

**§5-5 LAND USE GUIDANCE (POINT) SYSTEM**

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***[See Commentary]***

§5-5-1 TITLE

This Ordinance shall be known and may be cited as the “Development Rating Ordinance of \_\_\_\_\_ County [City of \_\_\_\_\_].

§5-5-2 PURPOSE

The purpose of this Ordinance is to establish a flexible land use management system using a rating procedure whereby points are awarded during a development review process for meeting standards and criteria established by this Ordinance. If a development can meet the score prescribed in this Ordinance, the project shall be approved. If a given development cannot attain a high enough score to receive acceptance, the development application shall be disapproved unless the applicant can add special features or modify the project to obtain more points.

The point system uses criteria and measures to guide selection of uses and development design for a given site. To gain approval, the absolute criteria must be satisfied, and any development application must achieve a minimum score or it will not be approved.

The land use guidance system established in this Ordinance is intended to promote the health, safety, and general welfare of the community by ensuring contiguous and compact development patterns that are adequately served by urban or suburban level facilities.

§5-5-3 APPLICABILITY AND PROCEDURES

No private development, unless specifically exempted, shall be approved until application has been made and reviewed by the Land Use Officer for compliance with the requirements of this Ordinance and approved by the Planning Commission. The Land Use Officer shall not issue a land use permit or building permit for any development until and unless said development has complied with all requirements of this Ordinance. The review process for development approval shall follow the procedures for conditional uses as specified in Section 10-1 of this code; provided, however, that in lieu of standards for conditional uses specified in Section 10-1, the point rating system of development criteria shall be used as the basis for approval or disapproval of a development application.

§5-5-4 EXEMPTIONS

All public uses and quasi-public uses shall be exempt from this Ordinance. Agricultural buildings, structures, and uses and minor subdivisions shall also be exempt. The Planning

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Commission may upon application and after public hearing exempt a private development if it clearly serves an important public purpose and is consistent in all major respects with the comprehensive plan of the County [City].

**§5-5-5 POINT RATING SYSTEM OF DEVELOPMENT CRITERIA**

The Land Use Officer and the Planning Commission shall use the following system in its review of development applications not exempted by this Ordinance. A development subject to review shall require a minimum of 12 points to receive approval under the terms of this Ordinance. Development applications that do not receive at least 12 points shall be disapproved unless the development applicant provides additional improvements or amenities that will bring the score to the minimum. (See Table).

**Point Rating System of Development Criteria**

| Criterion   | Points Available | Score for Development |
|---|------------------|-----------------------|
| <b>LOCATION OF TRACT: (score 1 of 4)</b>  |                  |                       |
| The boundary of development abuts existing development on two or more sides.  | 5                |                       |
| The boundary of the development abuts existing development on one side.   | 3                |                       |
| The property to be developed is partially within one-quarter mile of existing development.  | 1                |                       |
| The property to be developed lies one-half mile or more from existing development.  | -3               |                       |
| Note: "Existing development" refers to the built-up portion of the community that has a residential density of two units per acre or is developed in an urban or suburban pattern with residential nonresidential uses. The limits of the urban core of the community shall be considered existing development. |                  |                       |
| <b>WATER SERVICE (score 1 of 3)</b>   |                  |                       |
| The property to be developed lies within a public water service area and is served by said system.  | 5                |                       |
| The property to be developed lies within one-quarter mile of a public water service area and is capable of being served by said system as determined by the county [city] engineer.   | 3                |                       |
| The property to be developed lies further than one-quarter outside a public water service area or requires a community water system or individual on-site wells for water supply.   | 0                |                       |
| <b>SEWER SERVICE (score 1 of 3)</b>   |                  |                       |
| The property to be developed lies within a public sanitary sewer service area and is served by said system.   | 5                |                       |
| The property to be developed lies within one-quarter mile of a public sanitary sewer service area and is capable of being served by said system as determined by the county [city] engineer.  | 3                |                       |
| The property to be developed lies outside one-quarter mile of a public sanitary sewer service area or requires a community septic system or individual on-site septic systems for sewage management.  | 0                |                       |
| <b>ROAD CAPACITY (score 1 of 2)</b>   |                  |                       |
| A road or roads and intersections will serve the proposed development with sufficient capacity to handle the trips generated by the proposed development as determined by the county [city] engineer.   | 0                |                       |
| Trips generated by the proposed development will exceed the capacity of the road system.  | -3               |                       |

