

## Flexible Subdivision Regulations

### What is it?

Many Georgia communities rely on conventional subdivision regulations that typically focus on rigid lot size and setback requirements. These regulations tend to produce the "cookie-cutter" subdivisions that are indistinguishable from one another, regardless of where they are located. By incorporating more flexibility into your subdivision regulations, you can encourage developers to design new subdivisions that are more appropriate to the character of your area, that better accommodate the specific physical characteristics of the development site, or that incorporate quality growth principles such as mixing of uses or Traditional Neighborhood Development. (Refer to GQGP quality growth tool: Traditional Neighborhood Development)

### How to do it

1. **Involve stakeholders.** Identify stakeholders likely to be affected by the new subdivision regulations and representing various points of view in the community. Stakeholders may include:
  - local government representatives
  - neighborhood organizations
  - property owners
  - realtors
  - home builders and commercial developers
  - bankers

Educate these stakeholders about the purpose of adding flexibility to your subdivision regulations.

2. **Review current subdivision requirements.** Prepare an overview of your current subdivision requirements by drawing sketches of the "build-out" subdivisions that would result from your current regulations.
3. **Evaluate the appropriateness of the build-out subdivisions.** Work with the stakeholder group to compare your build-out subdivisions to older neighborhoods in your community or to recently built traditional neighborhood developments (refer to GQGP quality growth tool: Traditional Neighborhood Developments) or conservation subdivisions (refer to GQGP quality growth tool: Conservation Subdivisions). Identify key physical characteristics (such as lot sizes, setbacks, street widths, etc.) that stakeholders find attractive and would like to see incorporated into new subdivisions in your community.
4. **Identify needed revisions.** Based on the above review of current regulations, work with the stakeholder group to determine where your subdivision requirements should be changed. There are two primary ways to adjust your subdivision requirements:

- *Alter rigid lot-level requirements.* These requirements address physical layout of subdivision through regulating overall lot dimensions, building setbacks from the lot boundaries, location of driveways, etc. Typical large lot size and setback requirements tend to discourage the efficient use of land and more traditional neighborhood development patterns. These requirements may be adjusted for all subdivisions, or you may choose to allow developers to deviate from the requirements under specified conditions, like permitting smaller lots and houses closer to the street in exchange for incorporating particular building design standards.
- *Emphasize site-plan review.* Instead of specifying particular physical layout requirements for all subdivisions, you could instead give considerable discretion to your planning staff or development review officer(s) to react to subdivision design plans submitted by developers. With this approach, the community would adopt general standards (refer to GQGP quality growth tool: Planned Unit Developments) to guide staff review, but staff would be empowered to negotiate with developers to adjust their subdivision plans to meet particular community objectives, such as preserving open space, protecting environmentally sensitive areas, or achieving compatibility with traditional development patterns of the community. You may choose to require all new subdivisions to participate in site plan review, limit it to only subdivisions exceeding a specified size threshold (e.g. 50 acres or more), or make it optional for developers wishing to deviate from your regular subdivisions requirements.

5. **Adopt revisions.** Identify all amendments to your existing subdivision regulations that are necessary to implement the stakeholders' recommended revisions. Present these amendments to local elected officials for official adoption. Abide by all applicable notice and public meeting requirements.

6. **Publicize your new subdivision regulations within the development and real estate community.**

### **Things to consider before using this tool**

- If choosing to emphasize site plan review for new subdivision proposals, ensure that your review process is streamlined (refer to GQGP quality growth tool: Streamlined Development Permitting) and easy to understand. Site plan review is an effective tool for encouraging more innovative types of development, but only if developers are willing to tackle your review process.
- To effectively implement a site plan review process, your local planning staff or consultants should be well trained in all aspects of site plan review, since each development proposal has its own unique design challenges.
- Residents who live in neighborhoods adjacent to areas where new flexible subdivision requirements apply may oppose having a different type of development nearby (due to higher density, etc.). To minimize opposition:

1. Require that the total number of units allowed under the flexible subdivision provisions not exceed the average density for surrounding areas.
  2. Include provisions in your subdivision regulations requiring developers to meet with residents of the surrounding area to solicit their input on project design before finalizing their development plans.
  3. Encourage developers to utilize design options that place open space between existing neighborhoods and the new subdivisions.
- When adding flexibility to your subdivision regulations, be sure to include provisions guaranteeing that developments still comply with important community objectives, such as protection of important natural resources, conserving open space, or limiting traffic congestion. The pre-existing regulations and procedures were established for a reason, so likely impacts should be carefully evaluated before tossing out these requirements.

## Additional Information on Reducing Barriers to Quality Growth

### Background

- Could the interesting older neighborhoods or districts in your community have been built under your current development regulations?
- Do developers in your community complain about unnecessary regulatory barriers and hurdles when attempting to implement alternative types of development projects?
- Does your community desire, but has yet to attract, "new urbanism" style development like mixed-use projects, walkable commercial centers, and traditional neighborhood developments?
- Is the new development in your community less attractive than what was built a few generations ago?

If your community is like the typical Georgia city or county, outdated or inflexible local land use regulations may inadvertently be preventing high quality, innovative new development projects from locating in your area. There are good reasons why this situation is not desirable:

- **Loss of community character.** Chances are good that your local development regulations do not permit (or encourage) traditional development patterns of your community to be emulated in new developments. The traditional charm of your community - the type of place where people walked to work, met their neighbors at the corner drugstore, or bicycled to the nearest park - will continue to disappear as each new development project is approved.
- **Excessive land consumption.** Typical land use regulations specify minimum lot sizes, street width and parking requirements that inadvertently put more distance between neighbors and cause excessive amounts of land to be paved over for automobiles. These spread-out development patterns, commonly referred to as "urban sprawl," tend to be more expensive for your local government to serve with public facilities such as water and sewer lines. Large lot sizes also prevent developers from providing affordable, higher-density housing options in your community and can also increase the purchase prices of homes.
- **Changing development markets.** Populations are changing as citizens live longer, as single parent households increase, as fewer married couples have children, and as more people live alone. These changes are fueling a demand for a greater range of choices in where people live and locate businesses. More people these days want to live and work in traditional style neighborhoods or commercial centers. If your local development codes limit

the range of development options in your community, developers will not be able to respond effectively to these market changes.