

Adding to the “Starter” Model Land Use Management Code

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Parts of the Model Code

1. Standard Template for All Ordinances
2. Environmental Planning Criteria
3. Environmental Protection
4. Subdivisions and Land Development
5. Performance Approaches (No Map)
6. Use-based Regulations (No Map)
7. Mapped Approaches
8. Special Growth Management Techniques
9. Regulations to Implement Character Areas
10. Procedures, Boards, and Commissions

Environmental Regulations

- Environmental criteria (part 2 of the model code): wetlands, water supply watersheds, groundwater recharge areas, and protected river corridors
- Flood Plain Management (part 3)
- Grading (in addition to soil erosion)
- Environmental impact review

Environmental Impact Review (§ 3-5)

- Identify and mitigate the impacts of development on the environment
- Require environmental checklist and consider environmental consequences
- Staff makes a determination of impact which consists of one of the following:
 - (a) Finding of no significant impact (FONSI)
 - (b) Significant impacts will be mitigated
 - (c) Finding of probable significant adverse impact – environmental impact statement required

Additional Development Regs.

- §4-2 ALTERNATIVE STREET AND PEDESTRIAN SYSTEM STANDARDS
- §4-3 BICYCLE FACILITY SPECIFICATIONS
- §4-4 TREE PROTECTION
- §4-5 LANDSCAPING AND BUFFERS

Performance Related Regs.

- §5-1 PERFORMANCE STANDARDS FOR OFF-SITE IMPACTS
- §5-2 DEVELOPMENT PERFORMANCE STANDARDS
- §5-3 PUBLIC NUISANCE
- §5-4 MAJOR PERMIT REQUIREMENT
- §5-5 LAND USE GUIDANCE (POINT) SYSTEM
- §5-6 TRAFFIC IMPACT STUDIES

Performance Standards For Off-Site Impacts (§ 5-1)

- Prevent “negative externalities” of various uses, such as odor, noise, lighting, dust, etc. from adversely impacting abutting and nearby properties
- “Performance standards” approach can be used in lieu of zoning districts; also can be combined with zoning districts
- Includes provisions for outdoor lighting, noise, vibration, odor, particulate matter, and electromagnetic interference

Development Performance Standards (§ 5-2)

- On-site development controls
- Regulate by land use not zoning district
- Height limits, setbacks, and buffers
- Maximum development intensity limits
(impervious surface, open space and
development coverage ratios)

Major Permit (§ 5-4)

- Certain projects require review and approval by the governing body
- 10 acres (commercial) or 10-lot subdivision
- Ten criteria specified to help the governing body review applications; additional guidance also provided
- Borrowed from Vermont Act 250 (1970)

Land Use Guidance (Point) System (§ 5-5)

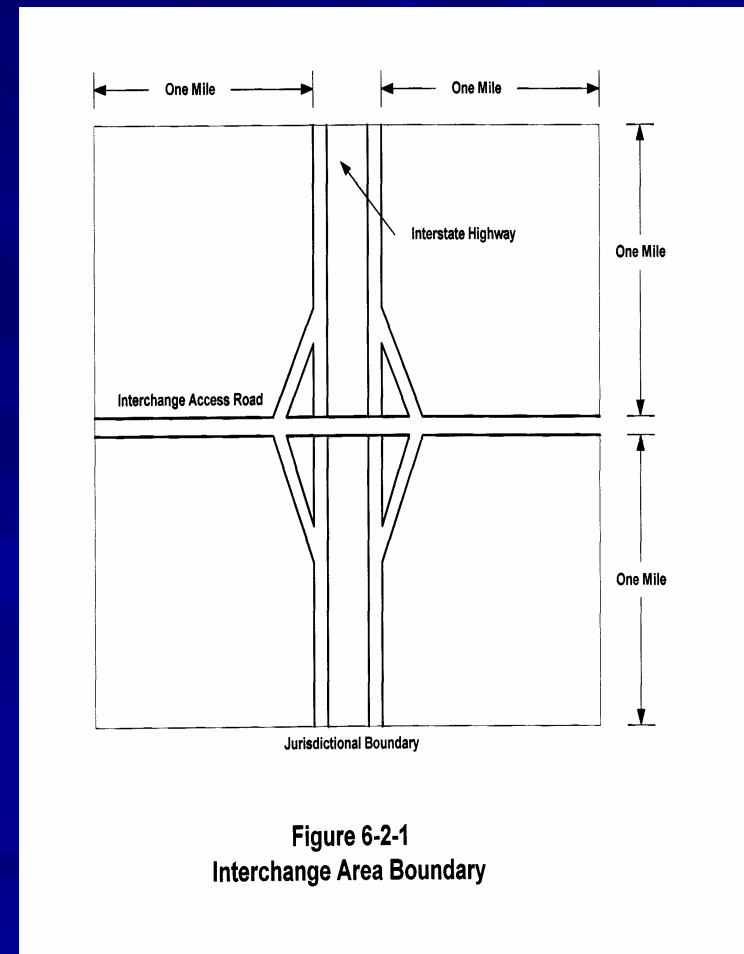
- Project rating system for growth mgmt.
- Disallow scattered or leapfrog subdivisions and encourage developments contiguous to existing development and fully supported by services
- Requires at least twelve (12) points to receive approval; additional points can be gained by providing amenities (park, etc.)