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| <b>PUBLIC SCHOOL SYSTEM (for residential uses only)</b>   |    |  |
|---|----|--|
| The proposed development is located within one-mile of an elementary, middle or high school with capacity to serve the proposed residential development.  | 5  |  |
| The proposed development is within one mile of an elementary, middle, or high school but said facility is over capacity as determined by the school and/or will be over-capacitated by the proposed development.                          | 0  |  |
| The proposed development is not within one mile of an elementary, middle, or high school but school facilities have adequate capacity.  | 0  |  |
| The proposed development is not within one mile of an elementary, middle, or high school and the nearest public school facility is over capacity as determined by the school and/or will be over-capacitated by the proposed development. | -5 |  |

| <b>ROAD FRONTAGE (for nonresidential uses only) (score 1 of 4)</b>                              |    |  |
|---|----|--|
| The proposed development has and will use direct access onto a state highway.                   | 5  |  |
| The proposed development has and will use direct access onto a county or city arterial street.  | 3  |  |
| The proposed development has and will use direct access onto a county or city collector street. | 0  |  |
| The proposed development is served only by a rural road system.                                 | -3 |  |

| <b>CONSISTENCY WITH THE FUTURE LAND USE PLAN (score 1 of 3)</b>  |    |  |
|--|----|--|
| The use, or uses, proposed are consistent with the land use category or categories shown for the property by the future land use plan for the community. | 1  |  |
| The proposed development is not clearly consistent, nor inconsistent with the future land use plan.  | 0  |  |
| One or more of the uses proposed are inconsistent with the land use category or categories shown for the property by the future land use plan.           | -1 |  |

| <b>LAND USE MIX (score 1 of 3)</b>  |   |  |
|---|---|--|
| The proposed development consists of a mixture of two different land use types, such as institutional or civic uses in addition to the primary use within the proposed development.           | 5 |  |
| The proposed development incorporates one additional institutional or civic use, in addition to the primary use within the proposed development, excluding open space or recreation as a use. | 3 |  |
| The proposed use consists of one single function land use only (residential, commercial, institutional, industrial, etc.) (open space or recreation shall not count as an additional use).    | 0 |  |

| <b>ENVIRONMENTAL SENSITIVITY (score 1 of 4)</b>   |   |  |
|---|---|--|
| The development exercises best management practices for water quality and demonstrates superior environmental practices generally, such as treated stormwater, porous pavements, filtering systems, etc., and the proposed development complies with all of the natural resources and environmental policies of the community, relative to steep slopes, wetlands, groundwater recharge areas, river corridor protection, mountain protection, stream buffering, etc. | 5 |  |
| The proposed development complies with all of the natural resources and environmental policies of the community.  | 0 |  |
| The proposed development is inconsistent with one or more environmental policies of the community but the development will mitigate environmental impacts.  | 0 |  |

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| The proposed development is inconsistent with one or more environmental policies of the community and the project will cause environmental degradation as shown by reasonable observable or predictable means. | -5 |  |
|--|----|--|

|  |   |  |
|--|---|--|
| <b>ADDITIONAL POINTS POSSIBLE FOR IMPROVEMENTS AND AMENITIES</b>   |   |  |
| <i>Note: If a proposed development fails to receive the minimum required number of points required, the developer may add amenities to their development of sufficient number and quality to add additional points as set forth below.</i>     |   |  |
| The development includes traffic mitigation measures such as additional road capacity or traffic signalization that exceeds a proportion attributed to the needs of the development.   | +2 for each \$10,000 value of the improvement                               |  |
| Sidewalks not already required by the county [city] are installed.   | +2  |  |
| The development is linked by bike path from a nearby school, park, or other significant origin or destination modes (bike, transit, pedestrian).   | +3  |  |
| If a residential subdivision containing 25 or more lots, the subdivision provides multiple local streets in more or less a grid or modified-grid pattern that avoids reliance on any single collector street for access.                       | +2  |  |
| If a residential subdivision containing 25 or more lots, the subdivision provides for a recreational facility (swim/tennis, community center, or equally significant) to serve the subdivision.  | +2  |  |
| The development has no more than three-quarters of its lots, units, or square footage (as the case may be) devoted to any one single type of housing (detached dwelling, duplex, manufactured home, townhouse, apartment, personal care, etc.) | +2  |  |
| A minimum of twenty percent (20%) of the site is retained as open space or greenspace.   | +1  |  |
| The developer has set aside a significant or environmentally sensitive natural area of at least one acre for interpretive or educational purposes.   | +2 for each acre  |  |
| <b>ADDITIONAL POINTS POSSIBLE FOR IMPROVEMENTS AND AMENITIES</b>   |   |  |
| <i>Note: If a proposed development fails to receive the minimum required number of points required, the developer may add amenities to their development of sufficient number and quality to add additional points as set forth below.</i>     |   |  |
| The development proposes to provide a greenway constructed to local standards and connected from the proposed development site to an existing public park or trail system.   | +4  |  |
| The proposed development provides that ten percent or more of the units or square footage constructed will be affordable to low-moderate income individuals or households as determined by the Land Use Officer.                               | +2 for each 10% of total units or square footage affordable, up to 5 points |  |

**§5-5-6 APPEAL**

Any person aggrieved by a decision of the Planning Commission relative to a specific development may appeal the decision to the Board of Commissioners [Mayor and City Council] if filed within 30 days of the decision. Appeals shall be processed in accordance with the provisions of Section 1-10 of this code, except as herein specifically provided.