



ATLZONING

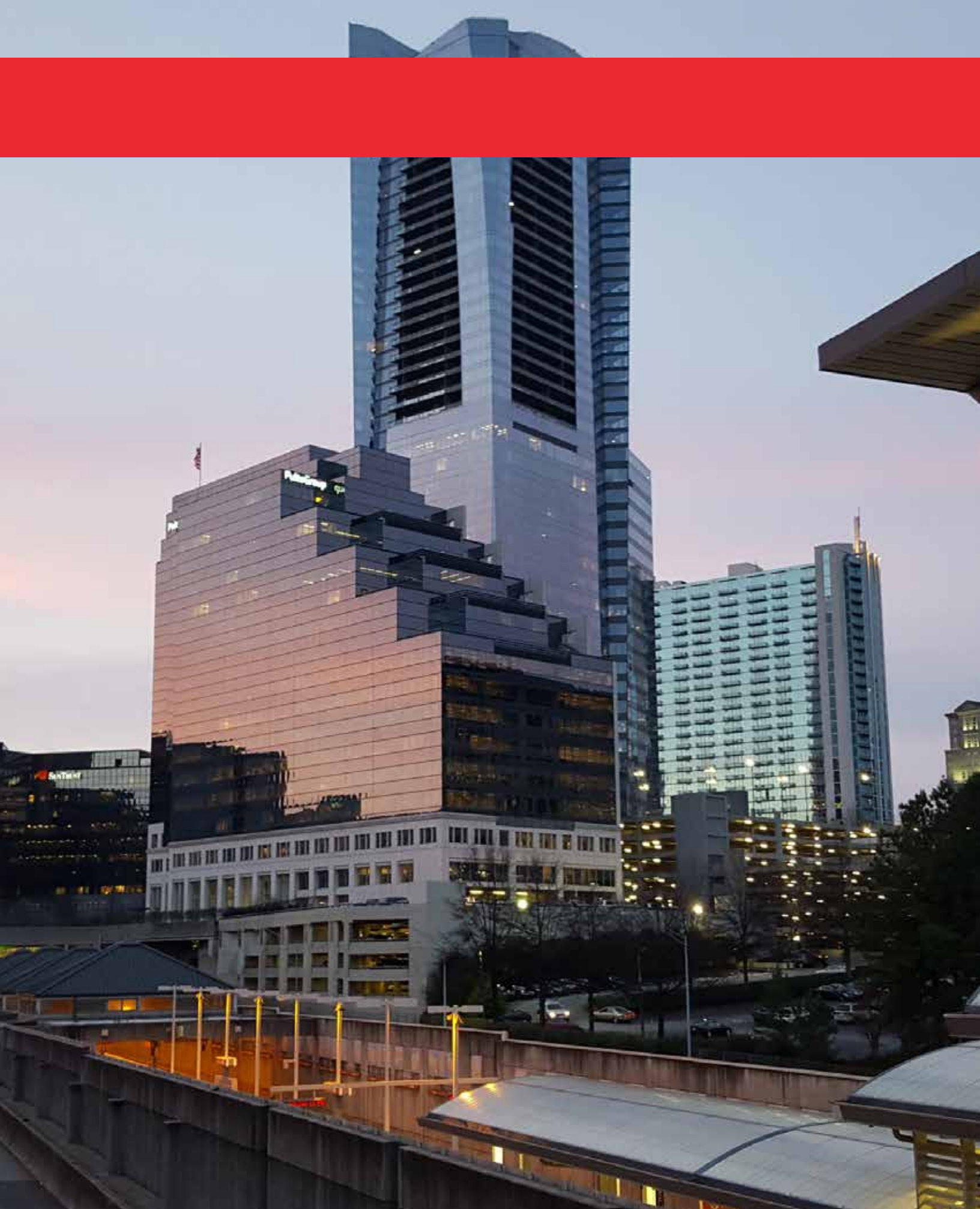
Technical Approach and Zoning Diagnostic Updates



Department of

CITY PLANNING

MARCH 7, 2023



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01 INTRODUCTION

REGULATORY APPROACH CONSIDERATIONS

The process of rewriting Atlanta’s Zoning Ordinance will be guided by existing City plans and policies, coding best practices, legal considerations, and input from Atlanta’s residents, businesses, and property owners. Of existing plans and policies, the Atlanta City Design (ACD) and the Comprehensive Development Plan (CDP) will be especially important for their direct relation to zoning.

It is likely that the Zoning Ordinance Rewrite will result in a new or significantly updated approach to the standards and procedures that guide growth and development. Similar efforts in other cities have resulted in major changes to code clarity and usability, design, procedures, and more. At the same time, existing standards and procedures that work well are frequently incorporated into new and updated codes.

In Atlanta, many of the updates to the Zoning Ordinance will be guided by the 2017 Zoning Ordinance Diagnostic (the 2017 Diagnostic) – an extensive review of the existing Zoning Ordinance, best practices, local needs, and other considerations. Unfortunately, the 2017 Diagnostic is now several years old and does not address all of Atlanta’s current and future needs, especially those brought about by increasing growth in recent years and other local and national events. The 2017 Diagnostic was also finished before completion of the Atlanta City Design. As a result, many foundational elements of the Atlanta City Design were not explicitly incorporated into it.



This document is as an amendment to the 2017 Diagnostic that accomplishes three main goals:

1. To review the existing Zoning Ordinance through the lens of the Atlanta City Design and identify issues where it does not support the Atlanta City Design framework or strategic actions;
2. To review existing Zoning Ordinance through the lens of new challenges facing Atlanta and identify issues where it does not address these; and
3. To identify potential strategies to address these issues (and the recommendations of the 2017 Diagnostic) in the updated Zoning Ordinance.

Final strategies will be subject to further exploration and refinement through the proposed public engagement process. Ongoing City initiatives already going through public review, such as Atlanta City Design Housing, the Tree Protection Ordinance update, short-term rental legislation, etc., were deliberately excluded due to their ongoing status.

The following summarizes findings of this review, organized by key issues. Within each, specific provisions of the existing standards or procedures that pose challenges are noted. Most of these issues are new, but some were previously identified in the 2017 Diagnostic and have been reaffirmed here.

Finally, it is important to note that, while this amendment focuses on challenges with the current zoning, the consultant team found that many provisions of Atlanta's current standards and procedures are well aligned with the Atlanta City Design, other City policies, and national coding best practices. These should be incorporated into the updated ordinance, with only minor adjustments for clarity.

ATLANTA CITY DESIGN

Atlanta. By Design.

Atlanta City Design is not a plan. It is an honest look at who we are as a city and our collective work towards achieving Dr. Martin Luther King Jr.'s vision of the Beloved Community. Atlanta City Design is an aspiration for the future city that Atlantans can fall in love with, knowing that if people love their city, they will make better decisions about it. This view is one of a very different future premised on two ideas

Atlanta is going to change; that not changing is not an option; that our change will involve significant growth; and that if properly designed, growth can be a powerful tool for shaping the Atlanta we want to become.

Almost always, more people are better than fewer; that a diverse population is better than a homogeneous one; and that the most strategic scenario for growth includes everyone.

Atlanta City Design is a framework for equitable, inclusive, and accessible growth. It reveals Atlanta's identity as a basis for designing a future city that can accommodate a much larger population, and then proposes ways to improve and accentuate Atlanta's authentic character.

You can learn more about the Atlanta City Design, including the meaning of the "Growth" and "Conservation" areas mentioned later in this document by visiting:

www.atlcitydesign.com/city-design

CODING ORGANIZATIONAL CHART

PRINCIPAL-IN-CHARGE / PROJECT M

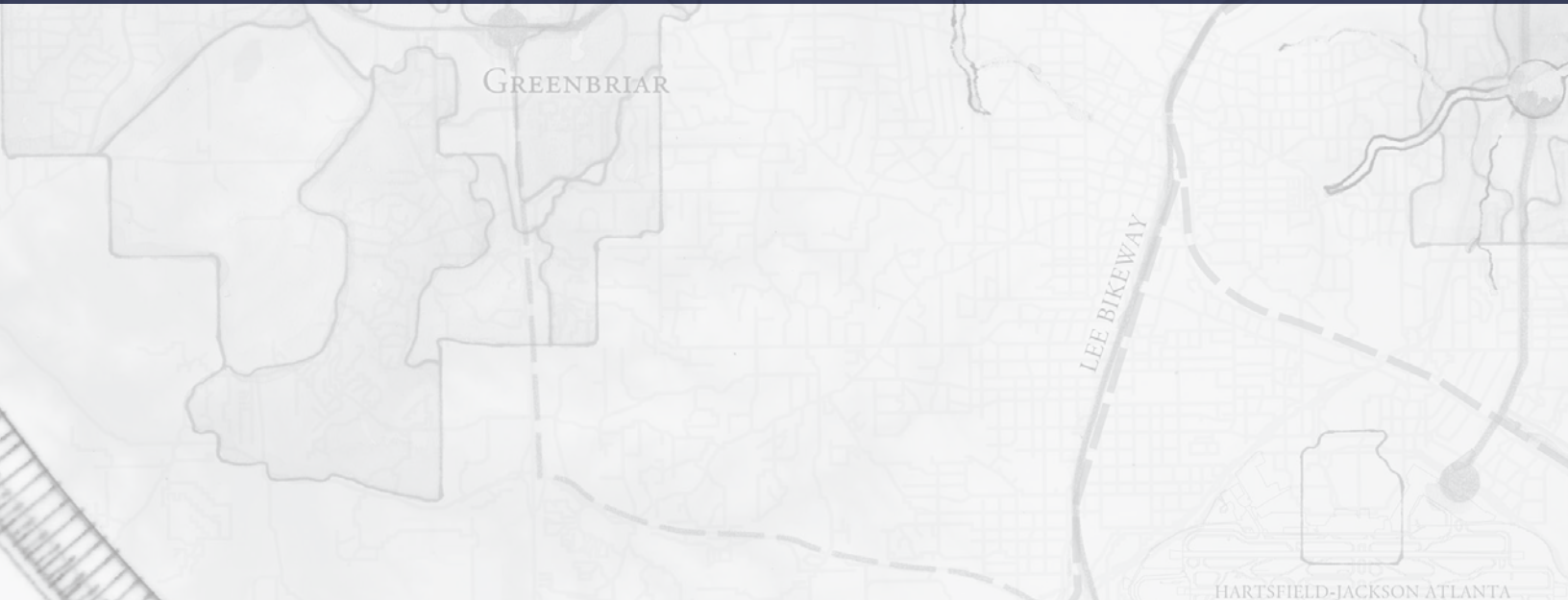
	TSW	CODE STUDIO	UTILE
CORE TEAM	<p>Caleb Racicot Houston Harris</p> <p>Planning/Entitlement Codification Best Practices Outreach</p>	<p>Lee Einsweiler Colin Scarff</p> <p>Codification Best Practices</p>	<p>Matthew Littel Andrea Baena</p> <p>Patterns Testing Outreach Best Practices</p>
TECHNICAL EXPERTS	EIGHTVILLAGE	POND & COMPANY	SOUTHFACE
	<p>Pavan Iyer</p> <p>Architecture Testing Best Practices</p>	<p>Lauren Blaszyk</p> <p>Engineering Transportation Best Practices</p>	<p>Robert Reed</p> <p>Sustainability Best Practices</p>

The City of Atlanta has retained a team of local and national zoning consultants and technical experts to rewrite its Zoning Ordinance. An organizational chart of the consultant team and their key roles is shown below.

MANAGER: CALEB RACICOT OF TSW

LEGAL TEAM	PLACEMAKERS	CONTENTE CONSULTING
<p>Robert Zoekler Jeff Haymore</p> <p>Legal Work Codification Best Practices Outreach</p>	<p>Scott Doyon Susan Henderson</p> <p>Messaging/Website Codification Best Practices</p>	<p>Contente Terry + Support Staff</p> <p>Outreach Planning</p>

CANVAS PLANNING GROUP	Primary Role(s) Secondary Role(s)
<p>Aaron Fortner</p> <p>Planning/Entitlement Codification</p>	





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02 ATLANTA CITY DESIGN ANALYSIS



11. Peachtree Road

- 12. Roswell Road
- 13. Lenox Road
- 14. Piedmont Avenue
- 15. Ponce de Leon Avenue
- 16. Decalb Avenue
- 17. Memorial Drive
- 18. McDonough Boulevard
- 19. Jonesboro Road

ATLANTA CITY DESIGN ANALYSIS | PROBLEMS

A. EXISTING ZONING DOES NOT FULLY SUPPORT THE ACD'S CORE VALUES.

Opportunities exist to better align all aspects of the Zoning Ordinance with the five Atlanta City Design core values:

