



Office of Zoning and Development



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Office of Zoning and Development



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What is zoning?

The division of a city or county (land) by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas. -- A Planner's Dictionary, APA



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Colonial Planning: Focus on Urban Design and Street System

1682	Philadelphia plan	Grids & parks	William Penn; Thomas Holme
1695	Annapolis plan	Radiocentric	Francis Nicholson
1733	Savannah	Ward park system	Oglethorpe

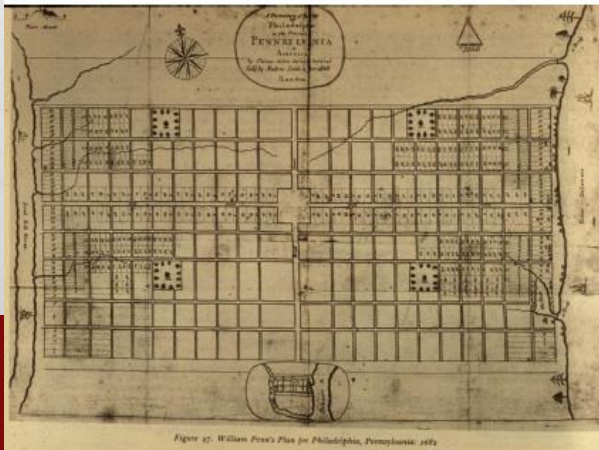


Figure 17. William Penn's Plan for Philadelphia, Pennsylvania, 1682



Lat. Capital of N.N.
Long. 0. 0.

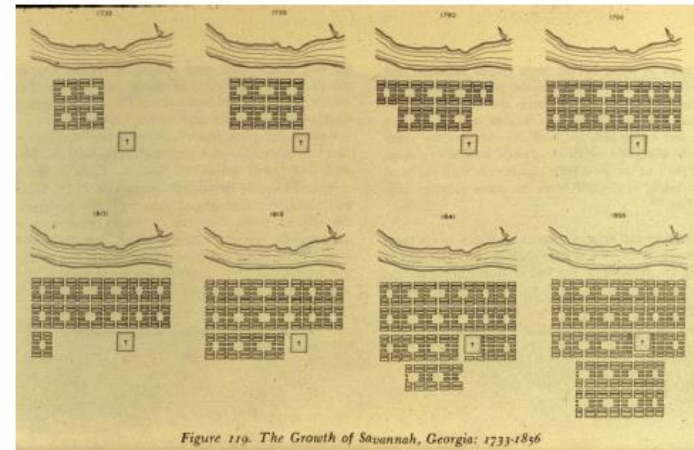


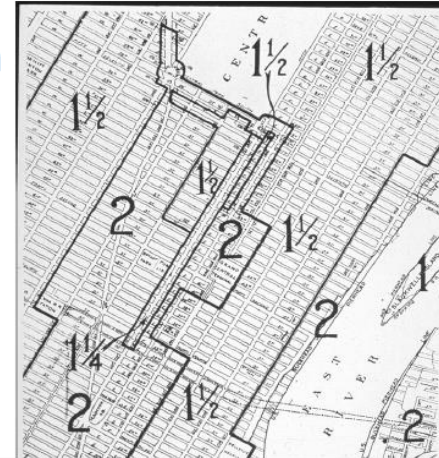
Figure 119. The Growth of Savannah, Georgia, 1733-1856



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Professionalization of Planning

- **1901**
 - NYC: "New Law" regulates tenement housing
- **1907**
 - Hartford: first official & permanent local planning board
- **1909**
 - Washington DC: first planning association
 - National Conference on City Planning
 - Wisconsin: first state enabling legislation permitting cities to plan
 - Los Angeles: first land use zoning ordinance
 - Harvard School of Landscape Architecture: first course in city planning