“Mapped” Approaches

- §7-3 AGRICULTURAL BUFFERS
- §7-4 LAND USE INTENSITY DISTRICTS AND MAP
- § 7-5 INTERCHANGE AREA DEVELOPMENT
- §7-6 MIXED USE DISTRICT
- §7-7 SCENIC CORRIDOR OVERLAY DISTRICT
- §7-8 RURAL/SUBURBAN ARTERIAL CORRIDOR OVERLAY
- § 7-9 RESIDENTIAL INFILL DEVELOPMENT

Interchange Area Development (§7-5)

- Interchange may be only area with growth pressure
- Requires site plan approval but no use limitations
- Setbacks, buffers, sign controls, landscaping requirements, etc.



Scenic Corridor Overlay District (§7-7)

- Can't have an overlay w/o zoning/land use!
- Protect views from the road
- 1,000 foot corridor, 100 foot setback, and 40 foot buffer, established
- Tree planting requirements
- “Product viewing areas” permitted (20%)

Arterial Corridor Overlay (§ 7-8)

- Best implemented after plan is developed for the corridor
- Avoid strip commercial development
- Establish nodal development pattern at major intersections (i.e., “focus areas”)
- “Amenity zones” within focus areas
- Generally prohibits commercial and industrial uses outside focus areas

Growth Management

- §8-1 RURAL CLUSTERING
- §8-2 CORRIDOR MAP
- §8-3 DEVELOPMENT AGREEMENT
- §8-4 INTERIM DEVELOPMENT REGULATIONS
- §8-5 AFFORDABLE HOUSING

Mandatory Rural Cluster (§8-1)

- Address concerns with the aesthetic and environmental impacts of large lot residential subdivisions in rural areas
- Preserve farmland and rural character
- Similar to but not same as conservation subdivisions (usually optional not mandatory)
- Place homes on small part of property
- Protect resource lands (remainder parcel)
- Design requirements established
- Farm/forest management plan required
- Planning commission can require the rearrangement of subdivisions

Implementing Character Areas

- §9-1 DOWNTOWN SPECIFIC PLANS
- §9-2 DESIGN REVIEW
- §9-3 DESIGN GUIDELINES
- §9-4 HISTORIC PRESERVATION
- §9-5 FORM-BASED CODE PROVISIONS
- §9-6 CHARACTER DISTRICTS

Procedures and Commissions

- §10-1 PROCEDURES
- §10-2 PLANNING COMMISSION
- §10-3 HEARING EXAMINER
- §10-4 URBAN REDEVELOPMENT/
DOWNTOWN DEVELOPMENT
- §10-5 INTERGOVERNMENTAL
AGREEMENT FOR SERVICES

Wrap-Up

- Conclusions
- Discussion
- Questions
- Issues
- Concerns
- Next Steps