- Equity
- Progress
- Ambition
- Access
- Nature

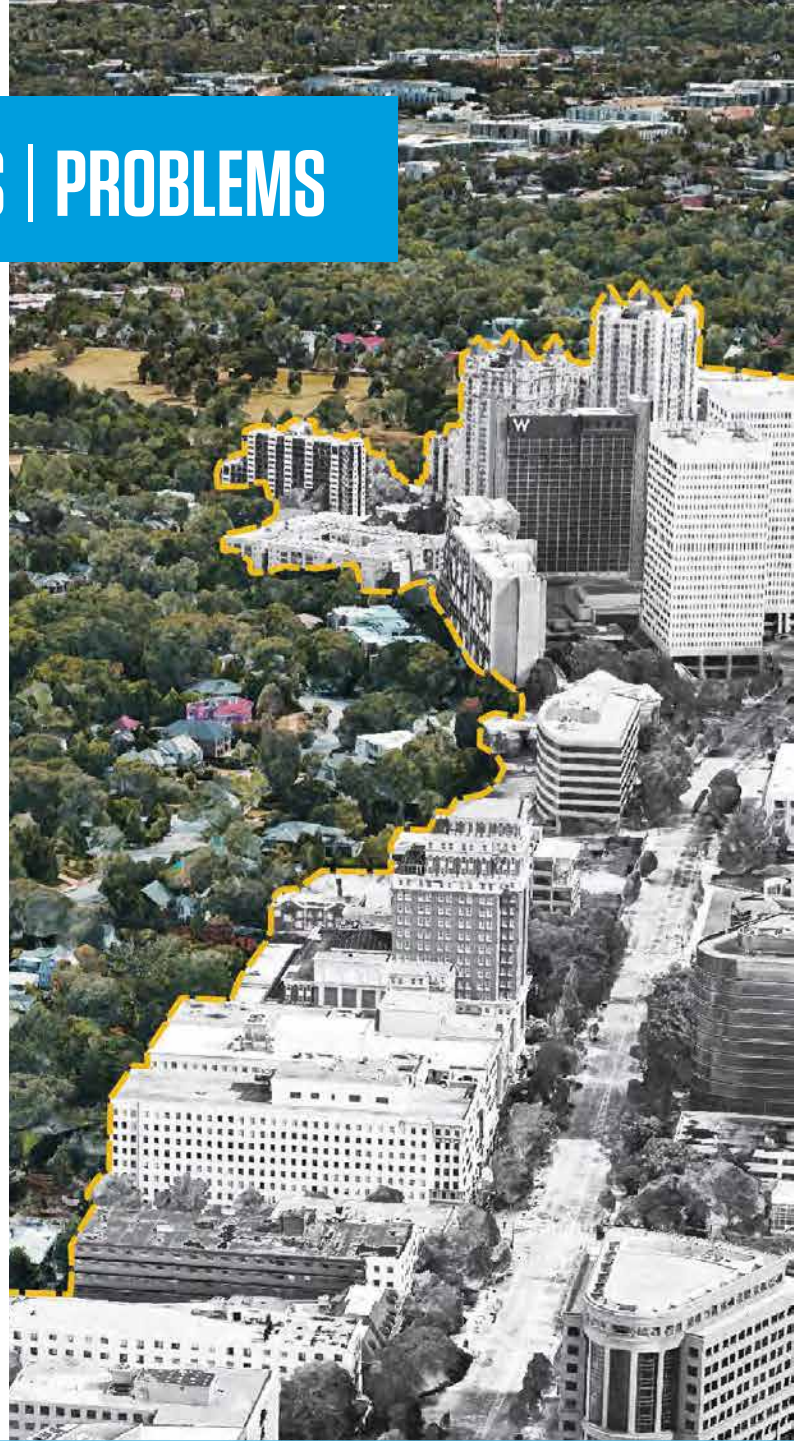
Generally, these include updating regulations to support future growth, but in way that respects Atlanta's unique physical form, history, and neighborhoods. Growth and change are coming but must be guided so all Atlantans benefit.

See B, C, and D below.

GROWTH AND CONSERVATION AREAS

The Atlanta City Design reinforces Atlanta's longstanding contrast between different land uses and development patterns by dividing the city into Growth and Conservation Areas.

Growth Areas are where the bulk of the city's future growth is expected to occur. They include Atlanta's more intense, mixed-use places, further divided into cores, clusters, and clusters.



Examples include Downtown, Campbellton Road, Roswell Road, and similar places.

Conservation Areas make up the remainder of the city. They often include the wooded Urban, Suburban, and Rural areas that area that define most Atlanta neighborhoods. Conservation Areas are envisioned to grow too, but in a way that maintains their inherent character.

B. EXISTING ZONING DOES NOT REFLECT THE PHYSICAL FRAMEWORK OF THE ACD.

The Zoning Ordinance does not reflect many physical aspects of the ACD that are essential to supporting its core values, including:

B1. The overall structure of Growth and Conservation Areas, including the different types of each.

See ACD strategies action 4.3 Growth Patterns.

B2. Existing building patterns within Conservation Areas, especially Urban Conservation Areas, including principal and accessory structure setbacks, accessory structure height.

See ACD strategic action 2.3a Save Ourselves, assorted City plans, and B3 below.

B3. Consistent good urbanism across the city, which is essential to Atlanta's quality of life and economic vitality as the city grows.

Today, much of Atlanta is zoned to require basic standards of good urbanism, especially around MARTA stations, in historic districts, near the Atlanta BeltLine, and in other Growth Areas. Unfortunately, some areas continue to permit auto-oriented, pedestrian hostile design, despite being zoned for relatively high densities; these include many Residential General (RG) and Commercial (C) districts.

The result of this is an inconsistent pattern of development quality, especially along major corridors that haven't been proactively rezoned. It is not uncommon to see new pedestrian-oriented mixed-use buildings that fronts the sidewalk with shopfronts, stoops, or porches next to a new auto-oriented gas station or fast food restaurant. Often, the former required rezoning, but the latter did not.

A similar situation exists in some Conservation Areas, where patterns of houses that front the street with stoops or porches are sometimes suddenly interrupted by a new infill subdivision featuring large frontal garages and/or no porch. To address this, the R-4 and R-5 districts were amended in 2018 to require new single-family houses to have stoops or porches if either predominated on the block face.

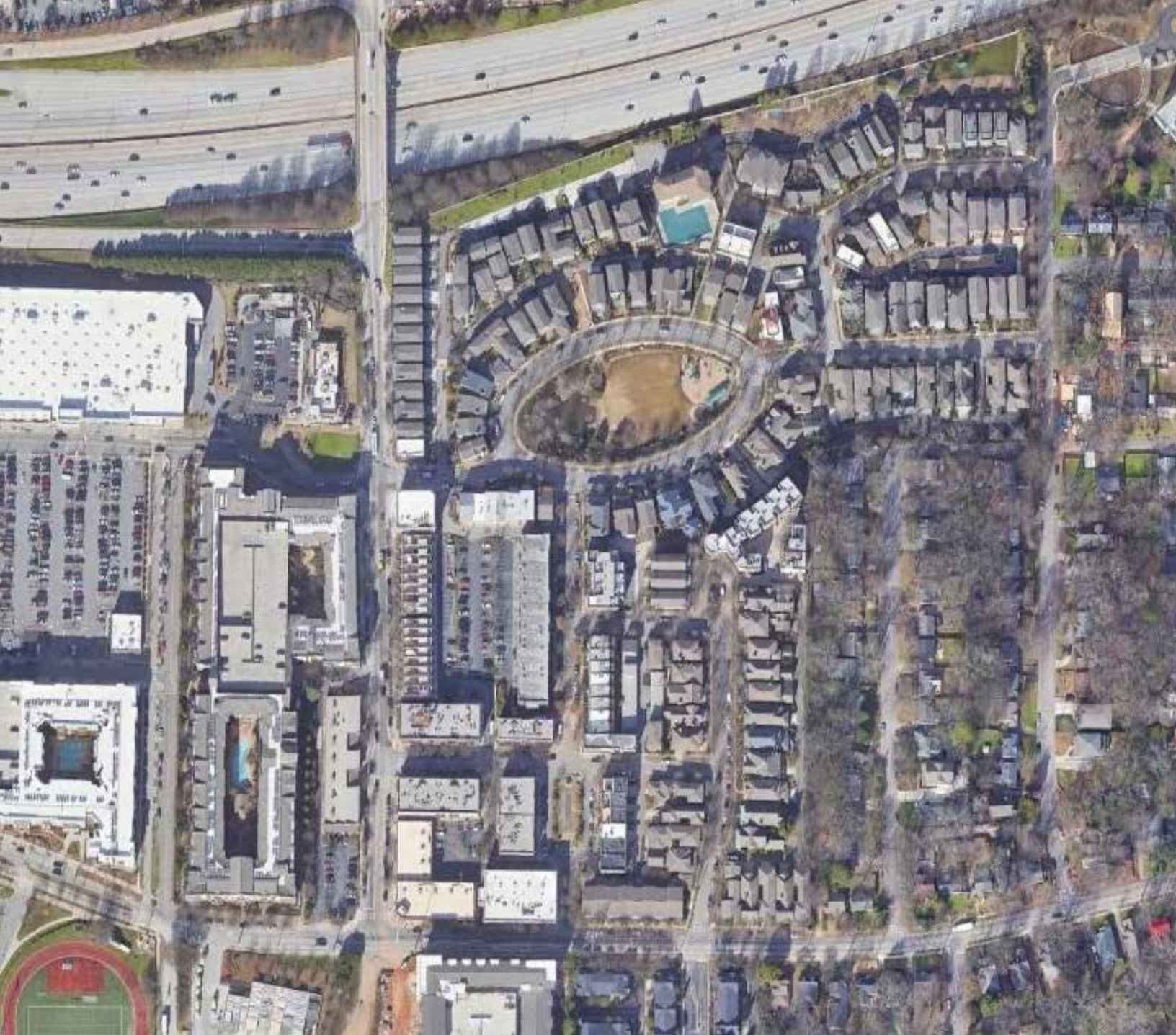
In both Growth and Conservation Areas, the current zoning also sometimes makes it difficult to build in a way that fits in with the neighborhood or aligns with neighborhood or City plans without requiring a variance.

See ACD strategic actions 4.2.a Be True, 4.2b Cover the Basics, 4.2d Design for Character, and 4.3a Growth Areas.

B4. New development that connects to and enhances the surrounding cityscape, rather than being isolated and inward focused.

Today, various aspects of the Zoning Ordinance encourage developers of larger sites to build inward focused "projects," rather than extensions of the surrounding cityscape. These include varying urban design standards (see B3), open space standards (see B5), transitional standards (see C3), connectivity (see C4, C5), and parking requirements that encourage a piecemeal approach to neighborhood or district parking.

As Atlanta grows, an increasing number of isolated "projects" that fail to form a more cohesive city is at odds with many aspects of ACD and good planning. At its core, these designs isolate different types of people and reinforce the idea that the fundamental aspect of cities – their PUBLIC REALM – is less important than the PRIVATE REALM within each project. Such



GLENWOOD PARK

Glenwood Park is an infill development located in the North Ormewood Park that supports many aspects of The Atlanta City Design.

The project was built on a former concrete plant following good urban design principles. The site is organized into walkable blocks that tie into the surrounding street network and the Atlanta BeltLine. A variety of open spaces are provided

throughout, including a large central park that also serves as stormwater management.

A variety of uses and housing types are provided, including detached single-family, accessory dwelling units, townhouses, flats, and more. Small-scale commercial uses are clustered on the edge of the site to connect to the surrounding community and avoid an inward-oriented design.



Neighborhood Parks
Provide parks at strategic locations such as transit stations.

Nature Spaces
Celebrate the intersection of major waterways and growth corridors: where people connect with nature.

Zoning plays a critical role in the design and improvement of public spaces to support the life of our growing city (The Atlanta City Design, pages 282-283, Spaces for Public Life)

developments often go to great lengths to create beautiful, safe, and comfortable interior spaces, while designing the portions along existing public streets as an afterthought. They also discourage walking, bicycling, and transit use by creating a city made up of many islands of walkability that are separated by areas that are downright hostile to walking, bicycling, or transit use.

Zoning regulations that contribute to this include those that allow projects to literally and figuratively turn their back on public streets, or focus on vehicle access (at the expense of non-drivers), or isolate themselves from surrounding uses by buffers or poor connectivity.

B5. Meaningful public and open spaces as part of new developments, especially near transit

and at the intersection of major Growth Areas and waterways.

See ACD strategic actions 4.3d Design for Life, 4.2e Make Space, 5.3C Green Retrofits, and C1 LUI Table below.

B6. Walkable development patterns that are compact, connected, and mixed-use, especially within Growth corridors.

See ACD strategic action 4.3 Growth Patterns, especially 4.3e Shrink Distances.

B7. Existing nonconforming neighborhood commercial uses and multifamily buildings (e.g. built after 1945 or with more than 12 units), which are often illegal despite having existed for over a century in many locations and being important neighborhood assets.

See C9 below.

C. EXISTING ZONING DOES NOT REFLECT THE PHYSICAL FRAMEWORK OF THE ACD.

The core of the Zoning Ordinance is over 40 years old and many of its regulations reflect a 1970s vision of the future. Often, these dated regulations seek to remake the entire city in the image of the suburbs, rather than reinforcing the inherent urbanism in many parts of Atlanta. Outdated regulations include:

C1. The Land Use Intensity (LUI) Table, which applies in almost all districts where multifamily uses are allowed.

The table provides for tiered parking and open space requirements that vary by density. Under this system, a lot can have wildly different parking and open space requirements, depending on its density. Generally, medium-density sites have lower open space requirements than low or high density ones.

The physical result of the LUI Table is very unpredictable. The types of open spaces it allows are broad and include everything from parking lots (which count towards Total Open Space), to private balconies, to natural areas, to landscape parks or plazas. Furthermore, the LUI Table

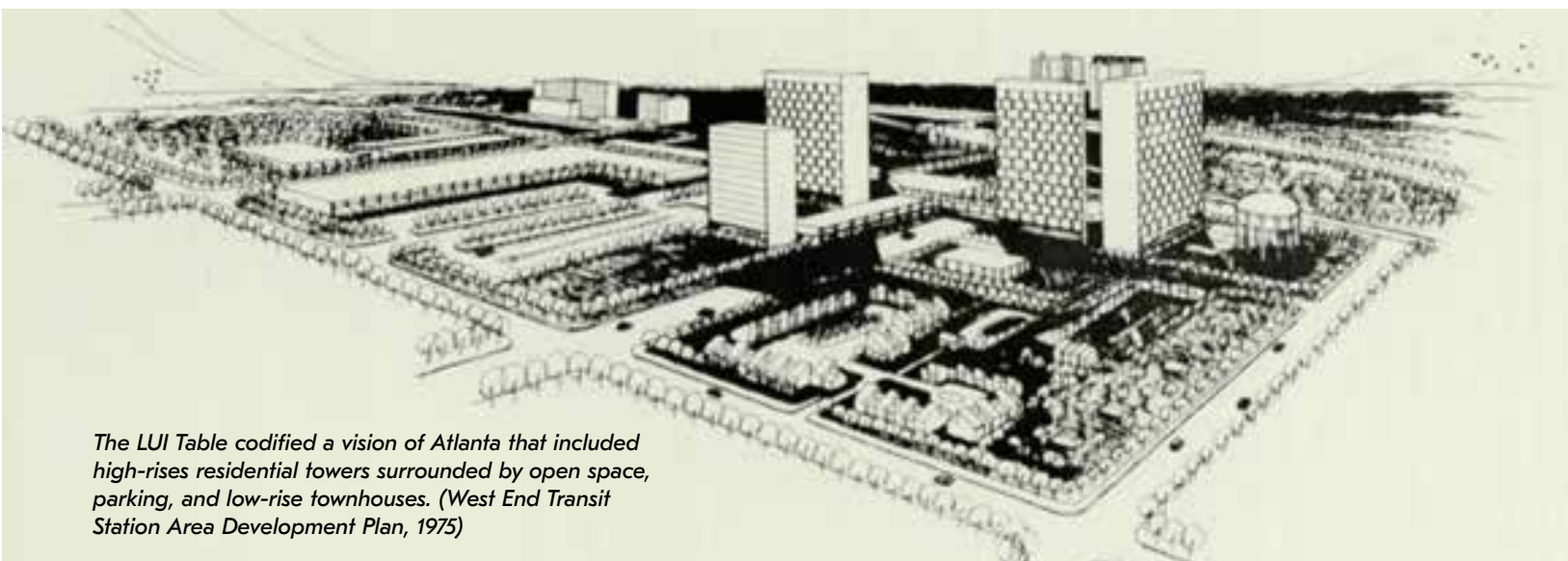
implicitly encourages the garden apartments and “towers in the park” that were common in the 1970s, and which can still be seen around the former Atlanta Civic Center. Developments that conform to the LUI Table often still lack any meaningful gathering spaces.