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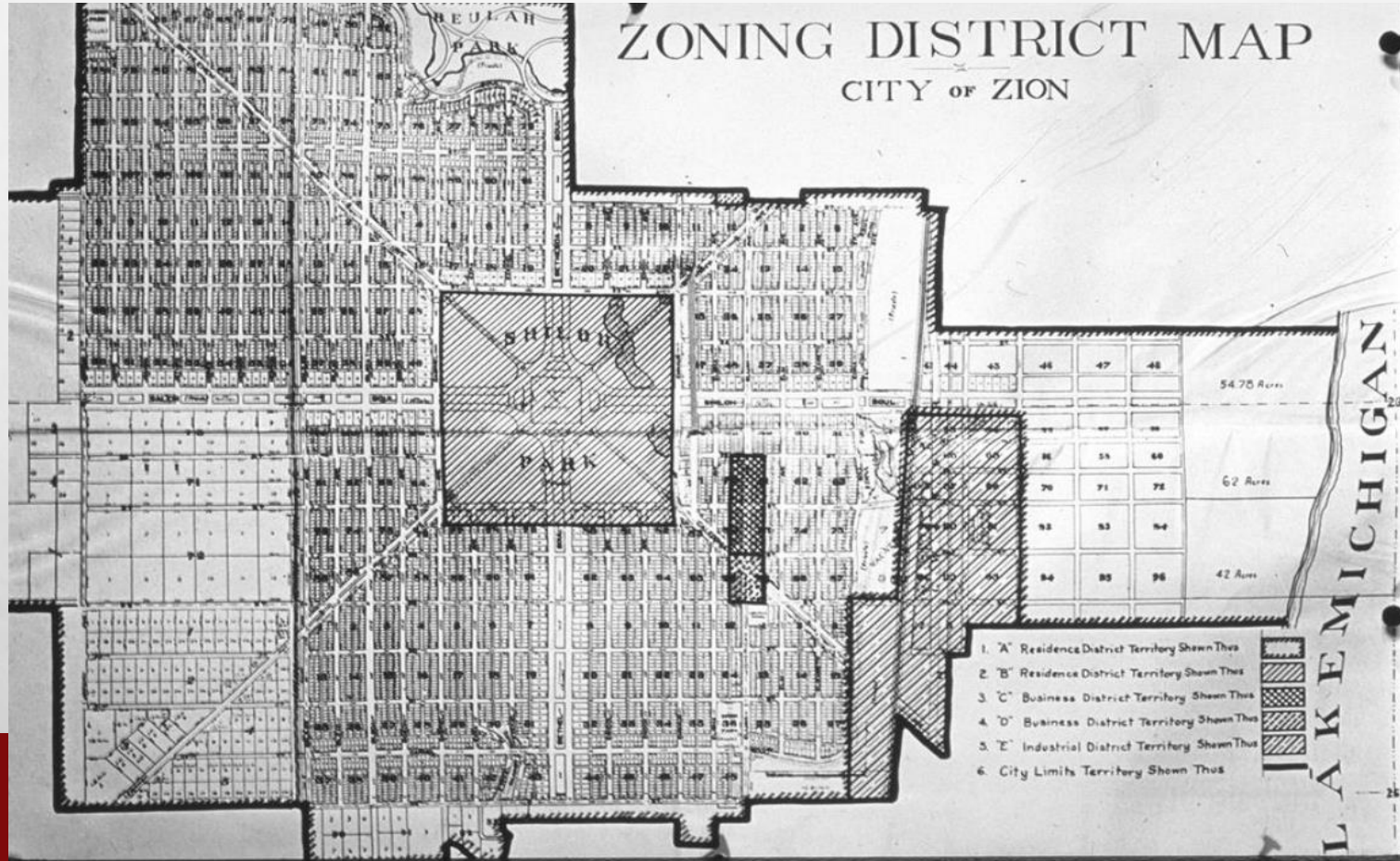
The City Efficient: Developing Tools for Planning

- **1913**
 - Massachusetts: planning mandatory for local gov'ts; planning boards required
- **1916**
 - New York: first comprehensive zoning ordinance
- **1917**
 - American City Planning Institute established in Kansas City
- **1923**
 - Standard State Zoning Enabling Act issued by US Dept of Commerce
 - Los Angeles County establishes planning board
- **1925**
 - Cincinnati: first comprehensive plan based on welfare of city as a whole
- **1926**
 - Euclid vs. Ambler Realty Co: Supreme Court upholds comprehensive zoning



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Zion, IL Zoning Map c. 1920





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Federal Constitutional Limitations on Federal and State Powers

Bill of Rights:

- 1st Amendment – Freedom of Religion, Speech, and Press
- 5th Amendment – Due Process, Takings
- 14th Amendment – Due Process, Equal Protection – Extends 1st and 5th Protections to State Actions

Interpretation of Federal Constitutional Provisions not always identical to Interpretation of Similar State Provisions



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Police Power

- Sovereign power of the state to regulate and control private behavior in order to protect and promote greater public welfare
- Police power must be delegated by state to counties and municipalities
- “Protection of health, safety, morals, property values, convenience, and general welfare”
 - This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power.



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Zoning Carries out the Atlanta City Design

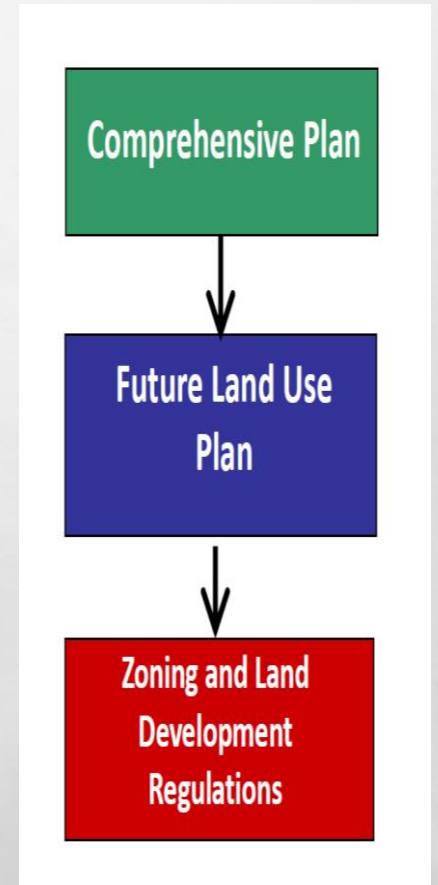
Regulations in the Zoning Ordinance
create **EQUITY**, lead to **PROGRESS**,
drive **AMBITION**, open **ACCESS** and
preserve **NATURE**.



