



**Jerry Weitz & Associates, Inc.
Planning & Development Consultants**

1045 Mid Broadwell Road Alpharetta, Georgia 30004
Phone: (770) 751-1203 E-Mail: Jerryweitz@aol.com
www.Jerryweitzassociates.com Fax: (770) 751-7784

Growth Management
Comprehensive Planning
Zoning & Land Use Regulations
Land Development Applications
Expert Testimony
Public Policy Analysis

MEMORANDUM

TO: City of Clayton, GA, Codes Update Task Force:
FROM: Jerry Weitz, Ph.D., AICP
DATE: August 16, 2004
RE: Clayton Quality Growth (Code) Project: Review of Existing Codes

This memo provides a summary review of the city's land use codes with attention toward changes that might be needed to encourage quality growth and to modernize the regulations in light of changes in state law. The city's primary land use regulations consist of a zoning ordinance, a set of subdivision and land development regulations, and a separate zoning procedures ordinance.

1. **Integrate the zoning procedures ordinance with the zoning ordinance itself.** The city's separate zoning procedures ordinance can be integrated with the zoning ordinance itself. It was done separately back in the mid-1990s because of a Georgia Supreme Court case that suggested the procedures must be separate and in place prior to adoption of the zoning ordinance. The zoning procedures law was later amended to adjust for that court ruling so that procedures did not have to precede adoption of the zoning ordinance.
2. **Zoning of annexed lands.** An amendment to the zoning procedures law regulates the zoning of annexed land, and Section 708 of the city's zoning ordinance needs to be amended to comply with that amendment.
3. **Permitted uses.** The existing ordinance provides separate lists of permitted uses by zoning district, and the various zoning use definitions don't always match well with the permitted uses listed. I recommend a revamping of the permitted uses in a matrix form, with new definitions that specifically pertain to such uses. Such a change would provide greater clarity; we can also study the uses relative to prospects for further land use mixing, which is a key objective of quality growth.
4. **Front setbacks for buildings.** Clayton's zoning ordinance establishes large setbacks from arterial and collector streets (40 to 60 feet, depending on zoning district). For minor streets, the required front setback is 25 to 40 feet, depending on zoning district. These front setbacks may be excessive, and in fact, a large setback usually necessitates that off-street parking will be located in the front yard (which can run counter to quality growth objectives which prefer buildings closer to the road).

5. **Residential densities.** The R-3 zoning district in the city's zoning ordinance allows for relatively small lots (7,500 square feet and relatively narrow lot widths (60 feet), which are consistent with quality growth objectives. In addition, the overall permitted density in Clayton is up to 10 units per acre, which is also generally consistent with quality growth objectives.
6. **Mixing of land uses.** The city's Neighborhood Shopping (NS), Highway Business (HB) and Central Business District (CBD) zoning districts allow for residences of all types, thus allowing for mixtures of residential and office or commercial uses on the same site or even in the same building. These allowances are consistent with quality growth objectives.
7. **Parking requirements.** The city's parking requirements may be excessive in terms of certain uses. Experience in the planning profession has shown that parking requirements established in zoning ordinances are more than are needed, even during periods of peak use. Quality growth objectives suggest that the parking regulations be scrutinized and reduced where appropriate. Also, there is a trend toward establishing *maximum*, not just minimum, parking regulations, in order to reduce impervious surfaces and allow for more infiltration of stormwater into the ground. Parking regulations also provide for reductions in parking requirements in certain instances such as mixed land uses, availability of alternative modes (walking and biking) and on-street parking, etc. In addition, for large parking lots, treatment of stormwater runoff may be desirable from a quality growth perspective.
8. **Planned unit developments.** The zoning ordinance establishes a PUD zoning district which allows maximum flexibility for developers to propose innovative developments. For this reason alone, PUD districts are considered an important quality growth tool. However, we will want to discuss the city's experience with developers' use of this district, to see if it is resulting in the desired type of development or whether it is used primarily as a vehicle to circumvent regulations in other zoning districts. In my experience, more standards may be desirable in terms of guiding site plans toward quality growth in PUD zoning districts.
9. **Agriculture.** The zoning ordinance has an agricultural district, which may no longer be necessary in Clayton. Unless there are viable agricultural properties remaining in the city, or unless it needs an agricultural district to be compatible with unincorporated land that might be annexed in the future, we should consider whether the agricultural zoning district is still necessary or desirable. Land in the city should generally be zoned for urban or suburban development, and retention of agriculture in urban areas can run counter to quality growth objectives.
10. **Regulations based on slope.** Section 1803 of the zoning ordinance is innovative in terms of quality growth. It provides a sliding scale of lot size/density and lot width based on average slope. As topography becomes more severe, densities are lower. This is a good concept and it should be further refined, expanded, and integrated into a more comprehensive set of mountain and hillside development standards.
11. **Illustrations.** The city's land use regulations contain some illustrations, which are helpful. Additional illustrations can be beneficial, and we will seek to illustrate selected portions of the new land use codes.

12. **Road standards.** The subdivision and land development regulations specify road widths and radii which appear to be reasonable in terms of quality growth. One of the objectives of quality growth is to review existing street widths and see if they are excessive or provide for “skinny” streets. In addition, the city’s road standards are based on the principle of a hierarchical (arterial, collector, local) road system, and the trend is toward more flexible and innovative street standards. In addition, the city’s land use regulations generally do not provide for “private” streets, something the city council may want to permit even if the regulations are silent in that regard.
13. **Sidewalks.** The city’s subdivision and land development regulations are not very strong in terms of sidewalk requirements. Quality growth objectives place greater emphasis on the pedestrian, and the regulations will need to be strengthened to require sidewalks as a part of most, if not all, new land developments. Furthermore, within developments, pedestrian access should be strongly encouraged, if not required.
14. **Drainage and water quality standards.** The city’s subdivision and land development regulations address storm drainage, but the fields of engineering and planning have advanced considerably since the city adopted these regulations. More specific requirements for water quality attainment will likely be recommended in order to achieve quality growth objectives.

These comments will be summarized during the meeting of the committee scheduled for August 18th. Also, I hope we can hear from the committee members about any other issues and experience during the past decade as you have worked with the current regulations. Your accumulated experience will be helpful to us in identifying further needs for amendment.