C2. Existing “public space” and “usable open space” standards do not consistently result in meaningful open space; there is no distinction between private balconies and shared spaces.

See C1 LUI Table above.

C3. Existing options for transitioning between different types of development are limited and often result in patterns that conflicts with established neighborhood patterns.

Typically, transition standards require a transitional height plane (which requires taller buildings to step down) and a 20-foot landscaped buffer between different uses. For the most part, the transitional height plane has worked well, and is generally compatible with the patterns of Atlanta’s neighborhoods. However,



The LUI Table codified a vision of Atlanta that included high-rises residential towers surrounded by open space, parking, and low-rise townhouses. (West End Transit Station Area Development Plan, 1975)

the 20-foot transitional yard has not been as universally successful, especially when it conflicts with established neighborhood patterns. In some neighborhoods, a wider transitional yard is common. In others, alleys, screening, or small buildings provide a transition between different intensities and make efficient use of urban land. For this reason, some newer zoning and historic districts provide alternative standards.

C4. Existing block/street connectivity standards are inconsistent; some are poorly worded and do not result in an interconnected network of public and private streets.

See ACD strategic action 3.3d Street Plans.

C5. Existing access management/inter-parcel access standards are inconsistent and do not result in shared driveways, inter-parcel access, or similar provisions.

C6. There are insufficient zoning tools to support “missing middle” housing.

“Missing middle” housing includes many different housing types located on a spectrum of intensity between single-family detached houses and large multifamily buildings. In Atlanta, these historically included duplexes, triplexes, quadruplexes, cottages/cottage courts, and small multifamily buildings. Most of these types are not allowed today or are only allowed in districts that also permit much higher density – making their construction unlikely as builders take advantage of the most profitable development types.

In 2018, the City adopted the Multi-family Residential Multi-Unit (MR-MU) district to allow new buildings with 4 to 12 units, subject to rezoning. Subsequent uncodified policies detailed where these rezoning are suitable were also developed. As of this writing, the use of MR-MU has been limited for several reasons, including



This historic duplex is now a single-family house after sitting vacant for many years and losing its grandfathered status

The existing Zoning Ordinance does a good job allowing detached single-family houses, townhouses, and big multifamily buildings. At one time, the zoning also provided other moderate density housing options between these extremes. These historic house types that are no longer commonly built today are now known as “missing middle” housing.

the location of proposed rezonings, the number of units, the policy requirement that they occupy a single building, and their design.

See ACD strategic action 2.1d Missing Middle and the One Atlanta Housing Affordability Action Plan

C7. The city lacks a residential district for lots between 2,800 and 7,500 s.f.

Many historic Atlanta blocks are made up 5,000 s.f. lots, yet the City lacks a zoning district to support these existing patterns.

C8. Existing parking requirements, which vary widely by zoning district (rather than location or actual need) and are relatively high, even compared to suburbs in the Atlanta region.

See ACD strategic actions 2.1e Rethink Parking, 2.2a Grow Smartly, 2.1d Cost of Workspace, 3.3a Favor Adaption, and assorted City plans.



Courtesy Darin Givens

C9. There is no good tool for small-scale neighborhood corner stores.

Nearly a century ago, corner stores were allowed in every residential district in Atlanta. Today, those that exist are often legal nonconforming uses or part of larger commercial districts. The Neighborhood Commercial (NC) district comes close to providing such a district, but contains distance and procedure provisions that limit its use. Compatibility with the Future Land Use Map and concerns about “spot zoning” also make it challenging to proactively rezone for existing or future corner stores.

See B7 above.

C10. There is no good tool for controlling the proliferation of bars, restaurants, clubs, or other regional draws in neighborhoods other than parking requirements.

The replacement of neighborhood retail uses with bars, restaurants, and other regional nighttime draws has been a longstanding challenge in Atlanta’s neighborhood business districts. Market research conducted around 2000 found a tipping point at which these business districts transition from serving local resident needs to becoming a regional draw when 25% or more of total business are bars or restaurants. This percentage is now reflected in some NC districts, but is difficult to monitor and enforce, especially as businesses change or buildings are built.

Areas without business mix requirements often control the proliferation of bars, restaurants, and similar uses through parking requirements. In 2018, the City eliminated parking requirements for most uses in buildings built before 1965 but kept them for uses requiring an alcohol license. Despite common misunderstanding, this was not to encourage people to drive to these uses. Rather, it was because there was no other way to prevent Atlanta’s few remaining walkable business



Parking regulations directly impact how many bars and restaurants are allowed in many parts of the city today

districts from losing the types of businesses that serve residents –grocers, hardware stores, dry cleaners, etc. – many of which operate in building with no parking. By only exempting true retail and services from the parking requirement, large bars and restaurants are discouraged by the process required to obtain parking relief.

A final challenge related to controlling these uses is that Zoning Ordinance’s definitions do not align with the in the Chapter 10: Alcoholic Beverages.

uses that are often compatible with residential and commercial uses – the recent citywide proliferation of breweries on the ground floor of apartment building or “maker spaces” in office towers testify to this.

The Industrial Mixed-Use (I-Mix) district allows mixing industrial, residential, and commercial uses if a minimum amount of industrial uses is provided. Opportunities also exist to allow low-impact, small industrial uses and co-working spaces in other mixed-use or commercial districts.

See ACD strategic action 3.1b Microaccelerators.



C11. Use standards are more restrictive of low-impact industrial uses than necessary.

When the Zoning Ordinance was written, many facilities involved in the production of goods were noisy, smelly, and otherwise unpleasant to be around. In fact, separating industry from other uses is a key reason that zoning came to be.

In recent decades, manufacturing has changed drastically. 3D printing, smaller and quieter machines, pollution controls, and new distribution networks now allow small-scale manufacturing

C12. Use standards in I-2 heavy industrial allow many non-industrial uses.

I-2 allows shopping centers and other large commercial uses that are often incompatible with heavy industrial uses.

C13. Develop standards that consider proximity to different types of transit, corridors, and context.

These could include standards that allow more density or greater use flexibility when certain conditions are met.

D. THE EXISTING ZONING IS DIFFICULT TO USE AND ADMINISTER.

D1. There are unclear and outdated terms throughout the Zoning Ordinance.

D2. There are over 200 unique zoning districts in Atlanta today, not including historic districts or conditional zonings.

This presents administrative and enforcement challenges to Office of Zoning and Development staff, Office of Buildings staff, and the historic preservation staff of the Office of Design. The differences between many districts are often only floor area ratio (FAR), building height, or use.

D3. The residential and nonresidential FAR distinction makes it hard for building to change use over time (without rezoning) and, since the nonresidential FAR is usually higher than the residential FAR, often over-zones corridors.

The Zoning Ordinance was written at a time of rampant regional suburbanization and sought to solidify Atlanta's position as a business center. This view is reflected in most of its commercial and mixed-use zoning districts' FAR standards that permit a lot of commercial growth (e.g. hotels, office buildings, large shopping centers) on virtually every corridor, but permit less residential development.

Today, the distinction between nonresidential and residential FAR in the same zoning district creates problems. First, it makes it difficult for obsolete commercial buildings (e.g. Ponce City Market, Westside Provisions, etc.) to convert to residential without a lengthy and expensive rezoning process. In doing so, nonresidential and residential FAR distinctions also result in properties over-zoning for non-residential FAR just to obtain a reasonable residential one.

The distinction also makes it difficult for neighborhoods to gauge just how much development is permitted on a site, since it depends on the use. For this reason, many cities have moved towards approaches that still control the size of buildings but allow the uses within them to vary based on market conditions.

See ACD strategic actions 3.3a Favor Adaption and 5.5b Green Buildings Sites.

D4. Use-related terms, definitions, and standards vary wildly between zoning districts and are often unclear.

D5. Many zoning districts incorporate form-based standards, but the standards are inconsistently worded.

This creates challenges for applicants, City staff, and neighborhoods and does not result in improved design in one district over another. Examples include the various ways of calculating fenestration, supplemental zones/yards, façade height, block standards/connectivity, active uses, etc., across various districts.

D6. Many terms and standards in the Zoning Ordinance do not align with other city codes, including the Tree Ordinance, the Subdivision Ordinance, and the Post Development Stormwater Management Ordinance.

D7. The required minimum lot sizes are often larger than the platted lots in R-1 through R-5 areas.

When existing platted lots are smaller than required by the zoning district the lot standards (e.g. lot coverage, setbacks) that apply to them often poorly suited to their size. As a result,

owners of smaller lots must frequently spend two-to-three months to obtain a variance before they can build a new house, addition, garage, or accessory dwelling unit. To avoid the time, cost, and uncertainty of the variance process, many owners choose to build projects that conform to the zoning, but then fail to match the existing built patterns of the neighborhood.

D8. The zoning entitlement process discourages the small; the effort (both in time and money) required to rezone/seek a variance/file and SAP is the same for small projects as it is for large.

D9. The zoning process runs contrary to affordable housing and small business goals by adding cost and delay to projects, such as duplicative review processes, even after rezoning approval.

See D11.

D10. Many variances are requested not due to a true “hardship,” but because the Zoning Ordinance is outdated.

See B and C above.

D11. Special Administrative Permits (SAPs) have become increasingly required in recent decades.

When SAPs were conceived, they were intended to only be used, “For temporary uses and in cases where technical determinations or reviews are the principal purposes - handled by the City professional staff. No public hearing required.” Accordingly, they were required for certain uses citywide and in Special Public Interest (SPI) districts before a building permit could be applied for. Because the districts that required SAPs also included more design standards than other zoning districts, SAPs also provided limited administrative relief from some district regulations as part of the review process.



New development in many parts of the city requires a Special Administrative Permit (SAP), including these new apartments in Downtown

Starting in the late 1990s, the City began to develop new zoning districts that focused more on physical design, including dozens of new SPIs, Quality of Life zoning districts, and a few overlay districts. Around the same time, City policy began to encourage the use of Quality-of-Life districts due to their better physical outcomes. The result of this was an dramatic increase in the number of SAPs required citywide.

Today, most multifamily, commercial, or mixed-use development requires an SAP. Many SAPs also are tied to advisory review by development/design review committees (DRCs) and Neighborhood Planning Units (NPU). These apply regardless of size or scope, such that the process required to build a triplex in the BeltLine Overlay or add a storage cooler behind a Downtown restaurant can take as long as building a half-million square foot high-rise in Buckhead.

While the number of zoning districts and/or projects that require SAPs (and DRCs) has increased over time, the number of City review staff has not commensurately increased—leading to slower review time and/or non-review period where staff awaits review by informal groups such as DRCs before conducting staff review.

D12. Some projects require approvals from various bodies, each with their own review standards and jurisdiction. This poses challenges for City staff, applicants, and neighborhoods.

Examples of this include a rezoning that is approved by the City Council conditioned on a site plan, but the site plan still requires a variance from the BZA before it can be built. When DRC or historic preservation review is required, they can further complicate and extend the situation.

D13. Review procedures for “zoned” projects vary widely.

Older districts require no special review before filing for a building permits, but SPIs and newer ones require SAPs. DRCs add another layer in certain locations.

D14. There is no consistent, effective method for addressing building design.

See B and C above.

D15. There is no consistent, effective method for public notification and review.

D16. Atlanta is one of the only jurisdictions in the region that lacks administrative variances, other than in districts that require an SAP.

Most governments in the region allow staff to approve some types of administrative variances. Generally, these are limited to a certain amount of relief, and only when specific conditions are met, usually to accommodate an existing tree or other physical element that exists on the site.

D17. The LUI Table is complicated; most of the public does not understand it, especially the calculations required to determine compliance.

