

QUESTIONS ATL ZONING 2.0

The following summarizes key questions asked during Idea Lab #1 that could not be answered during the question-and-answer period due to time constraints.

The Atlanta City Design

Q. Please explain the Atlanta City Design figure of 1.2 million residents in Atlanta by 2050. Is it a population projection or something else?

All Atlanta City Design Questions will be answered separately.

Q. How did the Atlanta City Design define urban, suburban, and rural conservation areas?

All Atlanta City Design Questions will be answered separately.

Q. Who developed the Atlanta City Design? Was it done through visual preference surveys?

All Atlanta City Design Questions will be answered separately.

Q. Where can one purchase a copy of the Atlanta City Design?

All Atlanta City Design Questions will be answered separately.

Zoning Rewrite Process

Q. How does this process (which seems to be at the early stage) relate to the proposed zoning ordinance changes that City Council has been asked to consider?

The Zoning Rewrite is indeed in the early stages and will likely require 2 to 4 years to complete. The entire Zoning Ordinance will be reviewed and updated including all districts and regulations. The proposed zoning changes before City Council were initiated by the Department of City Planning in advance of the zoning rewrite due to the importance of the issues addressed and the need to avoid delay. These DCP proposals, if adopted by City Council and the Mayor, would then become a part of the existing Zoning Ordinance that is being reviewed by the Zoning Rewrite team. It is not unusual for time-sensitive, specific zoning changes to be separately addressed during a rewrite process because of the length of time involved in a rewrite.



Q. Are plans that have been adopted by the Atlanta City Council the only plans that are considered in the rewrite of the 1982 Zoning Ordinance?

The Zoning Ordinance Rewrite will be guided by many things, including official City plans, ongoing stakeholder input, professional best practices, legal considerations, and more. Official City plans included any plan prepared by a City department or otherwise adopted by City Council. This includes citywide plans, such as the Atlanta City Design and the Comprehensive Development Plan (CDP), as well as smaller area and neighborhood plans.

Q. Is there anywhere we can find the specific goals that the Department of City Planning hopes to accomplish with the rewrite?

The Department of City Planning is embarking on a multi-year effort to align our growth and development regulations with the values we hold in common — like equity, inclusion, choice, opportunity, and resilience. These values and goals are currently expressed in the Atlanta City Design and Comprehensive Development Plan documents. In addition, a review of all city zoning regulations was completed in 2016 and contains many of the issues that will be reviewed as a part of the rewrite.

Q. What’s the difference between physical “standards” and zoning “tools?”

During the presentation, the consultant used the word “tool” to refer to groupings of similar zoning regulations, such as the way jurisdictions are addressing land use problems relative to Covid 19. The word “standard” refers to one specific regulation, such as allowing an additional use in a specific zoning regulation to help alleviate difficulties associated with Covid-type problems. For example, there might be a set of “tools” that refer to the concept of using side setbacks under certain circumstances, and then a “standard” could be adopted as law that sets a side setback number in a specific zoning district.

Q. Who or what is TSW?

TSW is the Atlanta-based planning, architecture, and landscape architecture firm that the City has hired to lead the Zoning Ordinance Rewrite Consultant Team. The Consultant Team also includes Code Studio, Contente Consulting, PlaceMakers, Southface Institute, Canvas Planning, eightvillage, Pond & Company, and legal consultants Robert Zoeckler and Jeff Haymore.

Q. Because of power dynamics, could a kitchen table type exercise be available for small groups?

We will investigate how to incorporate small groups into the public engagement plan. Specifics depend on the state of the COVID-19 pandemic. But these kinds of engagement will be carefully considered.



Sustainability

Q. How will the Zoning Ordinance Rewrite consider emerging global warming trends?

There will be an Idea Lab dedicated to sustainability. Additionally, the consultant team includes Southface Institute which is tasked to consider all potential zoning standards through a lens of sustainability.

Existing Patterns/Nonconformities

Q. What is a nonconformity and is it a bad thing?

The term “nonconformity” refers to a situation in which an existing parcel of land, use on a parcel of land, or physical structure on a parcel of land, does not meet (or “conform” to) the current zoning regulations. If the parcel, use or structure legally met the zoning regulations in the past, and then the regulations changed, the resulting nonconformity is a “legal nonconformity” and may continue, except as provided by law for certain circumstances related to destruction, abandonment, and similar circumstances. The ability to maintain a legal nonconformity depends on the specific situation and Georgia statutory and case law. Although there are exceptions and the law in this area is complex, legal nonconformities in general enjoy certain protection under several provisions of the state and federal constitutions, in addition to some statutory law on this subject.

