

Gwinnett County UDO Advisory Committee

AGENDA

Gwinnett County Unified Development Ordinance

UDO Advisory Committee Meeting #3

August 18, 2011

Participants

UDO Advisory Committee: Chuck Warbington, Eric Johansen, Herman Pennamon, Jennifer Deweese, Joe Allen, Marcia Bumbalough, Matt Houser, Glenn Park, Rebecca Peed, Taylor Anderson, Teresa Cantrell, Terry Baker

Gwinnett County Staff: Bryan Lackey, Donna Joe, James Pugsley, Kathy Holland, Mike Jenness, Nancy Lovingood, Jeff West, Patrick Quinn, Vince Edwards

JACOBS: Gary Cornell, Amanda Hatton

Welcome

Gary Cornell began the meeting by welcoming Advisory Committee members and briefly reviewing the meeting agenda. Gary advised the group that the next Advisory Committee meeting will be held on October 20, 2011 from 4pm to 6pm.

1. Recap of Meeting #2

Gary briefly recapped the second Advisory Committee Meeting. The key activities at the meeting included the following:

- Presentation of form-based coding and hybrid codes
- Interactive “allowed and not allowed” exercise
- Review evaluation of current ordinances
- Website introduction

2. Review of the Strategy Statement

Gary provided a summary overview of the factors influencing the UDO and the Strategy Statement, which is the guiding strategy document for the development of the Unified Development Ordinance (UDO). The Strategy Statement defines goals and priorities and provides a compass for the UDO. The following six main goals of the Strategy Statement were reviewed:

- Goal 1: Maintain Economic Development and Fiscal Health
- Goal 2: Foster Redevelopment
- Goal 3: Maintain Mobility and Accessibility
- Goal 4: Provide More Housing Choices
- Goal 5: Keep Gwinnett a Preferred Place
- Goal 6: Create better organized, user-friendly, contemporary, and legally defensible ordinances

3. Organization of the UDO

Gary reviewed the organization of the UDO. The document is organized into three titles:

- Title 1: Administration
- Title 2: Zoning
- Title 3: Development and Permitting

Gary explained the different components of each title, and also discussed the Appendix, which will include Standard Detail Drawings, UDO Design Guidelines, Architectural Design Guidelines, and Inactive Zoning Districts.

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- Advisory Committee members raised some questions about the organizational items discussed: (Q: Question, R: Response from project team, C: Comment)
 - Q: Should “Zoning Procedures” go under Title I Administration? It would help user friendliness, by answering questions when you get started on a development project.
 - R: Some of this information can be put in a separate administrative manual. The County can consider adding some more guidance language to Title I.
 - C: The County could also have a Frequently Asked Questions resource accessible on the website.
 - C: The Appeals process is also confusing. We need an Appendix to help guide people.
- Gary explained that numbers skip in the UDO to allow for the addition of new sections at a later time. Some people thought the numbering should be changed to be at more logical intervals.

4. Zoning Districts – What has changed and what is the same?

Gary reviewed base and overlay zoning districts that would become “inactive” in the UDO or would be new in the UDO. While all districts were reviewed, comments centered on the below topics.

- **Inactive Districts:** The group discussed at length the implication of several zoning districts being made inactive. The inactive uses will become legally non-conforming uses. Upon the time that any permit is pursued for a property zoned as a now inactive district, the applicant will now have to pursue the new UDO development regulations. In order to develop under a different zoning district, a rezoning application will need to be submitted.
 - One Advisory Committee member said that the inactive zoning districts should be evaluated and possibly revised before moved to the Appendix to ensure that inappropriate development does not continue to get in those inactive districts (i.e. rental cottages in the RL Zoning District).
 - It was suggested that maybe the County should proactively rezone properties. The County is not willing to do that right now; there are too many legal implications.
 - What is happening to the RZT district and CSO district? RZT is being continued via the new TND district, and the CSO district is being improved slightly and renamed to the Open Space Conservation (OSC) district.
- **OSC District:** An overview of the OSC District and the new elements that provide incentives for open space conservation. Several comments and questions were made on the OSC district, and one person stated “the OSC District will be the most controversial item in the ordinance.”
 - Q: Can OSC be anywhere in the County?
 - R: It would be a new zoning district, so the County and applicant must dually agree upon its placement; it has a minimum acreage requirement.
 - There was some discussion about the stated 10 acre minimum being too small from a conservation perspective. It is too small for conserving land thoughtfully. Open space should be required to be contiguous. The County should also continue increasing the minimum total acreage.
 - Others stated the concern or appearance that conservation subdivisions appear to make an area urbanized. There need to be appropriate buffers and spacing. Gary stated that the OSC requires a transition on the edge of these properties, so that they are more compatible with adjacent development.
 - Another concern was raised about whether the OSC will require that homeowners associations are responsible for maintenance of open space. Currently, homeowners associations are not required to include information about their open space responsibilities in their covenants. This is problem. Gary state that there will be detailed requirements in the Supplemental Use Standards in Section 218 that will address the requirements for a mandatory homeowner association and set out minimum standards for their covenants that

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requires them to assume ownership and maintenance expenses or turn it over to a conservation trust through an easement.