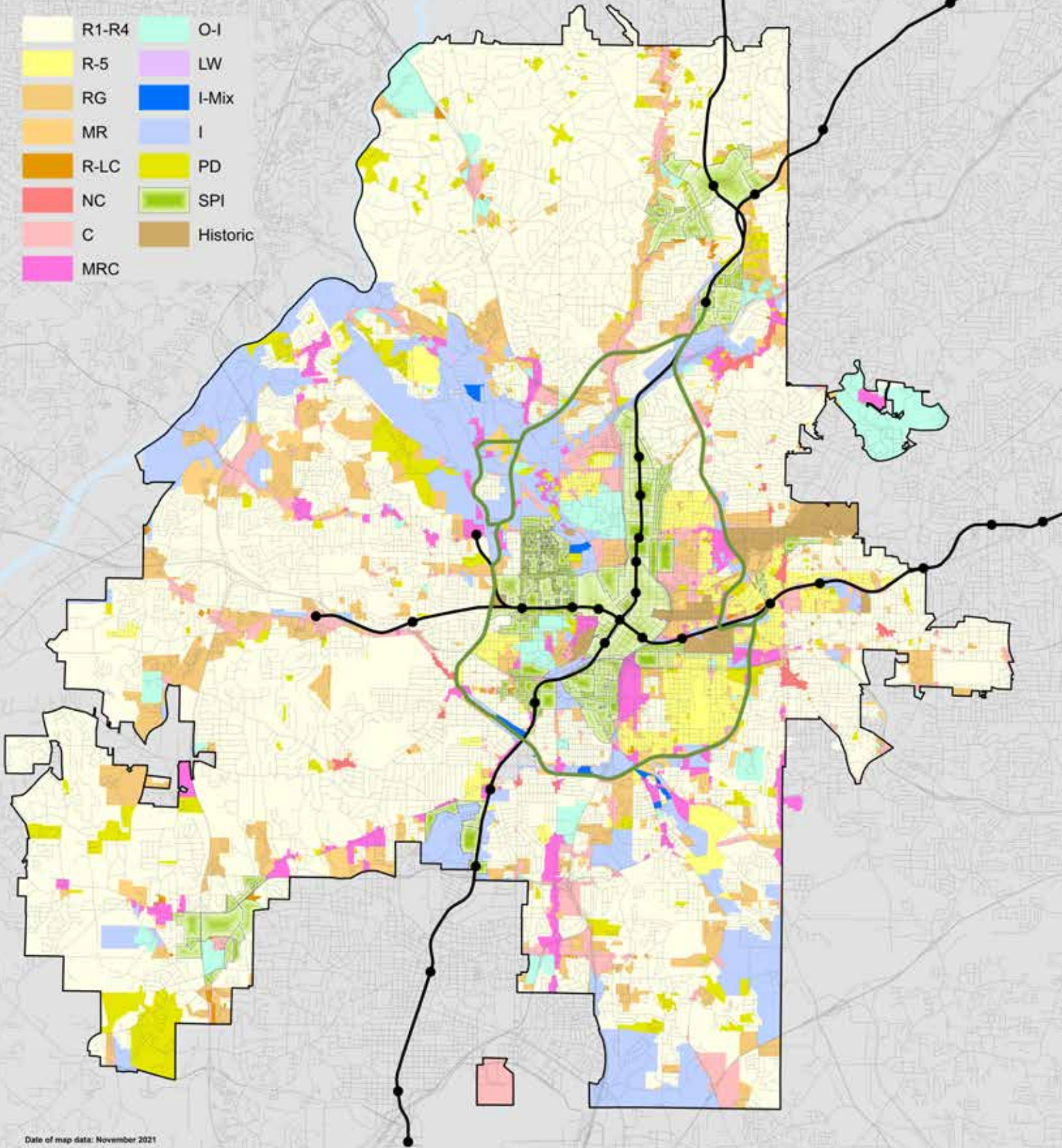
See C1 LUI Table above.

D18. The streetscape standards required by the Zoning Ordinance are often at odds with other ongoing streetscape plans or projects.

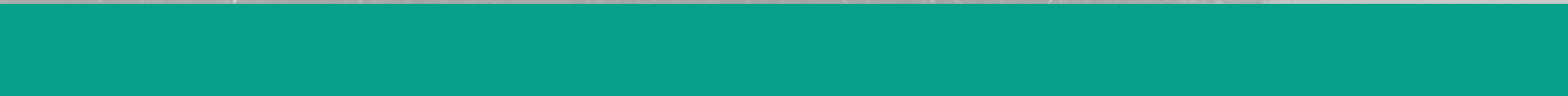
Sometimes sidewalks installed as part of redevelopment coordinate with City plans or projects, but this is not always so.

BASE ZONING DISTRICTS

- | | | | |
|--|-------|---|----------|
|  | R1-R4 |  | O-I |
|  | R-5 |  | LW |
|  | RG |  | I-Mix |
|  | MR |  | I |
|  | R-LC |  | PD |
|  | NC |  | SPI |
|  | C |  | Historic |
|  | MRC | | |

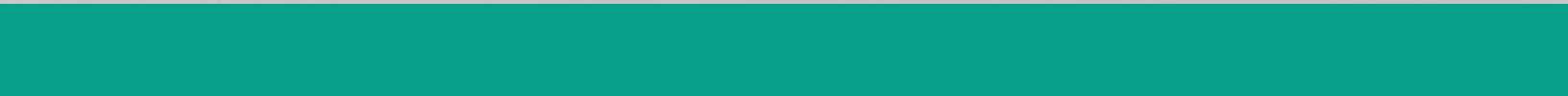
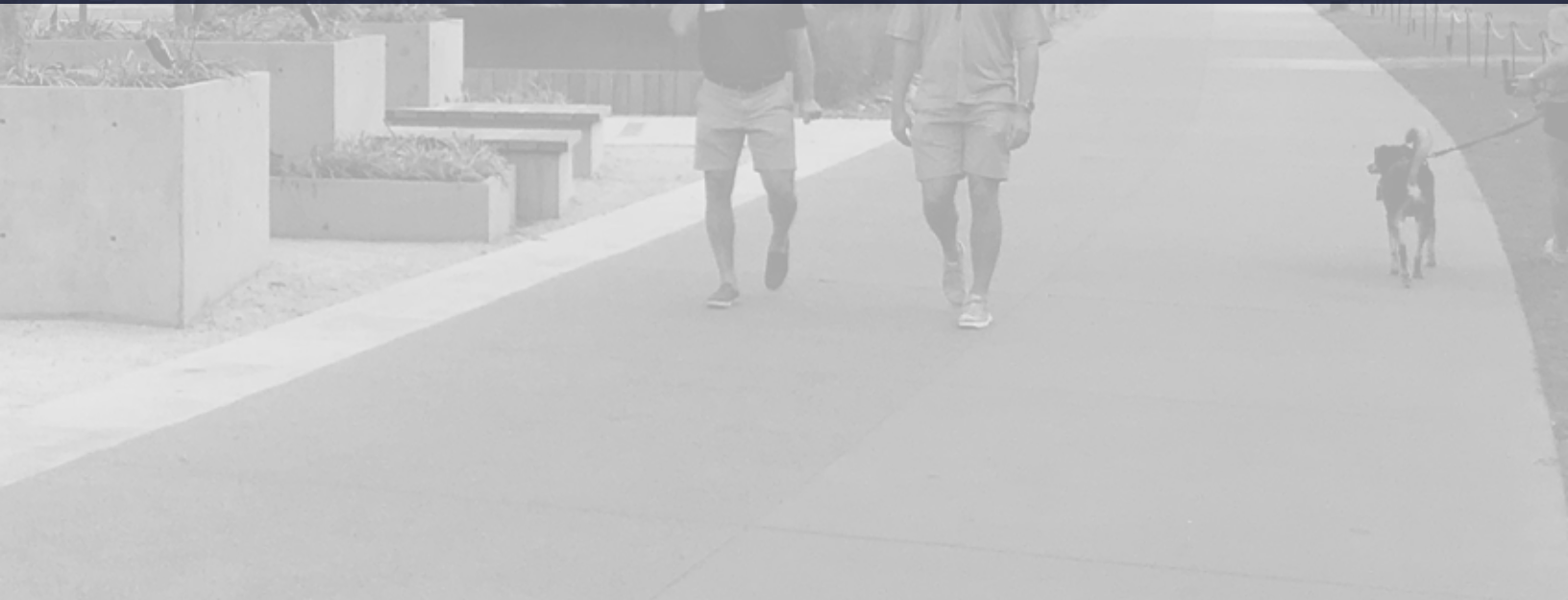


Date of map data: November 2021





03 ALTERNATIVES



ALTERNATIVE REGULATORY SOLUTIONS



CONSIDERATIONS

There are many ways that the Zoning Ordinance could be improved to address the needs and problems identified in Chapter 02 and the 2017 Diagnostic. These fall into three closely related categories:

- **Format:** the overall structure of the ordinance;
- **Substance:** the regulations within it; and
- **Procedures:** how it's administered.

As alternative solutions are identified, evaluated, and ultimately recommended, it is important to keep in mind the following.

Does the solution support City plans and policies, especially The Atlanta City Design and the Comprehensive Development Plan?

Updates should support these foundational documents as much as possible, informed by the other considerations below. When these documents conflict or are unclear, the zoning rewrite process will incorporate public engagement activities to confirm direction.

Are there legal considerations associated with the solution?

All proposed changes must conform with State and federal law, including zoning case law.

Is the solution clear?

Regulations must be easy to understand. Vague or subjective rules burden applicants and City

staff and encourage lawsuits. Graphics must support text.

Is it easy to determine if a proposed development complies with the solution?

Zoning regulations sometimes require complicated, technical calculations before it can be sure that a plan conforms with them. Regulations that are difficult for applicants and City staff to use and calculate should be discouraged. This is especially true for activities that might be performed by a homeowner or small businesses without professional help.

Can the City administer and enforce the solution? If not, is it important enough that the City will allocate more resources?

Zoning regulations are only effective if there are resources to administer and enforce them. Regulations that cannot be properly administered or enforced should not be proposed, unless resources are provided.

Would the solution result in nonconformities?

“Nonconformities” are structures or uses that do not meet current regulations. There are various practical and legal considerations associated with these that must be considered.

Does the solution conflict with other solutions or regulations?

It is of essential that all solutions and regulations are consistent. When recommendations conflict, the zoning rewrite process will incorporate public engagement activities to confirm direction.

Are there any other impacts, unintended or otherwise, associated with the solution?

During the rewrite process, additional considerations will emerge that must be considered on a case-by-case basis.

BEST PRACTICES: FLOW CHARTS

Modern, user-friendly codes include flow charts of key processes. Below is a potential example.



FORMAT

The consultant team explored a variety of options for how to organize Atlanta's new Zoning Ordinance. These were developed independently by different team members and discussed at a series of internal consultant team workshops.

The following alternatives were explored. More details can be found in the Appendix.

The Status Quo

This alternative would keep the Zoning Ordinance's current structure of few general base zoning districts and many custom districts written for specific areas (e.g., SPIs, historic districts).

Advantages

- Existing code structure is familiar to users.
- Districts can be customized to local needs.

Disadvantages

- Custom districts require resources that are not available to all neighborhoods.
- The code can quickly become long and overly complex.
- Minor wording or regulatory differences between districts can make the code hard to use and administer.
- Differences between custom districts may not always align with public policy or neighborhood character.
- Existing base and custom districts do not always align with the Atlanta City Design.

A Consolidated Code

This alternative would keep the Zoning Ordinance's current structure of few general base zoning districts and many custom districts written for specific areas (e.g., SPIs, historic districts), but would consolidate districts that are similar in terms of use, density (e.g. FAR), building height, and use into meaningful differences. Today, some zoning districts are virtually identical, except for a few insignificant differences (e.g., a height limits of 50 feet versus 52 feet, or an FAR of 0.696 versus 0.7).

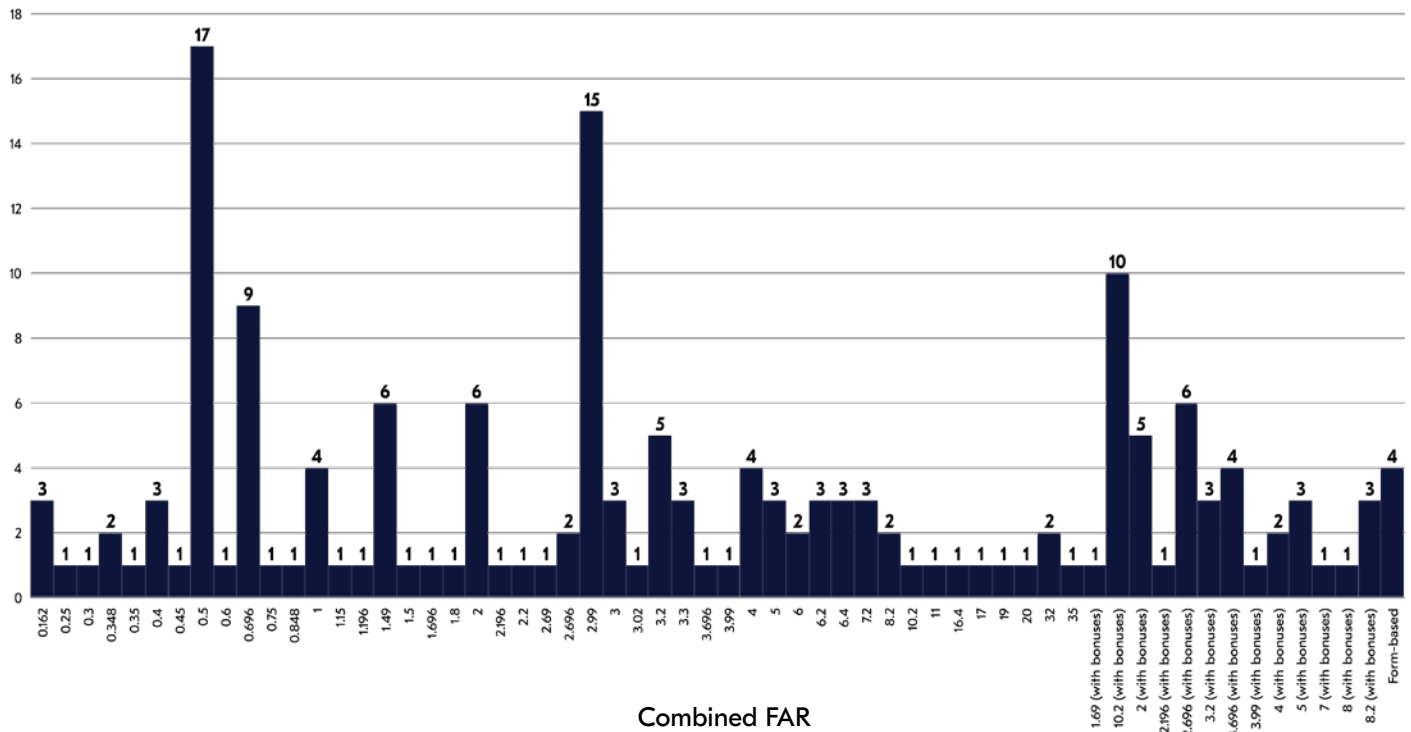
Advantages

- A modified existing structure would still be familiar to users.
- Districts can be customized to local needs.
- An emphasis on meaningful differences between zoning districts makes the code easier to administer.