Generally, a nonconformity is by definition contrary to public interests because it does not meet the zoning regulations that have been imposed. However, this isn’t always clear, especially when nonconformities exist over a long period of time and apply to multiple properties. For example, certain streets and neighborhoods that have existed for many years in Atlanta have a unique character that the community finds to be positive and desirable that became illegal when zoning standards were adopted that were not uniquely fitted to the built environment found on such streets and neighborhoods. In such cases, if a building is destroyed or redeveloped, it is often impossible to build back a building that fits into the existing neighborhood’s building patterns without seeking variances, a lengthy and expensive process. To avoid this, builders often construct a new building that meets the current zoning regulations that may in turn be inconsistent with the historic building patterns that the area desires to maintain. When zoning ordinances are rewritten, cities often examine existing regulations to determine if they are having the intended outcome. With regard to nonconformities, this often means examining the metrics of existing parcels and buildings on these streets and neighborhoods to see if the zoning rules remain relevant and are discouraging “bad” development that is contrary to the neighborhood’s welfare, or if they have become out of date and are inadvertently making the most treasured features of neighborhoods unlawful.

Nationally, the consultant team has found that many communities are happy with their nonconforming use standards, except when they make it impossible to reuse historic buildings for their intended purposes, such as a historic shopfront that can no longer be



used for commercial purposes. Nonconforming parcels and structures can be more problematic, especially when they reflect a type of development that a community desires but is illegal to build new. Whether or not this pattern holds true in Atlanta remains to be seen and will certainly vary across the city's diverse neighborhoods. Examination of the details of nonconformities along specific streets and in specific neighborhoods, coupled with extensive public input as the process unfolds, will help the consultant team make informed recommendations on these nonconforming situations.

Q. There are nonconforming industrial uses in my neighborhood that should go away. How will you get rid of them?

A nonconforming industrial use is one that previously complied with zoning regulations (or was built before regulations were in place) but is no longer allowed by current zoning. These uses exist across Atlanta, especially in its older neighborhoods, which often included both industrial areas and housing. Through their nonconforming status, the City has already taken a major step towards regulating these uses, because the Zoning Ordinance currently addresses what can and cannot be done with nonconforming uses (Chapter 24) and places limitations on expansions, change in uses, and so forth. Keep in mind that immediate elimination of legally nonconforming uses would, in most cases, violate several provisions of the state and federal constitutions, which is why, at this point in time, the most Atlanta and other jurisdictions can do is place carefully drafted limitations on these uses.

As noted above, most zoning ordinance rewrites continue to encourage the elimination of most nonconforming uses over time. This is especially true for uses with significant off-site impacts, such as heavy industrial uses, junk yards, and other intense commercial uses. At this time there is no reason to think that the Zoning Ordinance Rewrite would relax the current limitations placed on these type of legal nonconforming uses.

Q. Why did the existing pattern analysis only look at Atlanta City Design (residential) Conservation Areas? What about commercial and industrial areas?

There are two main reasons the existing pattern analysis focused on Atlanta City Design Growth Areas (i.e., areas other than Conservation Areas):

- Current City policy and zoning are largely aligned in Growth Areas. Through various neighborhood plans, the CDP, and public investments in streets, transit, trails, and parks, the City of Atlanta has a clear vision for the type of growth and regulations that are appropriate for these areas.
- Most Growth Areas, especially growth corridors, are made up of newer buildings that do not have a strong physical character that could guide zoning changes.

Q. It sounds like the speaker is saying that if an area has a widespread nonconformity, and if the nonconformity is similar,



then the zoning will be updated to include the non-conformity. Am I interpreting that correctly?

Not entirely. The existing pattern analysis focused on areas where there was a high mismatch between existing form/use patterns and current zoning standards. The objective of this poll is to ask you if it makes sense to update the Zoning Ordinance to better match existing patterns of form and/or use,

Q. I live in a rooming house. I've lived in it for nearly 20 years. Where will I move to if the City enforces the regulation that's apparently going to be enforced soon?

Rooming houses may be authorized under existing zoning regulations, depending on the zoning district. If they currently do not comply with the zoning district and were previously lawful, they presumably would be able to continue so long as they continue to follow the regulations governing nonconforming situations. Without knowing the specifics of this property, this is the best answer we can provide.

Modular Codes/String Codes

Q. Are there examples of where zoning ordinance have different interchangeable standards for use, form, height, etc?

Yes. The most high-profile examples are Los Angeles and Miami.

Atlanta's 1929 zoning ordinance was also a modular code/string code. The city once used "use districts" to regulate the use of a property, "area districts" to regulate form, and "height districts" to regulate building height. You can [review the 1929 code here](#); see page 3 for details.

Other

Q. Two or three years from now, when the new Zoning Ordinance is adopted, will there be a user-guide?

A key outcome of this rewrite will be a new Zoning Ordinance that is more intuitive and user-friendly than the current one, such that a separate user-guide may not be necessary. More often, a user-guide is embedded in the new code.

Additionally, the Consultant Team will prepare summaries of key zoning changes and train City staff, City Council, and the general public on using the new Ordinance.