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Legal Framework

- United States Constitution
- Federal Laws (such as Telecommunications Act)
- Georgia Constitution
- Georgia Statutes – Zoning Procedures Law
- Local Ordinances
 - 1982 City of Atlanta Zoning Ordinance, as amended
 - 2021 Comprehensive Development Plan
 - Local plans





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Zoning

Predictable Use of Adjacent Properties – Zoning districts prevent commercial businesses or industrial buildings from being scattered between residential homes. Since homeowners have some assurance that a large office building or nightclub won't be built right next door, this adds to each property's value.

Uniformity in lot development – Zoning ordinances establish building heights, setbacks and prevent lots from being irregular sizes. Property values benefit when similar structures are built near each other and in an orderly fashion, so this type of zoning may protect property values.



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Zoning

Prevents Adverse Built Conditions on Adjacent Properties – Zoning establishes height limitations, lot coverage, setbacks, and fence heights. These standards keep buildings from being built too close to a neighbor's property and prevent fences so tall that they overshadow your yard.

Requires Compatible Land Uses – Zoning regulations protect property values by adding predictability to residential neighborhoods ensuring that properties are used in a compatible way with the zoned area. This reduces the risk that your property will lose value if your neighbor wanted to run a tattoo parlor out of their home and attracts increased traffic, causes problems, or makes your street into an otherwise undesirable location.



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Zoning

Appearance – Zoning regulations aim to improve the appearance of certain areas, thereby increasing overall property values because the area looks nicer. For example, zoning may require street landscaping, off-street parking, and dictate where signs may be placed.



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Zoning Procedures Law - I

- ❑ Establishes Minimum Procedures for Local Zoning Decisions in Georgia
- ❑ Defines “Zoning Decision”
 1. Adoption of Zoning Ordinance
 2. Text Amendment
 3. Rezoning of Property
 4. Zoning Annexed Property – Is the proposed district compatible
 5. Grant of Permit for Special Use – Special permits



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Zoning Procedures Law- II

- Hearing Required
- Notice Required
 1. Newspaper Notice
 - a. 15 Days prior to hearing
 - b. Time, Place, Purpose of Hearing
 - c. Location, Current & Proposed Zoning



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Zoning Procedures Law- III

2. Sign Posting
 - a. “Conspicuous Place”
 - b. 15 Days prior to hearing
 - c. Information required by local Ordinance

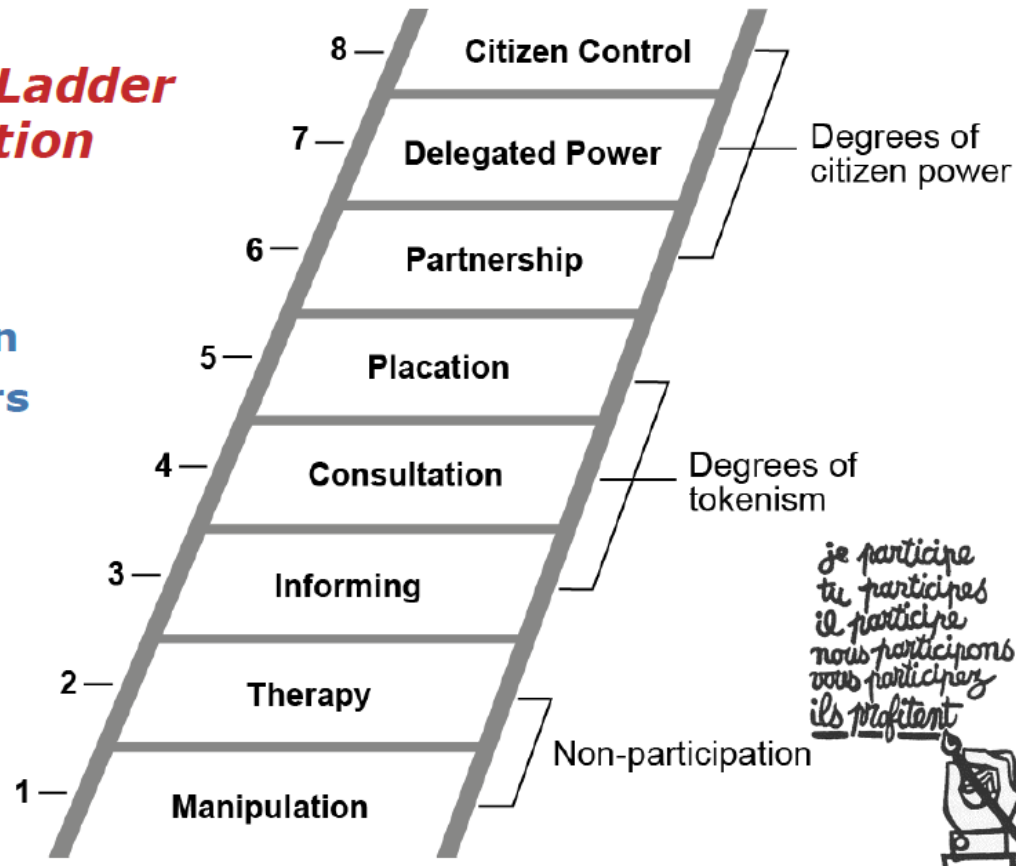


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Citizen Participation

Sherry Arnstein, *A Ladder of Citizen Participation*

- A critical focus on the practice of citizen participation
- Challenged planners to expand the role of citizens in plan-making and implementation





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Full Disclosure

- All parties must have full access to information, statements, and evidence relied upon by decision maker.
- Ex parte communications should be allowed equally or avoided.
- Be careful about acting on information received at the last minute.





