

## **USER GUIDE**

### **WHY THE MODEL CODE?**

The intent of the model code is to provide viable alternatives to zoning that can be implemented by smaller local governments with limited staff capacity to administer land use regulations. But, because the model code offers numerous alternative land use management techniques, any local government in Georgia may find code sections of interest for addressing their specific issues or needs.

The model code was prepared to serve both as a comprehensive code and also as a “menu” of choices and approaches to land use management that provide viable alternatives to conventional zoning. It is very unlikely that a local government would need to consider adopting the entire code. Although the model code was drafted so that most of the individual modules can and do fit together in a coherent and consistent whole, not every module is likely to apply in a given jurisdiction. In some cases, different modules are intentionally duplicative and therefore would be in conflict with one another if adopted together. These points are discussed further under the Module Compatibility section of this guide.

### **GETTING STARTED**

The User Guide was prepared to assist you or your government in determining which “modules” of the model code might be most appropriate for individual local situations. To that end, it provides a Subject Area Guide, which all users of the model code should review both before considering local adoption of any portion of the model code.

### **BASIC POINTS FOR PREPARING ORDINANCES**

For the most part, the individual modules (such as Section 3-3, 5-2, 7-7, etc.) cannot stand alone as legal ordinances without additional material from Part One, Standard Template for All Ordinances. For almost any application, a local land use management ordinance should include relevant portions of the model preambles and legal status provisions provided in Part One. It is important to include a “preamble” in each ordinance because it helps to provide the legal rationale for the adoption of the ordinance. The jurisdiction or “geographic scope” of each ordinance must also be clear. The geographic area coverage of different ordinances may differ and need to be reconciled in order to fit together. Finally, the government must decide how each ordinance will be administered and enforced, and whether any variances and appeals

should be provided for in the ordinance. If so, then provisions of Part Ten: Procedures, Boards and Commissions, may be needed. There are many opportunities for the modules in Part Ten to fit with other code sections, but such a connection may or may not need to be made, depending on the local situation. Finally, once you have assembled desired modules of the model code for local adoption, an attorney (such as your community's city or county attorney) should carefully review for compatibility and completeness prior to formal adoption by the local government.

### **KNOW WHAT IS “ON THE BOOKS” NOW**

It is essential to know, before getting started, what types of regulations the local government has already adopted. Obtain a copy of the local government’s “code of ordinances” or at least the table of contents of such a code. Chances are good that all of the local government ordinances have not been “codified” into a single, coherent code document. Why do you need to know what the other adopted ordinances are? The local codes may have already set regulations governing certain uses like home occupations, yard sales, or the maintenance of yards and abating nuisances. It is important to know the subject matters of other adopted ordinances, because some may overlap what you are proposing to add from the model code, or even conflict with your proposed new ordinance(s).

### **GAUGE CURRENT ADMINISTRATIVE CAPACITY**

Consider which of the following scenarios best describes your local context. Doing so will help you consider whether the available staff have the capacity to administer and enforce the model code provisions you are considering.

- We have no current administrative or enforcement staff
- We have staff available but they are not professionals in this field(s)
- 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

This model land use management code takes into account that many cities and counties still do not administer construction codes and thus probably do not require building permits. This model code, if adopted, does not require the local government to adopt minimum building and other construction codes or administer state minimum codes.

## THINK INCREMENTALLY - “WALK BEFORE YOU RUN”

Local governments that are new to regulating land use or face substantial citizen wariness about land use management may benefit from taking small steps—consider one, or only a few, land use issues and ordinance modules at a time. The disadvantages of multiple, stand-alone ordinances that result from this incremental approach are: (1) it becomes harder and harder to coordinate the provisions of the various stand-alone ordinances; and (2) an unnecessary amount of ordinance bulk (duplicative regulations) results. For that reason, a “comprehensive” approach is generally recommended any time you want to put together an ordinance that has multiple purposes and subject matters.

## USE THE COMMENTARY TO GUIDE YOU

The model code contains a separate Commentary and References document, organized by code section, which provides background information and alerts you to factors that might require you to modify the basic model code language. Consult this commentary also for useful information about how the code provisions interrelate to other modules or code provisions.

## WHAT LAND USE ISSUES DO YOU NEED TO ADDRESS?

This subject area guide can be used to quickly find the sections of the model code that fit your community’s particular needs.

We Need to:	Module Titles That May Apply	Code Section
Regulate hog farms or other animal feeding operations	Use-based restrictions that do not use a map	Part 6 (6-5)
Provide standards for mobile parks and campgrounds	Use-based restrictions that do not use a map	Part 6 (6-23)
Address various individual uses without establishing zoning	Use-based restrictions that do not use a map	Part 6
Limit the most abusive or obnoxious land use impacts	Nuisance controls	5-3
Regulate development only at highway interchanges	Interchange area development	7-5
Regulate development within corridors	Corridor overlay	7-7, 7-8
Address issues in particular geographic areas	Mixed use district	7-6
	Residential infill development	7-9
	Downtown specific plans	9-1
	Redevelopment agency	10-4
	Character districts	9-6
Upgrade the visual features of manufactured homes	Manufactured homes compatibility	Part 6 (6-22)
Protect agriculture areas and activities	Agricultural lands	7-1
	Agricultural use notice and waiver	7-2
	Agricultural buffers	7-3
	Rural clustering	8-1

Protect important natural resources	Implementing the Environmental Planning Criteria	Part 2
	Environmental protection	Part 3
	Land use intensity districts	7-4
	Major permit requirement	5-4
	Land use guidance (point) system	5-5
Control subdivision of land and set basic standards for new developments	Subdivisions and land development	4-1
Provide for a basic zoning or land use scheme	Land use intensity districts	7-4
Safeguard against demolition of historic structures	Historic preservation	9-4
Preserve rural character	Rural clustering	8-1
	Design guidelines	9-3
	Manufactured homes compatibility	Part 6 (6-22)
	Historic preservation	9-4
Protect neighborhoods without a zoning map	Off-site impacts	5-1
	Development performance standards	5-2
	Home business uses	Part 6 (6-18)
Manage the location of development	Land use intensity districts	7-4
	Land use guidance (point) system	5-5
Provide design guidance and improve community appearance	Tree protection	4-4
	Signs	Part 6 (6-36)
	Manufactured homes compatibility	Part 6 (6-22)
	Downtown specific plans	9-1
	Design review	9-2
	Design guidelines	9-3
	Interchange area development	7-5
Establish a review body to look at land use projects	Board of Appeals and variances	Part 1 (1-10)
	Planning Commission	10-2
	Hearing Examiner	10-3
Control the impacts of development on neighboring properties	Off-site impacts	5-1
	Nuisance controls	5-3
	Major permit requirement	5-4
	Environmental impact statement	3-5
Establish a city-county administrative arrangement	Intergovernmental agreement for services	10-5
Address the need for new public facilities to support new developments	Traffic impact studies	5-6
	Development agreement	8-3

## MODULE COMPATIBILITY

As noted above, most modules included in the model code are mutually compatible and will work well in combination, but there are a small number of modules that overlap or contradict one another. It is therefore recommended that, once you have assembled desired modules of the model code for local adoption, an attorney (such as your community's city or county attorney) should carefully review for compatibility and completeness prior to adoption by the local government.