes to the Council. The quality of the product is crucial and achieving a high level of confidence in the accuracy will affect the ultimate adoption date.

Administrative Reorganization/Development of Unified Development Ordinance (UDO)
Project Update, October 20, 2015
Detailed tasks remaining by KKC

1. **Completion of the final draft**
 - a. Check and verify all cross-references and add new cross references
 - b. Ensure consistency in the use of words and phrases
 - c. Add titles and subtitles to help the navigation of the code
 - d. Resolve formatting issues including punctuation, capitalization, etc.
 - e. Clean up poorly written code text that is difficult to understand by reason of its grammar, word usage, or simply the manner in which it is written.
 - f. Oversee and provide input to the development of the District-Use matrix, including the addition of appropriate cross-references, checking and adding table notes, etc.
 - g. Create the dimensional standards table. In most ordinances, this is pretty straight-forward as it involves districts and their dimensional standards. In the case of the Falmouth ordinance, it involves individual districts and individual uses, together with their dimensions, which are sometimes the same and oftentimes different. This makes this table a great deal more complex and time-consuming to build.
 - h. Verify that all references to zoning districts are accurate relative to the new abbreviations used in the UDO.
 - i. Build the permits and procedures tables and defining zoning versus site plan processes.
 - j. Tag all the definitions so they pop up in the User Module;
 - k. Reread the UDO and insert cross references throughout the entire Code; and
2. **Quality Control / Quality Assurance (QA/QC) review** - an entire read-through by a single person from start to finish ensuring absolute consistency and combing through the code to be sure it is all accurate, clear, and together.
3. **Adoption Process**
 - a. Prepare a memorandum outlining the provisions of the Town Code (and other ordinances, as applicable) that requires repeal and retraction.
 - b. Assemble a public hearing draft of the UDO upon completion of Module Nos. 1 and 2 for review and consideration by the Ad Hoc Zoning Committee, Planning Board, and Town Council, delivered in enCodePlus and MS Word.
 - c. Approve and publish the final UDO in enCodePlus (including HTML clean up), and export it to MS Word.
 - d. Test print functions in enCodePlus to assure that printing to Word or PDF is done with the desired format.

The following items are included in the \$35,000 estimate provided further complexities do not prohibit their completion. They are listed by staff recommended priority.

1. Insert graphics to help illustrate and explain the technical matters of the ordinance. These may include standard or customized graphics, which would greatly improve the readability of the UDO. Staff strongly supports graphics to be added but this could be removed from the current project.
2. Participate in a public hearing (or hearings) with the Planning Board and/or Town Council. This would include preparation of PowerPoint presentations for each.
3. Participate in the briefing with the Town Council, which is to occur upon substantial completion of Module No. 2. This would include preparation of a PowerPoint presentation.
4. Update the project schedule and calendar of Ad Hoc Committee meetings that KKC will participate in to present and discuss the UDO, including PowerPoint presentations for each.