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Your Role in the Process

- You are part of a legal system of regulating private property
- Your decisions affect people's lives, rights, and property values
- We must take that very seriously
- You have clear authority to do so, but there are rules
- Applicants and citizens are entitled to certain safeguards in how you conduct your business



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Part III – Code of Ordinances – Land Development Code

Part 16 – Zoning

200+ Districts including

Conventional Euclidean Districts, Hybrid Zoning Districts

SPI Districts and Subareas, Historic Districts,

Neighborhood Commercial Districts, Overlays Districts and Planned Development Districts



Regulatory Framework

Entitlement

- Regulates the activities or uses that can take place on a property – **Permitted principal uses and structures**
- Regulates the size of buildings that can be built on a property – **Minimum lot requirements/LUI table**
- Promotes orderly patterns to support the public good



Zoning Carries out the Comprehensive Plan

- Must be consistent with the vision for growth established in the City's Comprehensive Plan – **R-1 through R-4B/SFR**
- Directs more growth to some areas and less growth to other areas **SFR, LDR, MDR, VHDR, LDC, HDC, I, I-MIX, MU**
- Ensures some areas remain stable or preserved for certain uses, like industrial areas



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Land Use Designation	Zoning Classification																																																									
	R-1	R-2, R-2A, R-2B	R-3, FC-R3	R-3A	R-4	R-4A	R-4B	R-5	RG-1	RG-2	RG-3	RG-4	RG-5	RG-6	RL-C	MR-1	MR-2	MR-3	MR-4 A & B	MR-5 A & B	MR-5	MR-MU	O-1	LW	NC	C-1	C-2	C-3	C-4	C-5	MRC-1	MRC-2	MRC-3	I-1	I-2	PD-H	PD-OC	PD-MU	PD-BP	PD-CS	I-MIX																	
Open Space																																																										
Private Open Space																																																										
Community Facility																																																										
Single-Family																																																										
Low-Density Residential																																																										
Medium - Density Residential																																																										
High-Density Residential																																																										
Very High - Density Residential																																																										
Low-Density Commercial																																																										
High-Density Commercial																																																										
Industrial																																																										
Industrial Mixed Use																																																										
Business Park																																																										
Office/Institutional																																																										
Office/Institutional/Residential																																																										
Mixed Use – Low Density																																																										
Mixed Use – Medium Density																																																										
Mixed Use – High Density																																																										
Mixed-Use																																																										
TCU																																																										

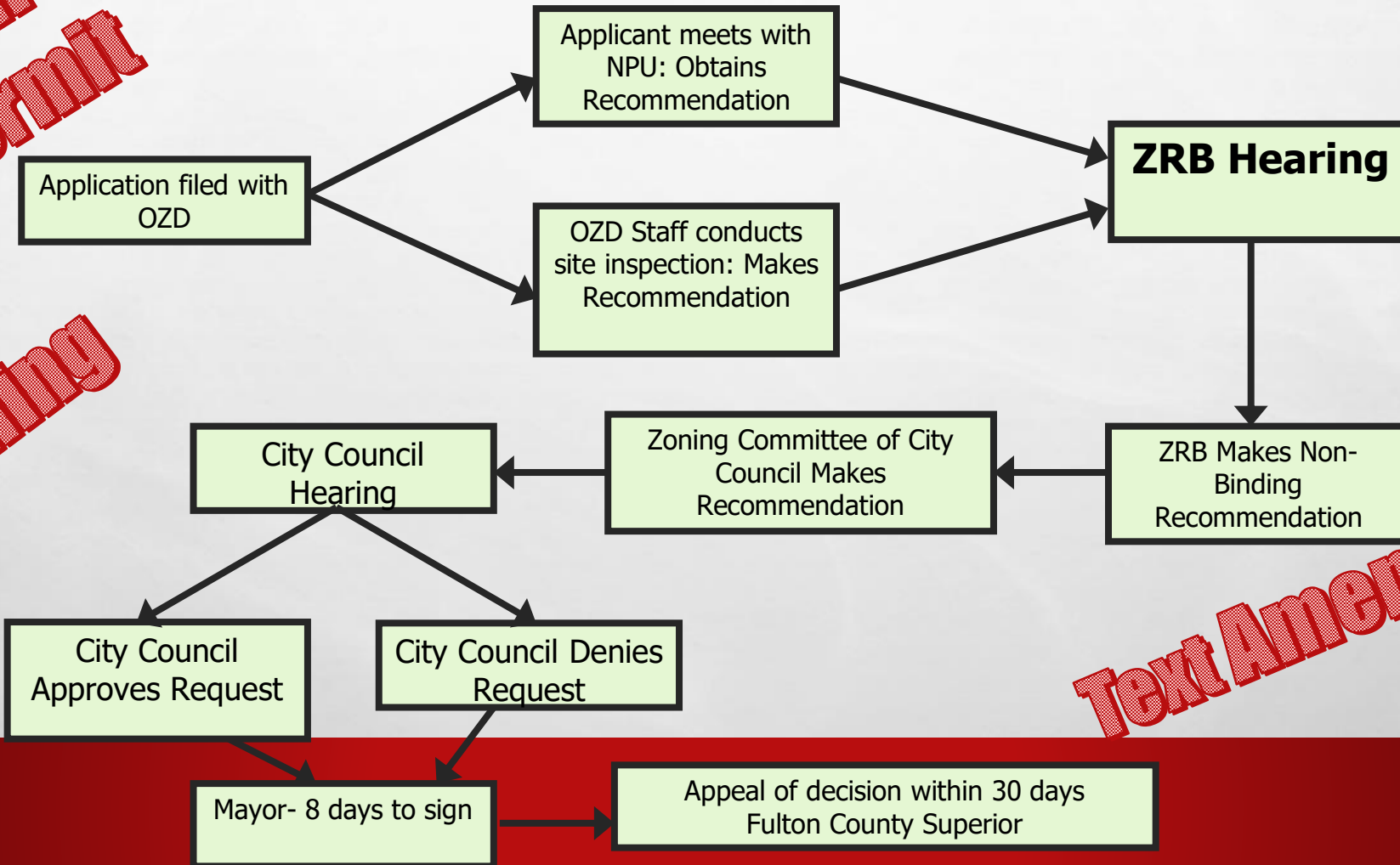
Note: Shaded areas represent land use designations and the compatible zoning classifications. Non-shaded areas represent zoning classifications that are not compatible with land use designations.