- **Mixed-use Districts:** In discussing the three new mixed-use districts, Gary explained that Floor Area Ratios (FARs) are new in the UDO and measure the area of the total gross floor area in proportion to the total land area.
 - The regional mixed-use (MU-R) district provides incentives for certain desirable development features, including providing connectivity or potential connectivity to adjacent lots. The group discussed that incentivizing connectivity between uses and developments is a positive inclusion.
- **Neighborhood Commercial Corner Overlay District:** The group discussed that this district would cause problems and concerns with the public.
 - The project team pointed out that the overlay does not change the underlying zoning district, but rather it allows for additional, pedestrian-friendly uses such as an ice cream parlor that was not previously allowed in such crossroads areas.
 - Parking would be in the back.
 - One person stated that the two acre minimum development site is too large.
- **Research and Development Overlay District (RDOC):** The RDOC will be developed based on the R&D Corridor Sector Plan. Some discussion ensued regarding whether agricultural uses should be preserved along this corridor.
 - One person stated that, yes, family farms here should be preserved; local agriculture is just as important as jobs.
 - Some other members disagreed stating that its not the best place for farms – the area has a higher and better use; jobs are more important.
- **Transfer of Development Rights (TDR) Overlays:** Nothing is final on this yet. Many ideas are still being discussed. One committee member stated that she would like to have an expert come to an Advisory Committee meeting to discuss TDR implementation with them.

5. Overview of Title 2 – Putting It All Together

Gary gave a summary overview of how the various components of Title 2 Standards of Zoning fit together. The organization is notably different from the existing Zoning Resolution. There is a new Table of Uses in Chapter 218 and the Dimensional Standards (Chapter 214) has been enhanced to include additional tables and standards. A new supplemental use section is also provided in 218. Questions and Comments included the following:

- **Home Occupations:** The group discussed home occupations. It is still listed as a permitted use. Much of the group thought that it should be allowed as an “accessory use,” so that it does not require a hearing. If it is made an accessory use, the UDO should ensure that there are still permits required and penalties be in place if the home occupation violates a County code. Because more people are now working at home than before, these use standards require additional attention.
- **Administrative Review:** Gary pointed out that a new administrative review process is also being included in the UDO to reduce unnecessary hearings. The project team is relying on the Advisory Committee and staff to identify other ways to make the development process more efficient.
- **Supplemental Use Standards.**
 - Q: How would you deal with a slight change?
 - R: You have to apply for a variance.
- **Amendments to the UDO:** How will changes be made to these standards once they are adopted? The BOC will need to amend the UDO from time to time.

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- **Dimensional Standards for Corner Lots:** Corner lots will still have two front yards. One committee member stated that this is not logical. You should only have one. Gary pointed out that issues arise with inconsistent character when you change this provision. It requires more discussion by County staff.
- Gary clarified that the new base zoning districts only become active when an applicant applies and gets approval for a rezoning to that district. This is a market-driven approach. Bryan Lackey stated that the County will not proactively rezone people's property. On the other hand, some of the overlay districts may become by-right zoning when the UDO is adopted, subject to the decision of the Board of Commissioners. Brian stated that the County does not have a map indicating what parcels "should" be zoned to in the future. Approval of rezoning is based on the Unified Plan and Future Development Map character areas, which are for guidance.

6. Concluding Comments

The project team had prepared an interactive exercise to demonstrate the relationship of the different parts of Title 2. Because the meeting was running late, the group decided not to break out into groups but rather to discuss the exercise together. Several committee members had to leave due to the time. Before discussing the interactive exercise and adjourning the following topics were discussed:

- The point was raised that there has been low participation in the Committee meetings.
 - One person recommended having small committees review different sections. The County instead will send out a "sign-up" sheet for those that want to be champions of different sections, reviewing them in details and providing comments to the project team.
 - The Committee agreed that 4pm to 6pm is the best time for people to meet.
- The next UDO Advisory Committee meeting will be October 20, 2011 from 4pm to 6pm. The group agreed that Nancy Lovingood will be sending a reminder email and also copies of Chapters 210 and 214 for the group's review and comments.

7. Review of interactive Exercise

Gary briefly summarized the planned interactive exercise for those Committee members that remained. The exercise laid out the zoning standards that two theoretical parcels would be subject to when considered for development within either the TND or OSC zoning districts. Gary walked remaining attendees through the exercise and answered related questions. Final discussion points with the advisory committee members included the following:

- Need to revisit whether minimum open space should or should not include wetlands or water. Also, should density be calculated based on the total site area or only the portion of the site that is outside the floodplain, wetlands and stream buffers?
- MU-N needs to be as flexible as possible. If anything, single uses should be less flexible.
- Need to address covenant issues related to open space maintenance. The UDO should deal with this.

8. Meeting Adjourn