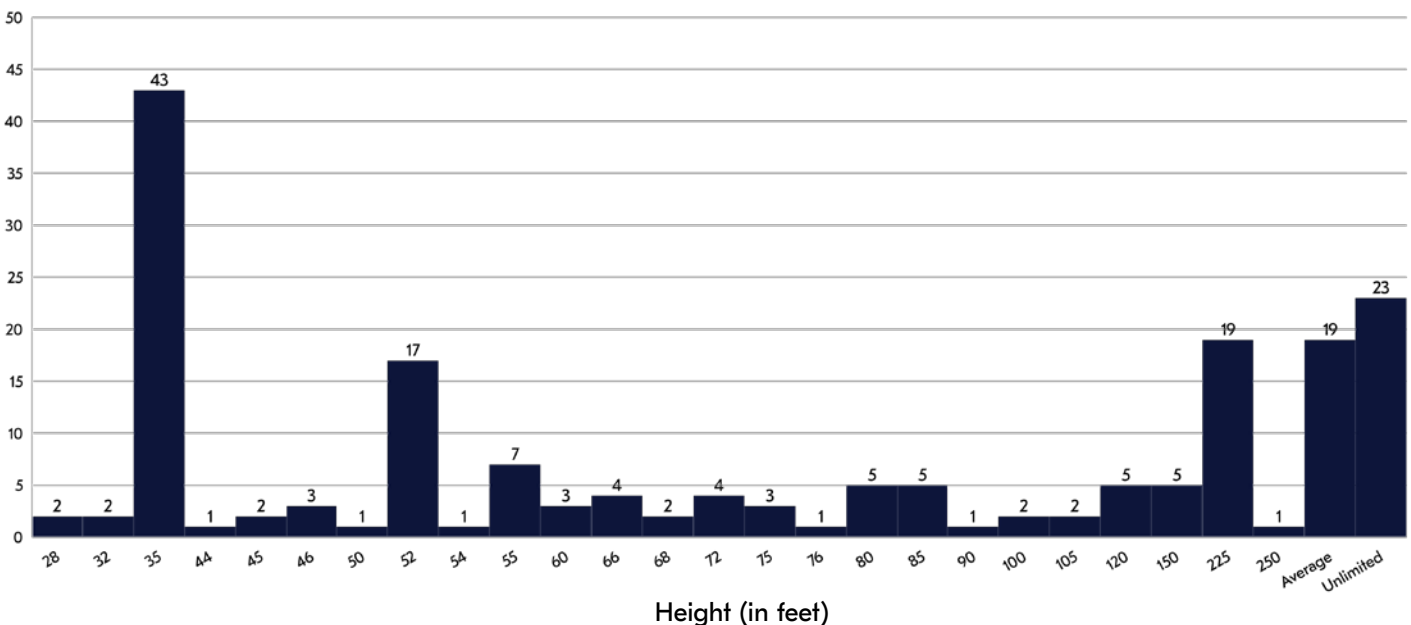
Disadvantages

- Custom districts require resources that are not available to all neighborhoods.
- The code can quickly become long and overly complex.
- Differences between custom districts may not always align with public policy or neighborhood character.
- Existing base and custom districts do not always align with the Atlanta City Design.

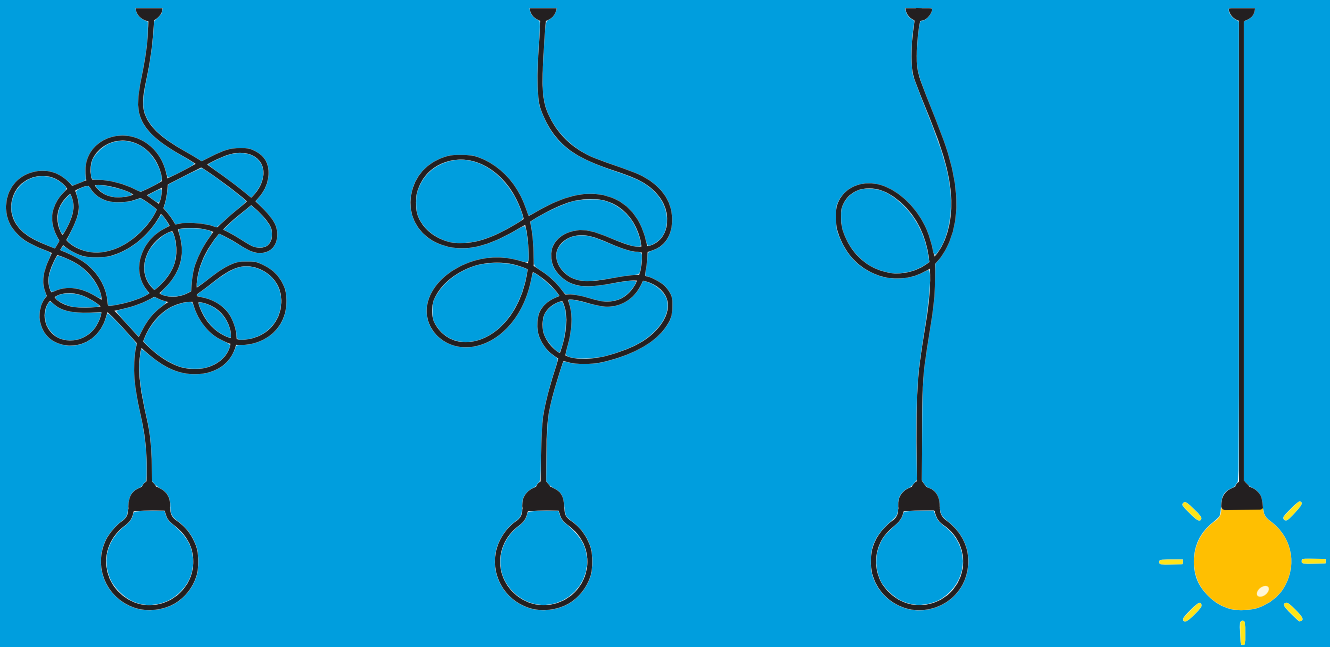
FLOOR AREA RATIO (FAR) BY NUMBER OF ZONING DISTRICTS



BUILDING HEIGHT BY NUMBER OF ZONING DISTRICTS



WHILE A “LEAN CODE” WOULD SIMPLIFY THE ZONING ORDINANCE, IT WOULDN’T RESPECT TO THE NEEDS OF ATLANTA’S DIVERSE NEIGHBORHOODS



How complex do we need to be to implement ACD?

KEEP IT SIMPLE

A Lean Code

A so-called “lean code” would reduce the number of zoning districts and regulations to focus on only those things that are most critical to meeting Atlanta’s needs.

More information can be found at the [Lean Code Tool website](#).

Advantages

- Fewer districts and regulations make lean codes easy to use and administer.
- Design standards, use standards, and other important elements can still be incorporated.

- Small-scale development and small businesses benefit from lean codes.

Disadvantages

- Fewer opportunities exist to customize regulations to neighborhood needs or patterns.
- Greater flexibility can result in less predictable development.
- A lean code may provide less ability to respond to other City needs.

Zone Strings

A zone string creates predetermined sets of standards and combines them in different ways, depending on the needs of a specific neighborhood or location. By combining different standards, hundreds, even thousands, of different “zoning districts” can easily be defined.

Zone strings often include sets of form, frontage, site, and use standards.

Advantages

- Zone strings can reduce the number of zoning districts, while still allowing customized standards that meet neighborhood needs.
- Fewer districts and consistent standards make zone strings easy to use and administer, after a short acclimation period.
- Standards can easily align with City policies.

Disadvantages

- The structure of zone strings is very different from the current Zoning Ordinance and may take some getting used to.

SUBSTANCE AND PROCEDURES

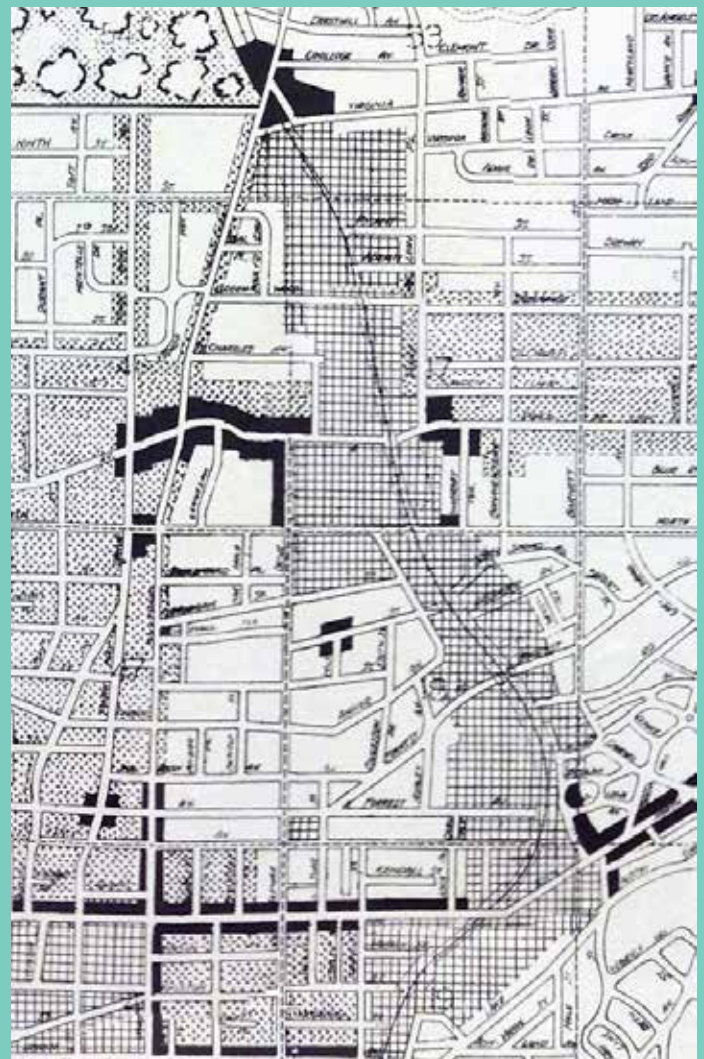
There are many possible ways to update the Zoning Ordinance’s substance and procedures to address the problems identified in Chapter 02. Many of these are highly interconnected, with one alternative depending on a decision reached on another. For this reason, the consultant recommends using the public engagement process to explore and define these alternatives using an incremental process in which successive alternatives build upon earlier decisions. This will ensure that regulations are discussed in a way that truly considers their inter-related nature, and avoids potential inconsistencies.

ZONE STRINGS IN ATLANTA’S 1929 ZONING ORDINANCE

Atlanta’s 1929 Zoning Ordinance - effectively the City’s first - contained many aspects of what we now call zone strings, including:

- Four Use Districts (U1, U2, U3, U4);
- Three Height Districts (H1, H2, H3); and
- Five Area Districts (A1, A2, A3, A4, A5)

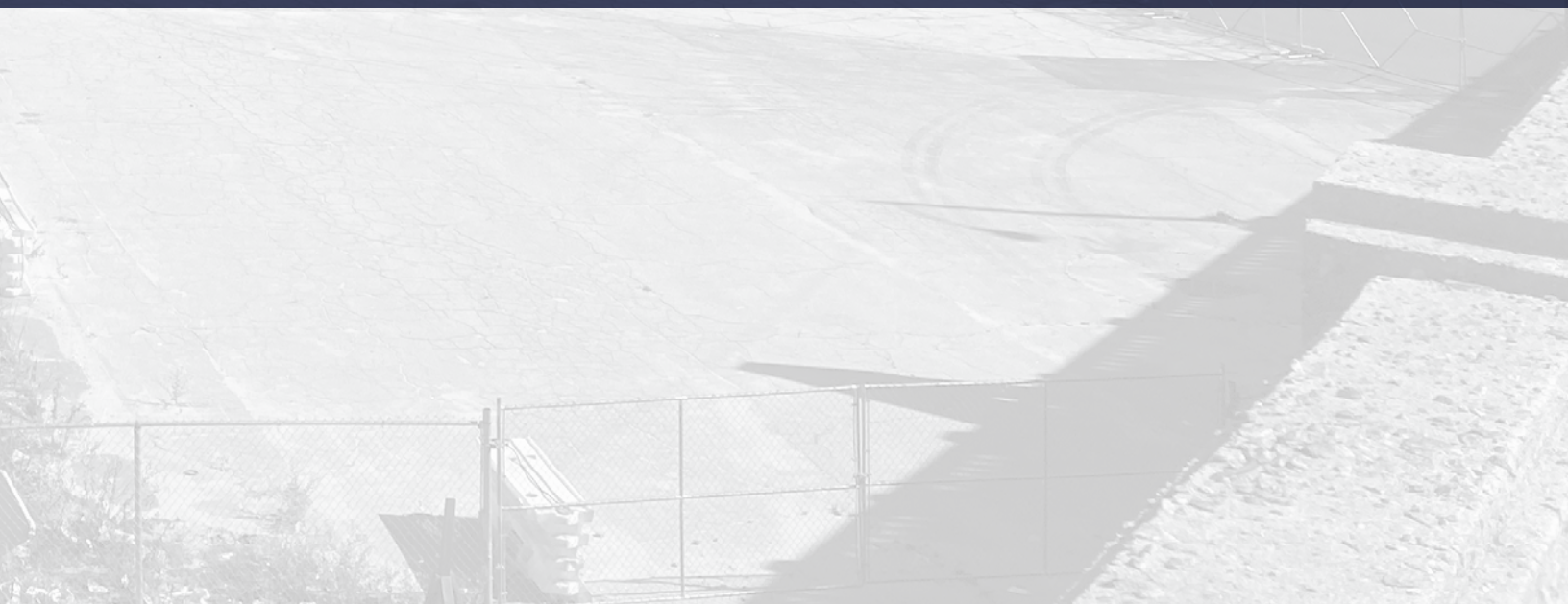
These were applied to different parts of Atlanta using three different maps, resulting in the great diversity of development patterns we see in Atlanta neighborhoods from the 1920 and 1930s. The Use District Map is shown below.