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General Procedures – Zoning Review Board

**Special
Use Permit**



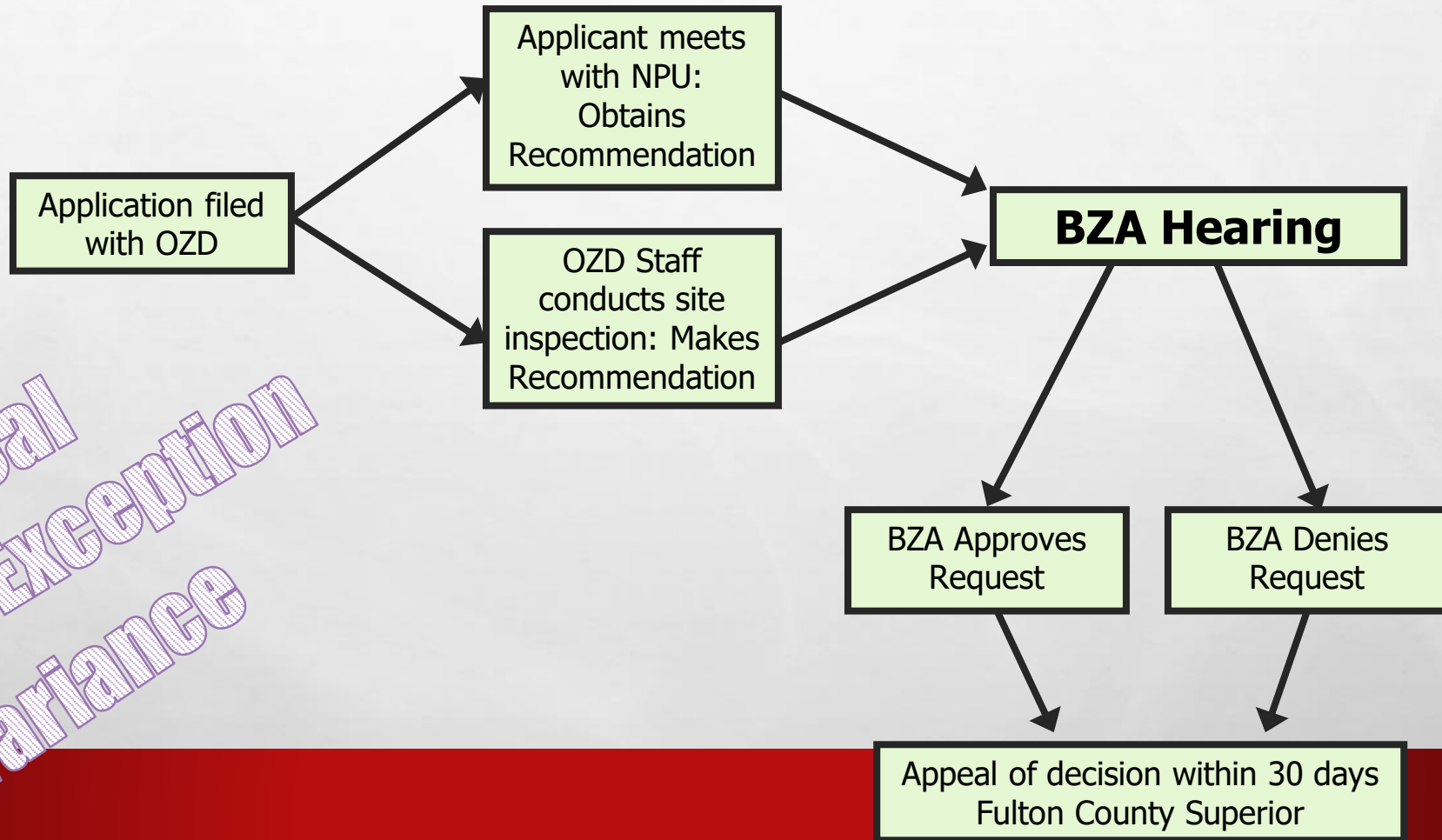
Rezoning

Text Amendment



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General Procedures – **Board of Zoning Adjustment**



