

Assessing Local “Capacity” to Adopt, Administer, and Enforce DCA’s Model Land Use Management Code

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Overview

- Define “capacity” and explain why it is important
- Consider in more detail the political environment and the constraints it places on recommendations to adopt land use regulations
- Discuss constraints as they pertain to local governments generally
- Help you decide what the requirements are to implement various parts of the model code

Political Constraints

- Election cycles
- Campaign promises
- Political “culture”
- Misinformation campaigns
- Respect for property rights
- Reaction to the “Z” word (zoning)



Key Concepts

- Adoption: Land use regulations are adopted as local ordinances by the governing body (Board of County Commissioners)
- Administration: Some local government official is assigned administrative duties
- Approval bodies: Some regulations require decision-making by a planning commission, appeals board, or board of county commissioners/city council
- Enforcement: Violations of adopted land use regulations must be enforced administratively and if necessary in court

“Capacity” Defined

- Capacity: The willingness of the local government to adopt land use regulations given local political constraints, and the ability of the local government to adequately and responsibly administer and enforce the regulations that have been adopted (or are recommended for adoption)

Key Questions

- Staffing questions – to whom will the local government assign the duties of administering and enforcing the new regulations?
- Board/commission questions – which boards exist now and what, if any, new arrangements are needed?
- Financial questions – how much will it cost to administer and enforce the regulations?
- Planning support – are additional work products, like maps, needed to adopt and implement the regulations? If so, how will they be completed?

Gauge Current Administrative Capacity

- We have no administrative or enforcement staff
- We have staff who are available, but they are not professionals in the field
- We have staff but they cannot take on additional responsibilities
- We have one or more development processes that are enforced (e.g., soil erosion)
- We have a building inspection department and enforce building codes
- We have a city/county planner

Determine Permit Requirements

- The “land use” permit
- Subdivision plat approval
- Land development or site plan approval
- Soil erosion (land disturbance) permit
- Building permit
- Land use district change
- Conditional use permit
- Variance

Possible Staffing Arrangements

- City or County Clerk
- Zoning Administrator
- Building Official or Building Inspector
- Community Development Director or City Planner
- Code Enforcement Officer or County Marshal
- Public Works Director or City/County Engineer
- Utility Personnel
- Tax Assessor
- Private Contractor
- Sharing arrangement with other community (intergovernmental agreement)