04 RECOMMENDED APPROACH



RECOMMENDED APPROACH



INTRODUCTION

The following updates to [2017 Atlanta Zoning Ordinance Diagnostic](#) recommendations are proposed. These have been guided by the Consultant Team’s technical analysis, public input during the Idea Labs, and ongoing City policy discussions. Previous numbering is retained, but completed recommendations are excluded. Updated recommendations are highlighted in blue. New recommendations are highlighted in yellow and/or use letters (e.g. 1.A., 1.B.). Deleted recommendations are highlighted in red.

BIG IDEAS

“Big Ideas” refer to the overall structure of the new Zoning Ordinance, not any specific standards within it. They seek to create a framework that

can support the five interrelated Atlanta City Design core values of equity, progress, ambition, access, and nature, to the extent possible through zoning. This will allow the ordinance to address current Atlanta needs, as described later in this section, while being adaptable enough to support future needs and policies that might emerge.

Zone Strings (new)

- Use a “Zone String” approach to codify many recommendations of this Diagnostic and reflect the place-based needs of Atlanta’s diverse neighborhoods. “Zone strings” would eliminate the idea of “one-size-fits-all” zoning districts and reduce or eliminate the need for new custom districts (e.g., SPIs, some Historic and Cultural Conservation Districts) in order to reflect local needs.

MORE ABOUT ZONE STRINGS

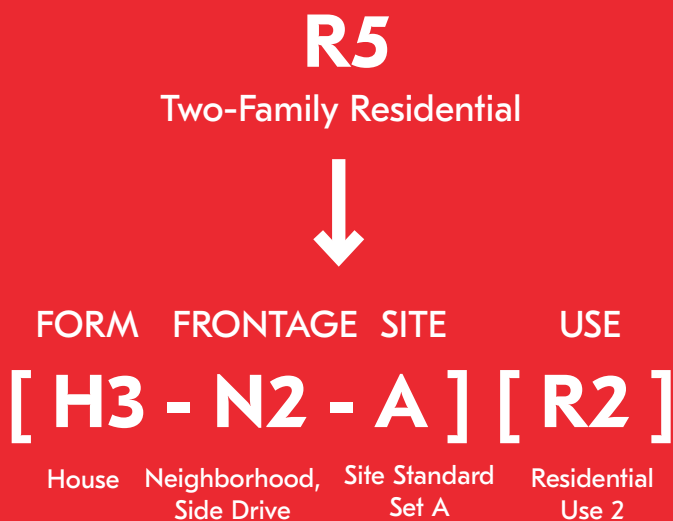
Zone Strings

A zone string is combination of standards applied to a lot and could include Form, Frontage, Site standards, and Use.

Zone String Brackets

The zoning of a lot could be separated into two interchangeable parts identified by bracket sets []. The first bracket set could contain the standards that determine the built environment (Form, Frontage, and Site Standards), and the second bracket set could contain the standards that determines the types of activities on a lot (Use). Although the districts that make up the zone string might refer to other districts in the zone string, each district in the string would be independent, and the various districts could be combined in response to the variety of existing patterns and needs found throughout Atlanta.

An example of how a current zoning district might be converted into a zone string (without changing any regulations) is illustrated below:



Please note that the example above is illustrative only. None of the standards are real; they are only intended to illustrate a zone string.

Zoning Districts

Form Standards shape **building design**, especially size and placement (see “H3” in the illustration).

Form Standards in existing zoning include lot coverage, side/rear setbacks, and Floor Area Ratio (FAR).

Frontage Standards shape **what you see from the sidewalk or street** (see “N2” in the illustration). Frontage standards coordinate the design of private development with the public sidewalks and streets next to them. This creates sidewalks and streets that are active, comfortable, safe, and interesting.

Frontage Standards in existing zoning are found in front setbacks and supplemental zone standards, *Relationship of Building to Street* standards, front yard landscaping standards, and similar requirements.

Site Standards controls **signs, driveways/ access, parking, landscaping, and other site features that are not the building** (see “A” in the illustration). They can include standards that apply citywide today, but where different standards in different areas may be preferred.

Site Standards in existing zoning are found in parking and loading standards, landscaping standards, the Sign Ordinance, and other citywide provisions.

Use Standards define what **activities are allowed** (see “R2” in the illustration). They can also reduce or eliminate use-related impacts on surrounding properties.



Hybrid Code

- Pursue a Hybrid Zoning Code approach that focuses on key elements of design.
- Provide a balance of use-based regulations and form-based regulations.
- Continue to use “frontages” (the portion of the lot and building along a street) as the basis for form standards.
- Provide more design regulations in some areas, less in others.

User-Friendly Code

- Make the code easy to understand and administer.
- Write in Plain English, not “legalese.”
- Use graphics to make requirements easier to understand.
- Use tables as much as possible.
- Improve definitions so they are clear and leave no room for interpretation.
- Reorganize and consolidate related regulations to be consistent and easily accessible.

Existing Patterns

- Establish zoning districts that support the Atlanta City Design, especially existing patterns of neighborhoods, corridors, and districts.
- Recognize that the Atlanta City Design identifies different neighborhood types, including Rural, Suburban, and Urban ones.

Fewer Districts

- Remove districts that exist in the code but are not on the zoning map.

This residential building in Midtown incorporates a mural on what would otherwise be a blank side wall.

- Use Zone Strings to provide customized standards without creating a whole new zoning district.
- Use Zone Strings to remove repetitive standards found in multiple districts and centralize them instead.
- Reduce or eliminate the use of PD districts by making standard districts more innovative and flexible, within reason.
- Consider creating “Legacy Districts” (that remain on the zoning map but not available for rezoning) to reduce nonconformities and preserve existing entitlements.
- Storefront, for areas with a high amount of glass along the sidewalk (already used in several districts),
- Flex, for areas where frontages are designed for flexible or mixed-industrial uses (new).
- Residential Type A, for areas with less glass along the sidewalk (already used in several districts).
- Residential Type B, for areas where stoops or porches are required (already used in R3 through R5).
- Civic, for public buildings (currently used in several districts).

RECOMMENDATIONS: IMPROVING URBAN DESIGN

Form Controls (formerly Building Types)

1.2. Building Types (deleted).

Building types are no longer recommended due to their complexity to use and administer. See 1.A. below for the recommended approach.

1.3. Accessory Buildings (deleted).

See 1.2 above.

1.4. Missing Middle Housing (deleted).

See 1.2 above.

1.5. Architectural Styles (deleted).

See 1.16 for a related recommendation.

1.A. Frontage Types (new).

Incorporate existing “frontage” standards into Zone Strings. Expand to address current code deficiencies. New or updated frontage types could include:

Each type should address ground floor fenestration, upper story fenestration, access/door requirements, location of parking, and building elements, such as stoops, porches, storefronts, etc.

1.B. Parking Form Standards (new).

In conjunction with 1.A., update standards for the treatment of parking. Consider:

- Updates to citywide parking structure standards, including standards for “parking podiums” now being built in many Growth Areas. Parking podiums were not common in Atlanta until recently, and the zoning standards should address them.
- New standards for parking access and orientation in R3 through R5 districts (or equivalent), including provisions for topography and the interplay between parking access/garages and required stoops or porches.
- Coordination with alley standards. See 4.10.

1.C. Building Size Standards (new).

Explore using maximum building footprint or building width in districts where there is a desire to require small buildings or break up the mass of larger buildings. Include exemptions for larger public buildings. Currently, this approach is used in several historic districts; the MR-MU district also has de facto size limits.

1.D. Townhouse Standards (new).

Develop clear standards for townhouses. Include consideration of their unique needs related to subdivision (e.g., zero lot line), lot size, active uses, building ends, and access, especially how garages and interior unit layout can affect the street/public realm.

Density Controls

1.6. The Role of Floor Area Ratio (FAR) (updated).

Continue to use FAR, but evaluate and update the numbers so they are meaningful, predictable, and incorporate existing and proposed density bonuses.

1.F. Building Height (new).

Review permitted building heights in all districts to make sure that the standards:

- Eliminate built-in incentives for developers to fit as many stories as possible within a given numeric height, regardless of the quality of the resulting space.
- Align with building frontage standards (see 1.A.), especially the benefit of higher ceilings for viable storefront commercial uses.
- Consider topography and construction methods and materials.

- Align with the assumed number of stories allowed.
- Consider proposed FARs.
- Consider transitional height planes and other step downs near protected districts.
- Reduce arbitrary maximum height differences of one or two feet between some zoning districts by using heights that have a meaningful impact on scale.
- Consider techniques to slightly vary the number of stories in some districts, so that all buildings don't have the exact same height in each district.
- Consider continuation of SPI 12 height maps and methodology, which is different from any other district.

Update heights if necessary.

1.7. Elements of Density.

Simplify what counts towards floor area. Determine if above-ground parking decks should be counted, how accessory structures (such as gazebos and porches) are counted, and how attic and basement arrangements are counted.

See 7.9, 7.10 below.

1.8. Mixed Use (updated).

Do not differentiate between residential and nonresidential density in mixed-use districts but coordinate with 1.6 above. Keep existing ground floor use (e.g. frontage) standards. Keep existing bonuses and explore other bonuses that align with City policy.

1.9. Basis for Floor Area (updated).

Update how maximum floor area is calculated as follows:

- R1 through R5 (or equivalent): Keep net lot area (NLA), but exclude any sidewalk along the street, dedicated or otherwise, from the calculations.
- Other districts. Use gross land area (GLA) to simplify and align with 1.8 above.
- Identify inconsistencies with unit per acre calculations in certain areas of CDP's Future Land Use Maps, which currently use net lot area.

1.10. Land Use Intensity (LUI) Table.

Eliminate the LUI Table. Provide appropriate maximum densities in each zoning district and unlink parking and open space requirements from FAR.

1.11. Transfer Development Rights (TDRs) (updated).

Revise TDR regulations to better coordinate different TDR applications, simplify the process, and consider updated FARs and intra-district regulations.

1.G. Green Building Density Bonuses (new).

Update green building density bonus standards in SPI 16 to remove a logic conflict in the current code. Today, green buildings can be used to achieve a density bonus before construction, but green buildings are not certified until after construction.

Design Controls

1.12. Consolidated Design Standards.

Create a consolidated urban design standards, eliminating the need to place them within individual zoning districts. These should be comprehensive dealing with all elements of urban design including the design of sites and buildings.



1.13. Differentiated Design (updated).

Explore creating different degrees of design standards. This could include minimal regulations that apply citywide and enhanced ones that apply in some places, especially pedestrian-oriented, dense, urban, compact, and/or historic areas.

1.14. Graphics.

Design standards should include graphics that are embedded within the regulations to better communicate their intent

1.15. Building Types (deleted).

Building types are no longer recommended due to their complexity to use and administer. See 1.A. above for the recommended approach.

1.16. Style Neutral (updated).

Avoid regulating architectural styles in the standards. Instead, focus on desired form standards that apply to all styles. Areas that need specific style regulation should continue to pursue designation under the City's Historic Preservation Ordinance.

1.17. Supplemental Zones.

Consider replacing this term with "front yard" and standardize where it is measured from, to ensure consistency throughout the code.

Natural Systems

1.19. Natural Systems (updated).

Leverage the Atlanta City Design to envision ways to better preserve Atlanta's natural systems and reflect this emerging strategy in the new Zoning Ordinance to the greatest extent possible. Explore wildlife corridor standards/overlays, waterway standards/overlays, and urban forest standards

overlay, especially in Rural and Suburban Neighborhood Conservation Areas.

1.H. Renewable Energy and Stormwater Best Practices (new).

Ensure that zoning standards support the voluntary installation of renewable energy devices, stormwater management, and related sustainability best practices, with consideration given to context.

1.I. Solar Access Regulations (new).

Explore creating solar access requirements in districts where City policy, development patterns, and legal considerations are conducive to active and passive solar energy.

Open Space

1.20. LUI Table Open Space (updated).

Eliminate the LUI Table. Instead, provide specific open space requirements for most lots, except R1 through R5 (or equivalent) and industrial ones. Explore tying open space to lot size or the "either/or" approach currently used in several SPI districts. Explore using bonuses to encourage certain types of open space. See 1.10 above.

1.21. Consolidated Approach (updated).

Combine public space and usable open space standards into a single new requirement that applies to most sites, regardless of use. Consider lowering the amount of open space required on a site below what is required by the LUI Table or Public Space Requirements but improve the quality of the open space that is required by ensuring that it is usable in terms of size, amenities, access, grade, and relationship to adjacent buildings.

1.J. Types of Open Space (new).

Ensure that the new open space standards account for different types and qualities of usable open spaces, including of living walls, green roofs (see 1.26.). Consider allowing some types of open spaces to count more than others towards requirements.

1.22. TOSR.

Eliminate TOSR, as has been done in QOL districts and several SPIs.

1.23. Transitional Yards (updated).

Exclude transitional yards from open space calculations and update standards to allow alternatives in certain zoning districts.

1.24. Change Of Use.

Exempt all existing buildings built before the adoption of the new Zoning Ordinance from change-of-use related open space requirements.

1.25. Larger Sites.

Create standards for larger sites (where new blocks and multiple lots will be created) that encourage the creation of consolidated parks, plazas, squares, and similar places. The final applicable site size and open space percentage requirement will warrant feedback from a variety of parties, but the new requirement will probably fall within the 10-acre and 5-10% of site range, based on precedent and urban design rules of thumb.

1.26. Stormwater Facilities.

Allow creative stormwater facilities to count towards open space requirements. Things like green roofs, bio-swales, and enhanced retention ponds, such as the ones in Historic Fourth Ward Park and Rodney Cook Sr. Park in Historic Vine City, must be embraced.