Appeal
Special Exception
Variance



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General Procedures – **Administrative Approvals**

SAP – Special Administrative Permit

- Variation

SD – Subdivision

CON – Lot Consolidation

REP – Replat

ZLL – Zero Lot Line

NPU
Review and Comment ONLY



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General Procedures – **Brownfield**

- The City of Atlanta Brownfield Revolving Loan Fund (BRLF) Program provides loans to private property owners and subgrants to non-profit organizations for brownfield remediation.
 - Trees Atlanta
 - FCS
 - Atlanta BeltLine



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Zoning Considerations

Setbacks – required minimum distances structures must be “set back” from lot lines

Easements – a legal right to use another’s land for a specific limited purpose (i.e. underground utility lines)

Lot coverage/Lot Coverage Ratio or LCR) – is the allowable percentage of a lot that may be occupied by built structures and paving



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Zoning Considerations

Building coverage – the allowable percentage of your lot that may be covered by buildings

Floor area ratio (FAR) – the ratio of total building floor area (including all floor levels) to the area of the lot

Building height – the maximum vertical distance from the average ground level at the front wall of the building to the highest point of the structure



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Basis for Decisions

- Decisions should be based on facts.
- The facts should address the merits.
- The burden of proof is on the applicant.
- Information is not the same thing as facts (i.e. property characteristics).
- Weighing evidence in conjunction with the code is your responsibility.



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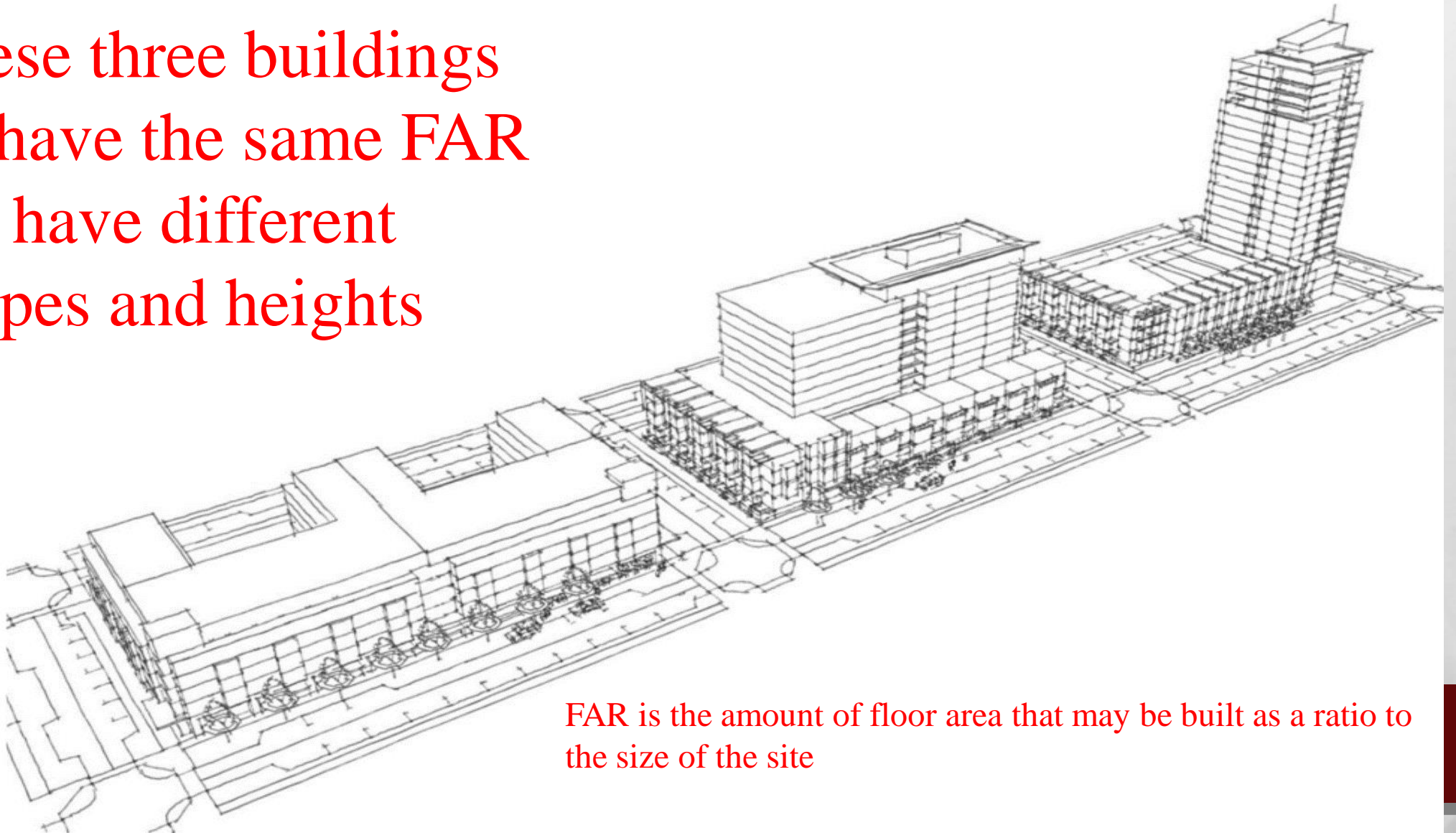
Basis for Decisions