Open space requirements can be hard to meet when converting former commercial or industrial buildings into housing.



1.27. Park Zoning District (deleted).

A park zoning district is not needed.

Outdoor Dining

1.28. Outdoor Dining.

Current outdoor dining parking requirements should be assessed with any necessary changes to these provisions being included in the new code.

Place-Based Zoning

1.29. Building Types and Design Controls (deleted).

Building types are no longer recommended due to their complexity to use and administer. See 1.A. above for the recommended approach.

1.30. Place-Based Districts (updated).

After further review of the Atlanta City Design, the existing zoning map, and existing development patterns, a literal one-to-one translation of the Atlanta City Design Growth and Conservation framework into zoning is no longer recommended. However, the Zone String approach will still reflect the Atlanta City Design framework and other public considerations.

1.31. Typology Of Atlanta. (updated).

See 1.30 above.

1.32. Street Network Map (updated).

Review the existing street classification map to determine if it can be used to regulate some things, such as storefront requirements or sidewalks, in certain areas. If this is not feasible, provide alternative approaches.

See 4.9 below.

RECOMMENDATIONS: PROTECTING NEIGHBORHOOD CHARACTER

District Tailoring

2.3. Duplicative Provisions.

Remove text that is repeated in multiple locations.

2.4. District Conditioning (updated).

Seek to reduce or eliminate new zoning conditions and make old conditions redundant and, therefore, unnecessary by incorporating common zoning conditions into the updated code, when possible.

See 7.6 below.

2.5. Uniform Regulations (deleted).

Place-based zoning is not implicitly recommended, but the code should provide uniform regulations for similar districts.

2.6. Broader Tailoring (updated).

Replace district tailoring with Zone Strings. This could also proactively address the types of things typically applied in zoning conditions today, so there is a predetermined palate of standards that could be required in the base zoning district during the rezoning process.

Infill Provisions

2.22. Infill Provisions (updated).

- Provide more extensive analysis of this topic and make changes that improve how infill scale issues are addressed.
- Provide a mechanism for incorporating the recommended solution in 2.6 above.

HISTORIC DISTRICTS

Coordinate with ongoing work by the Historic Preservation Studio that implement the Future Places project. Incorporate text updates emerging from that process, which may or may not incorporate with the following 2017 Diagnostic recommendations:

- 2.7. Historic Districts. Redraft Terminology for individual resources.
- 2.8. Historic Districts. Edit district regulations.
- 2.9. Historic Districts. Eliminate Conservation Districts.
- 2.10. Historic Districts. Eliminate/replace Historic building/site category.
- 2.11. Historic Districts. Redraft definitions.
- 2.12. Historic Districts. Update CA criteria.
- 2.13. Historic Districts. Dedicated enforcement position.
- 2.14. Historic Districts. Fee review.
- 2.15. Historic Districts. Delete.
- 2.16. Historic Districts. Eliminate Type 1 CAs.
- 2.17. Historic Districts. Revamp administrative versus AUDC review power.
- 2.18. Historic Districts. Match setbacks with the existing built environment.
- 2.19. Historic Districts. Revamp review and comment.
- 2.20. Historic Districts. Simplify staff reports.
- 2.21. Historic Districts. Reduce AUDC membership.



Transitional Uses and Yards (formerly Neighborhood Buffering)

2.23. “Faux Lots” (updated).

Prohibit creating “faux lots” as a way of avoiding transitional use restrictions. Instead, consider applying transitional use restrictions a set distance from the protected districts, regardless of any intervening lots.

2.24. Updated Transitional Protections (updated).

Update transitional yard and transitional use standards to still protect R1 through R5 (or equivalent) and low-rise residential area from adjacent higher intensity development, while allowing greater design flexibility in certain locations to better match traditional development patterns. Clarify how transitional yards that are adjacent to alleys are measured. Make consistent with rear and side yard measurements against alleys.

2.A. Drive-Thrus (new).

Develop citywide screening and design standards for drive-thrus. Update all districts to clarify that no part of any drive-through facility, including queuing lanes, is permitted within at least 100 feet of any R1 through R5, or equivalent, district.

2.B. Lighting Standards (new).

Create contextual, citywide outdoor lighting standards to reduce light pollution. Today, standards are found in assorted districts.

Residential Neighborhood Standards

2.26. Historic Lot Dimensions (updated).

- Explore increasing side and rear setbacks in R1 and R2 to match existing patterns.
- Explore reducing setbacks in the R4 through R5 districts to match existing patterns, with consideration given to allowing shorter buildings to have smaller setbacks than taller buildings if that is the prevailing pattern in an area and there is a public desire to preserve that pattern.

2.C. Accessory Structure Size (new).

Establish minimum allowed accessory structure sizes for garages and accessory dwellings units, even when they exceed the otherwise applicable existing cap of 30% of principal structure. Today, small houses cannot add garages or ADUs without a variance (or expansion). Clarify how porches, decks and similar areas are treated in floor area calculations. Consider a nomenclature change so that accessory structures are actually accessory to a main use and secondary uses are not labeled accessory. Consider a consistent standard for whether ADUs count towards floor area limits.

Tree Protection

2.D. Tree Protection Coordination (new).

Align the Zoning Ordinance with the Tree Protection Ordinance. These could include:

- Incentives for tree preservation
- Aligned review procedures and timing.
- Considering trees during variances.

RECOMMENDATIONS: CREATING VIBRANT CORRIDORS & DISTRICTS

General

3.A. Redevelopment Focus (new).

Consider the unique challenges and of redevelopment especially in Atlanta City Design Growth Areas, as zoning is updated.

Industrial Districts

3.2. Industrial Districts (updated).

Determine if it is appropriate to amend I-2 to prohibit big box commercial uses.

Mixed-Use Districts

3.4. Mix of Uses in Some Large Projects (updated).

Consider mixed-use requirements for projects over a certain size and/or in certain types of locations. The threshold should be high enough to ensure that the mixed-use requirement does not apply to smaller developments where it may not be feasible. The mixture of uses can be vertical (within the same building) or horizontal (within different buildings but in the same project) and should focus on mixing residential and non-residential uses.

3.5. Atlanta City Design Corridors (updated).

As part of rightsizing FAR, eliminate conventional Commercial (C) districts and replace them with mixed-use districts.

See 1.6 above.



Courtesy John Crocker

3.6. Building Types (deleted).

Building types are no longer recommended due to their complexity to use and administer. See 1.A. for the recommended approach.

3.B. Fence Variances (new).

Allow the prohibition of fences between the building and street found in some districts to be varied, whether administratively or by the BZA.

3.C. Minimum Lot Size (new).

Eliminate minimum lot sizes in all mixed-use districts to reflect practices in the Commercial (C) districts they replaced.

3.D. Transit-Aware Standards (new).

Incorporate assorted provisions throughout the code to respond to and support existing and future transit use, with consideration of context and transit type. Consider parking reductions (see 4.15), minimum densities, density bonuses, reduced setbacks, smaller blocks (see 4.2), additional use allowances, and similar provisions.

RECOMMENDATIONS: EXPANDING TRANSPORTATION OPTIONS

Blocks and Streets

4.2. Contextual Transportation Standards (updated).

See 1.30 for place-based districts that will incorporate contextual transportation solutions, including special requirements near transit.

4.3. Traditional Neighborhood Development Street Standards (deleted).

This is not part of the Zoning Ordinance.

4.4. Unified Development Ordinance (deleted).

This is not part of the Zoning Ordinance.

4.5. Illustrative Standards (deleted).

This is not part of the Zoning Ordinance.

4.6. Contextual Block and Street Standards (updated).

See 1.30 for place-based districts that will incorporate contextual block sizes, connectivity, and street stub-out requirements to certain zoning districts.

4.7. Street Design Standards (updated).

Street design is not part of the Zoning Ordinance, although several districts currently contain what are effectively street standards that apply during site plan review. These should be incorporated and updated.

4.8. Dedicated Streets (updated).

Street dedication is not part of the Zoning Ordinance. However, incentives for publicly accessible streets and standards for when

private or private streets are provided should be explored.

4.9. Sidewalk Standards (updated).

Incorporate citywide sidewalk retrofit standards tied to district and roadway classification, like the current approach in most districts. Under this approach, more intensive and mixed-use districts may have wider sidewalk requirements along the same type of street than an R1 through R5 (or equivalent) district would.

4.10. Alley Incentives (updated).

Encourage using existing and new alleys to reduce the need for driveways and curb cuts.

4.12. R1 through R5 Driveways.

Require any residential driveways built in R4 through R5 districts (or equivalent) to be 20 feet or less in width.

4.A. Sidewalk Waiver (new).

Update sidewalk waiver standards in R1 through R5 to better align with impact fees.

Loading Standards

4.13. Loading Standards (updated).

Evaluate the effectiveness of the 2018 loading Quick Fix and updates standards, if needed. Review the findings of curbside management studies in Downtown and Midtown and identify ideas that may apply citywide for consideration.

Parking

4.15. Reduced Parking (updated).

Explore ways to reduce the amount of parking, including:

- Limiting where parking can go on a site.

New developments are already required to upgrade sidewalks and install street trees citywide.



- Developing citywide minimum parking requirements, but reducing or eliminating them in certain areas based on transit, context, etc. See case study at right.
- Eliminating minimum parking requirements citywide for all uses, except business establishments larger than 1,200 square feet in floor area that hold any type of alcoholic beverage license.
- Eliminating minimum parking requirements citywide for business establishments larger than 1,200 square feet in floor area that hold any type of alcoholic beverage license, only if another satisfactory means of limiting the proliferation of such uses can be identified. See 4.19.
- Updating and expanding parking maximums citywide. This should include higher parking maximums in areas where driving is the primary transportation mode and lower maximums those areas with high quality-transit service.
- Developing criteria to review requests to exceed parking maximums.
- Creating standards so that any parking provided above the parking maximums, whether by variance or otherwise, must be unbundled, publicly accessible parking. This must also be coordinated with a neighborhood parking strategy to ensure that residents and workers do not tie up precious on-street parking spaces to avoid paying for an off-street space.
- Updating the Parking Limitation District to reflect the above ideas, as needed.
- Updating or incorporating the Buckhead Parking Overlay, as needed.

4.B. Shared Parking (new).

Develop consistent, citywide by-right, off-site shared parking standards.

4.C. EV-Ready (new).

Require parking decks to be convertible to electronic vehicle (EV) charging.

4.16. Nonconformities.

Clarify the nonconformities text that exempts the number of existing parking spaces on a site from all parking requirements.

4.17. Definitions.

Improve the definitions of parking as both a principal and accessory use. Include principal and accessory parking deck and parking lot definitions that do not address if a fee is charged or not. Regulate the charging of fees separately.

4.18. Charts.

Use centralized charts to regulate parking for the entire city, not in individual districts.

4.19. Alcohol Code (updated).

- Reflect customized “nightclub” parking requirements in the Zoning Ordinance.
- Recognize that alcoholic beverages and parking requirements are de facto ways to control certain uses. Explore other ways to prevent the proliferation of destination bars, restaurants, and similar uses in areas where alcohol parking codes effectively do that today. See 4.15.

CASE STUDY: LOS ANGELES CONTEXT-BASED PARKING REQUIREMENTS

Los Angeles' new zoning ordinance varies parking requirements by context zones (e.g., A, B, C, etc.). This ensures that the amount of parking required is calibrated to the site's specific needs.

-TABLE 1- REQUIRED AUTOMOBILE PARKING

	PARKING PACKAGE				
	A	B	C	D	E
OPEN SPACE & RECREATION					
Indoor Recreation, Commercial	--	2.5/1,000 SF	5/1,000 SF	7.5/1,000 SF	10/1,000 SF
Nature Reserve	--	--	--	--	--
Open Space, Public	--	--	--	--	--
Outdoor Recreation, Commercial	--	--	--	--	--
Recreation, Public	--	--	--	--	--
Sports Arena and Stadium, Major, excluding all non assembly area	--	10/1,000 SF	15/1,000 SF	20/1,000 SF	25/1,000 SF
TRANSPORTATION USES					
All	--	--	--	--	--
GENERAL COMMERCIAL					
Animal Sales and Services:					
Kennel		0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Veterinary Care	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Commissary Kitchen	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Eating and Drinking:					
Bar	--	2.5/1,000 SF	5/1,000 SF	7.5/1,000 SF	10/1,000 SF
Counter Service	--	1/1,000 SF	2/1,000 SF	3/1,000 SF	4/1,000 SF
Restaurant	--	1/1,000 SF	3/1,000 SF	4/1,000 SF	5/1,000 SF
Entertainment Venue, excluding all non assembly area	--	10/1,000 SF	15/1,000 SF	20/1,000 SF	25/1,000 SF
Financial Services	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Instructional Services	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Lodging:					
First 30 rooms	--	0.5/lodging unit	0.5/lodging unit	1/lodging unit	1/lodging unit
Next 30 rooms	--	0.25/lodging unit	0.25/lodging unit	0.5/lodging unit	0.5/lodging unit
Remaining rooms	--	--	--	0.25/lodging unit	0.25/lodging unit
Medical Clinic	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Office	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Personal Services	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Postmortem Services	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Retail Sales:					
Sales floor area	--	1/1,000 SF	2/1,000 SF	3/1,000 SF	4/1,000 SF
Showroom area	--	0.5/1,000 SF	1/1,000 SF	1.5/1,000 SF	2/1,000 SF
Sexually Oriented Business	--	1/1,000 SF	2/1,000 SF	3/1,000 SF	4/1,000 SF

"--" = no parking required, "du" = dwelling unit, "SF" = square feet, "ac" = acre.

RECOMMENDATIONS: ENSURING HOUSING DIVERSITY

Affordable Housing

5.3. Affordable Housing (updated).

Incorporate existing affordable housing requirements and consider new ones. Also explore ways to maintain and expand “naturally occurring” (i.e. non-subsidized) affordable housing that is less expensive than “market rate” by due to its size, age, amenities, or finishes.

Missing Middle Housing

5.4. Building Types. Deleted.

Building types are no longer recommended due to their complexity to use and administer. See 1.A. for the recommended approach.