- Opinions are not facts.
- Public sentiment is not a basis for decisions.
- Focus on facts and merits of current case rather than possible precedent for future cases.



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These three buildings
all have the same FAR
but have different
shapes and heights



FAR is the amount of floor area that may be built as a ratio to the size of the site



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Use of Conditions - I

- Conditions are intended to mitigate potential, realistic impacts of a proposed project.
- Conditions must be clearly stated or referenced as part of a motion to approve.



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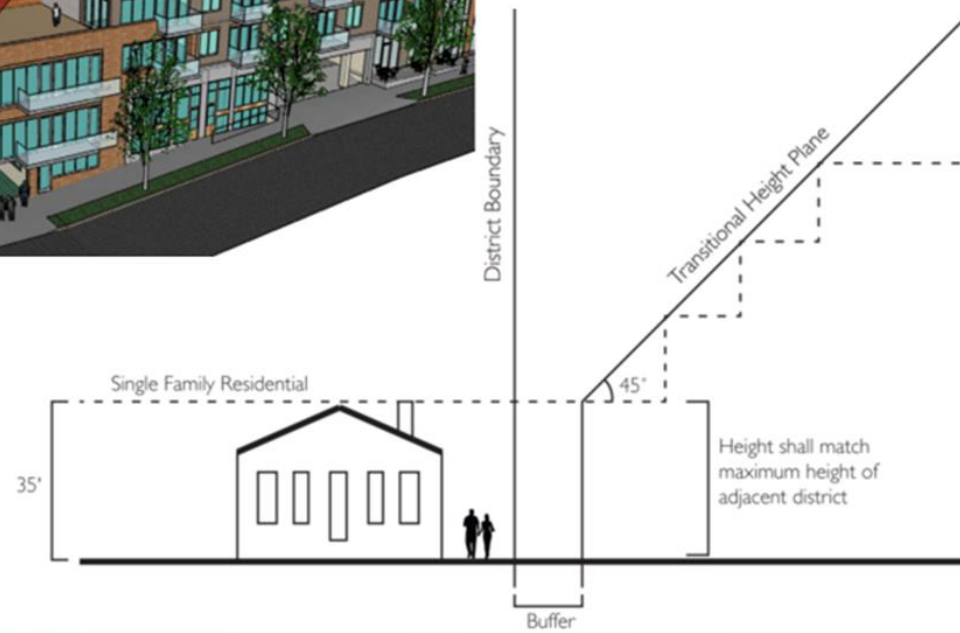
Use of Conditions - II

- Conditions must have rational connection to impacts of proposed project.
- Conditions must be roughly proportional to impact of proposed project.
- Conditions must be enforceable by administrative staff.



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Transitional Height + Yards



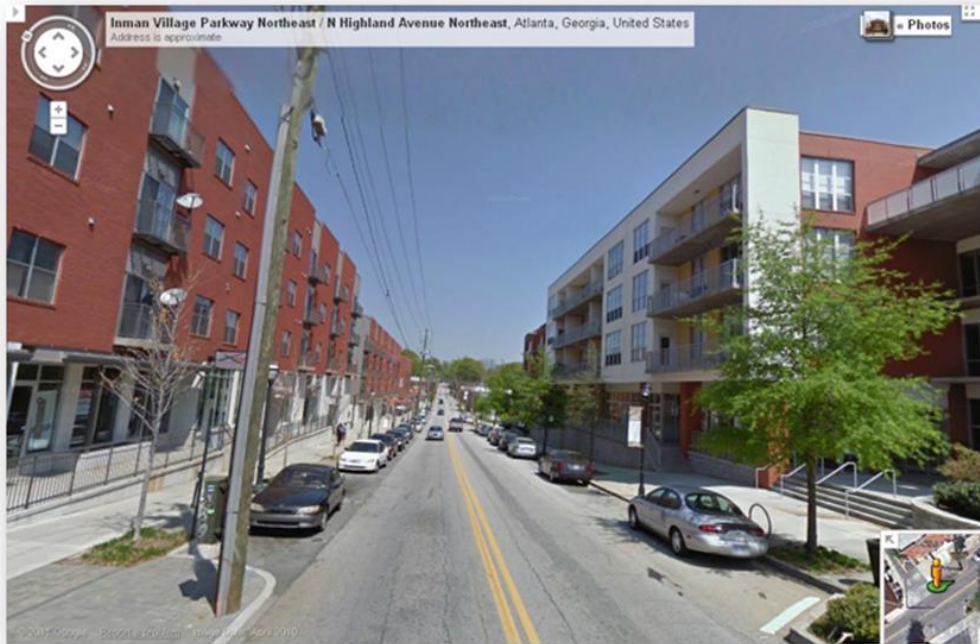


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Design Standards

1. Delineation of floors for buildings up to the 3rd story

Meaning: Massing and articulation of buildings shall provide depth and visual interest





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Design Standards

2. Detached single family homes shall have gabled roofs, multi-family and mixed-use buildings with flat roofs must have 3-foot parapet





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Design Standards

3. Pedestrian entrances at sidewalk level shall face and be visible from the street
4. Address number shall be located above primary building entrance





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Design Standards

5. Fenestration:

- a. Non-residential uses (except churches and fire stations) facing a arterial or collector
 - i. Façade shall not exceed 20' without entryway or fenestration
 - ii. Opaque windows prohibited
 - iii. Cover 65% of length of building frontage



DO's



DONT's





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Design Standards

6. Residential Use at Sidewalk or Park level
 - a. Primary entrances shall link to public sidewalk
 - b. Building with 4 or more residential units adjacent to the sidewalk/park level shall have individual entrances
 - c. Window at each street frontage and similar in size
7. Siding and Foundation:
 - a. Maximum 2 siding materials, excluding fenestration
 - b. Single Family and Two-Family shall be brick, wood, or hardiplank (maximum 6" width)
 - c. Multi-family, Mixed-Use, Non-Residential shall be brick, Hardiplank , cast stone, architectural metal panels, or true stucco



← DO's

DONT's →





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Resources

- **Accela**

https://aca3.accela.com/ATLANTA_GA/Default.aspx

- **Zoning Ordinance Online:**

https://library.municode.com/GA/Atlanta/codes/Code_of_Ordinances?nodeId=PTIICOO_RANDECO_PT16ZO

- **ATL Permit Navigator**

<https://permits.atlantaga.gov/>

- **GIS:**

<http://gis.atlantaga.gov/propertyinfo/>

- **Forms/Applications:**

<https://www.atlantaga.gov/government/departments/planning-community-development/office-of-zoning-development/forms-applications>



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Final Thoughts

Forward Thinking, Linking Knowledge to Action through Goals

- **Value driven**
 - Action derives from the public interest
- **Sustainable and resilient**
 - Actions strengthen communities over time
- **Healthy and prosperous communities**

Embedded in Community, Diversity, and Engagement

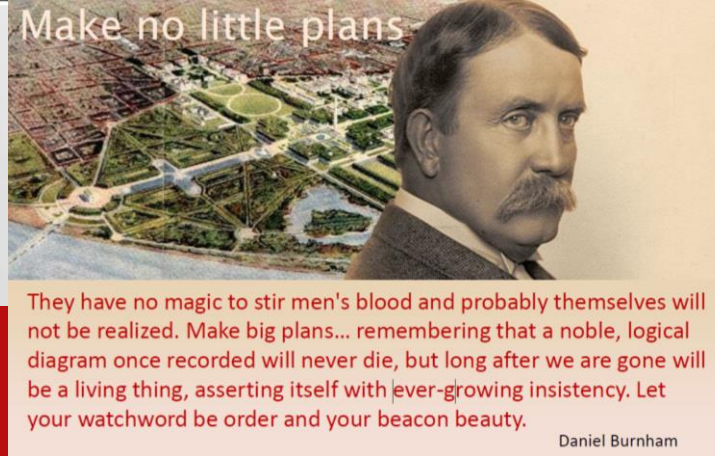
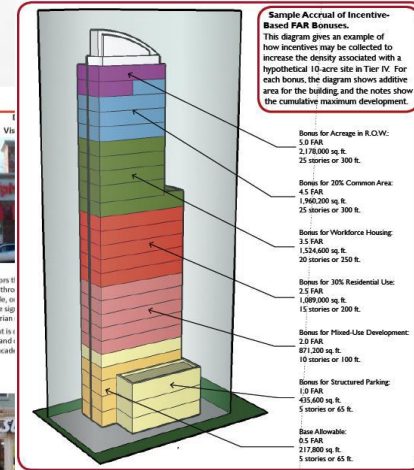
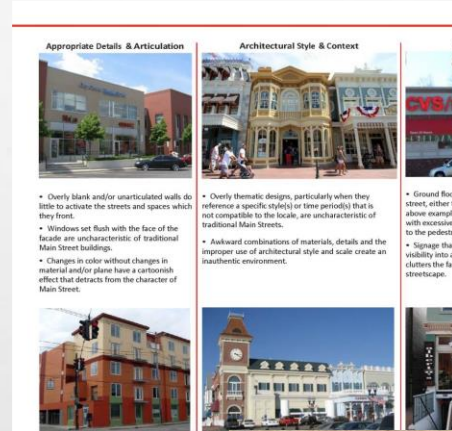
- **Diversity and democratic engagement**
 - Planning is embedded in community
- **Transparency**
 - Expertise is accountable
- **Equity and social justice**
 - Planning increases choices for all members of a community



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Phase III: COA Zoning Ordinance Rewrite

- Affordability
- Urban Design
 - Public Realm
 - Place Making
- Walkability
- Sustainability
- Parking





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Questions