5.5. Integration Into Existing Districts (updated).

Make sure that zoning districts that allow multifamily uses permit missing middle housing types, such as cottage courts.

5.6. R5 Amendment (updated).

Amend R5 to ensure better duplex design outcomes, especially the tendency of many newer duplexes to front the street with garage doors, versus the porches and stops common in older duplexes.

5.A. Legal Nonconforming Duplexes, Triplexes (new).

Prepare standards so that buildings used as duplexes or triples before 1945 never lose their legal-nonconforming status. This should be modeled after similar language

for buildings with 4 to 12 units. Also consider incentives to discourage their conversion to single-family uses.

5.B. Mixed-Housing Type Standards (new).

Explore tools to encourage a mix of housing types in districts that allow them. These could consider a mix based on the number of bedrooms, floor area, or use (e.g., single-family, duplex, quadruplex, etc.). Incentives to encourage this mix should also be explored, including FAR bonuses, lot coverage relief, and similar standards. Carefully coordinate these standards with Tree Protection (see 2.D.).

COTTAGE COURTS

Cottage courts are small groups of attached or detached small dwellings organized around common open space. Units may share a common lot or be on their own fee-simple lots. They are currently allowed in some zoning districts that allow multifamily uses. Zoning problems arise when the units are on their own lot and are deemed “single-family detached dwellings” by the Zoning Ordinance.





RECOMMENDATIONS: SUPPORTING JOBS & INNOVATION

Concept Testing

6.1. Pilot Areas (updated).

Consider testing new zoning concepts in small pilot areas and making necessary adjustments before their broader application.

Modern Uses

6.2. Modern Uses (updated).

Update use definitions to be clear, current, and consistent across all districts, with a goal of classifying uses with similar operations or impacts. Provide clearly defined standards that apply to uses citywide or in certain zoning districts (i.e., when a use is only allowed if certain standards are met). Create a process for classifying unlisted uses or those that are hard to classify, including when a facility is multiple defined uses (e.g., a business that is a café and bicycle repair shop, or one that is a manufacturing use with a restaurant and event space). Include definitions and use standards for “modern” uses, including E-commerce uses that occupy traditional retail spaces, such as “dark stores,” package pick-up hubs, and similar facilities.

6.A. Maker Space/Lab Space (new).

Allow small, low impact “maker space” assembly and production in all or some mixed-use districts to reflect the increasingly blurred distinction between office,

laboratories, and production uses. Use SPI 1 and the Poncey-Highland Historic District as potential models.

6.B. Indoor Farming (new).

Clarify that the indoor growing of food is permitted in all industrial districts. Allow small-scale indoor growing in or some mixed-use districts.

6.C. Data centers (new).

Develop use standards for data centers that continue to allow them but reduce negative impacts. Consider mandatory mixed-use requirements in certain districts or over a certain size.

6.D. Daycare (new).

Develop use standards for assorted types of daycare. Review recent conditions of daycare approval for a starting point. Coordinate with edits and relocation of assisted living uses and regulations consistent with State law.

6.E. Self-Storage (new).

Develop use standards for self-storage facilities that continue to allow them but reduce negative impacts. Consider mandatory mixed-use requirements in certain districts.

6.F. Telecommunications (new).

Update and relocate the Telecommunications Ordinance.

6.G. Assisted Living (new).

Update and relocate the assisted living standards.

6.H. Historic Shopfront Protection (new).

Make it legal to continue to use any shopfront building built before 1945 for certain commercial uses, regardless of zoning district. However, do not allow business establishments larger than 1,200 square feet in floor area that hold any type of alcoholic beverage license, except in districts that allow the use.

6.I. Alcohol Code Definitions (new).

Align the zoning ordinance with the de facto use definitions in the Chapter 10: Alcoholic Beverages, ideally by cross-referencing.

6.J. Home Occupation (new).

Explore updating home occupation standards to reflect work-from-home trends that have emerged because of the COVID-19 pandemic.

Nonconforming Structures

6.4. Historic Patterns (updated).

Create a zoning solution, such as a “sliding scale” (see Poncey-Highland Historic District) that enables R4 through R5 (or equivalent) lot size and lot coverage provisions to match historic development patterns.

The lines between product design, development, and production are increasingly blurring.



Courtesy Unsplash

RECOMMENDATIONS: USER-FRIENDLY REGULATIONS/PROCESSES FUTURE

Administrative Variances

7.1. Administrative Variances.

Identify variances that are commonly granted and either allow them as-of-right in the new code or create an administrative variance provision for those items.

7.A. Accessory Structures (new).

Allow administrative variances for accessory structures in front or side yards on double-frontage lots, or just account for this condition in general through accessory structure regulations.

Code Enforcement

7.3. Code Enforcement (deleted).

Department of City Planning staffing is not in the purview of the Zoning Ordinance.

Comprehensive Development Plan

7.4. Comprehensive Development Plan.

The criteria for changes to the CDP and related procedures should be reviewed and updated. CDP changes, when needed to allow a rezoning or Special Use Permit (SUP) to proceed, should be more closely reviewed and followed than is currently the practice. The predominance of the CDP should be clear in the zoning regulations and should be reflected in all policy decisions. Once the new code is adopted, along with a newly calibrated Future Land Use Map, consider if there should be fewer opportunities to change the Future Land Use Map.

Concurrent Variances

7.5. Concurrent Variances (updated).

Do not create a concurrent variance provision in the new Zoning Ordinance due to widely different review and appeal standards associated with legislative and quasi-judicial zoning actions. Monitor rapidly evolving law regarding classification of zoning actions and consider changes to this policy if appropriate based on new judicial cases in the next two years.

Conditions

7.6. Conditions (updated).

Explore if limits should be placed on what aspects of a zoning proposal can be conditioned. Continue to require site plans to conceptualize a rezoning proposal but determine if the use of site plans as a tool for applying site-specific conditions should be limited, except as needed (e.g., Planned Development (PD) districts). Review and clarify the process for administrative amendments to adopted conditions and site plans.

See 2.4 and 2.6 above.

7.B Chapter 2 Consistency (new).

Modify outdated Chapter 2 provisions regarding conditions to make consistent with current practices and new code provisions.

7.C. City-Initiated Conditional Zoning (new).

Consider whether large city-initiated area zonings that impose "conditions" on district regulations is a practice that should be discontinued.

Criteria

7.7. Criteria (updated).

Review and update the legal criteria for all forms of zoning decisions. Eliminate special exceptions. Existing special exceptions should be removed or assigned as administrative variances; update review criteria accordingly. Align with the Atlanta City Design.

Definitions

7.D. New definitions (new).

Define terms not currently clear or defined, including, but not limited to, lot of record, parcel, temporary habitation, guest house, etc. Some may require both definitions and use standards, provided that all standards are located outside the definitions.

7.8. Replace and Update (updated).

Replace and update the definitions section of the new code. Consolidate and clarify terms related to distances and measurements currently within the definitions section. Remove all standards from definitions; use standards should be in a new use standards session.

7.9. Attics and Garages.

The definition for attics and garages should better articulate when these spaces count as floor area.

See 1.7 above.

7.10. Basements.

The definition for basements should better articulate the differences between a basement and a regular floor for purposes of calculating floor area. Also, discrepancies between basement definitions that exist



in the zoning code and the Building Code should be resolved.

See 1.7 above.

7.11. Hand Railings.

Ensure that regulations and definitions for hand railings in the zoning code are consistent with corresponding regulations and definitions for hand railings in the Building Code.

7.12. Average Grade.

Consider adjusting the average grade of a lot calculation. The current process is inconsistently applied, hard to administer, and difficult to verify in the field.

7.13. First Floor.

Remove conflicting terms used throughout the Zoning Ordinance that reference the first floor of a building. The current code uses “first floor”, “ground floor”, and “sidewalk level” interchangeably in different parts of the code, making it difficult to understand the application of each term.

7.14. Driveways.

Clarify the difference between “driveway” and “parking pad” within residential zoning districts.

7.15. Pervious Paving.

Reconcile the conflicting applications of various departments related to whether pervious paving elements are counted as lot coverage.

7.E. Retaining Walls (new).

Move retaining wall setbacks from Chapter 74 of the City Code into the new Zoning Ordinance.

7.F. Building Coverage vs Lot Coverage (new).

Review the use of “building coverage” and “lot coverage” to make sure they are meaningful and intentional. Attempt to reconcile with use of “lot coverage” in the Environment chapter of the City Code.

7.G. Tree Caliper (new).

Defer to the Tree Ordinance for all tree caliper calculations.

7.H. Site vs Lot (new).

Develop standards for the scale at which a development is reviewed for zoning conformance (e.g., the site or equivalent) and how any subsequent subdivision is handled, including legal relationships between newly created lots. Define when a newly created lot may or may not be reviewed for zoning compliance independent of the original development.

7.I. Zero-Lot Line (new).

Review all applications of “zero-lot line” to treat zero-lot line subdivision and standards subdivisions the same. Review the use of “zero-lot line” in the R5 district, where the code allows “zero-lot-line” detached duplexes by setting a minimum lot size for the R5 “parcel” as well as a minimum lot size for the detached new “parcels”. Review for Building Code impacts. See 7.H. above.

Cross References

7.J. Other Code References (new).

Resolve errant references to zoning scattered throughout the City Code.

Future Land Use Map

7.18. Future Land Use Map (updated).

Make a decision regarding the continued use of parcel “units per acre” density caps and revise the Future Land Use Map accordingly. Also, Update the land use classification and zoning designation table.

Impact Fees

7.19. Impact Fees.

Consider limiting or prohibiting zoning processes from legislating the redirection of impact fees.

Nonconformities

7.20. Future Nonconformities.

Develop a preferred strategy to handle the extensive number of nonconformities that will inevitably occur when the new Zoning Ordinance is adopted.

7.21. Nonconformity Provisions.

Update Chapter 24 nonconformity provisions to better address the greater level of complexity inherent in a new code. Attempt to reduce the creation of nonconformities when the code is updated or provide a clear strategy for how to handle them.

7.K. Thresholds (new).

As part of 7.21, determine if the current various thresholds for when development activity must comply with zoning standards are appropriate. Explore whether a customized threshold should apply to certain types of activities, such a building expansion or major land disturbance.



Part 6

7.22. Part 6 (updated).

Detailed analysis of the provisions of Part 6 relative to zoning and planning should be done, with consideration that these provisions be placed in the Zoning Ordinance. (It is possible that other non-zoning provisions also should be moved to more appropriate locations and the entire Title eliminated). Further, individual provisions in Title 6, such as the NPU, CDP, and Historic Preservation provisions, should be edited, if required, to reflect the new Zoning Ordinance, regardless of final placement.

Planned Developments (PDs)

Note: The following only apply if PD districts are retained. See Big Ideas.

7.23. PD Densities (updated).

Determine the legal and planning feasibility of regulating allowable Planned Development densities based on the development intensities established by the Future Land Use Map. Eliminate policy of disallowing density that exceeds former zoning classification limits and instead regulate per preceding sentence, or whatever other means is determined to be most appropriate and, codify that requirement.

7.L. PD - Housing (new).

Develop new standards clarifying precise environmental conditions that justify use of a PD-H classification.

7.24. PD Infrastructure.

Develop in the new code a consistent policy of when and under what circumstances streets, water, sewer and other infrastructure

(like landscaped islands and mini parks) must be dedicated to the public and specify a procedure that is consistent for doing so.

7.M. PD Platting (new).

Develop clear site plan standards and requirements so that recording the PD as a plat after adoption is more easily accommodated and protects neighborhoods from later changes in the adopted plan, particularly with regard to protection of the environmental resources that justified use of the PD district in the first place.

7.N. PD - Conservation Subdivision (new).

Explore incentives to encourage the use of this district, especially in the Atlanta City Design Rural and Suburban Neighborhoods. If this district is no longer needed, explore whether to incorporate the idea of "cluster development" into other zoning districts.

Zoning Changes

7.O. Rezoning Nonconforming Lots (new).

Clarify procedures for rezoning of lots of record that are nonconforming with regard to size. Consider if there are differences for such City-initiated and applicant-initiated zoning changes.

Public Review Process

7.26. NPU System (updated).

The operations of the NPU system are not regulated by the Zoning Ordinance, however, zoning procedures will consider the NPU process.



Some Atlanta neighborhoods feature multifamily uses that match the setbacks, scale, and landscaping of nearby houses.

7.27. Design/Development Review Committees (updated).

Consider consolidating or eliminating the design/development review committee (DRC) process. Since it is anticipated that design regulations will become more widespread and consistent when the new code is adopted, tailored regulations that now require DRC review may be fewer.

If the new regulations are similar enough that existing DRCs can be consolidated into a citywide DRC, consider a makeup that includes representatives from existing DRCs. If the DRC process expands to new areas, consider adding one or more “floating” representative to offer an as-needed local perspective. Either alternative should explore limiting review to certain types of projects and should consider how DRCs relate to variation requests.

In any event, attempt to adhere to a “one application one hearing” rule. If it is determined that the DRC process adds local expertise or other benefits that cannot be standardized or accommodated by a citywide DRC and NPU review processes, allow DRC review only in lieu of NPU review so that duplicative review processes and meetings are eliminated.

Follow all applicable recommendations outlined in the strategy recommendation in 7.26 above applicable to NPU review. Of particular importance is the note above requiring the DRC to be aware of its limited review and comment authority and adhere to the criteria under which it is legally empowered to review the particular application.

7.28. Neighborhood Review (updated).

See 7.26 above.

7.29. City Procedural Requirements (updated).

With regard to City procedural requirements:

- Revise criteria applicable to zoning applications. See 7.7.
- Review all other procedural ordinances in Chapter 27 procedures for maximum compliance with all state requirements, as well as evolving case law relative to the types of decisions rendered and the extent to which additional hearing requirements may be required.
- Review SUP hearing procedures and standards consistent with rapidly evolving Georgia judicial decisions. Assess the need for SUPs as part of updating uses (see 6.2 Modern Uses).
- Review application requirements so that they are streamlined, and application process is simplified.
- Recommend moving immediately toward fully digital application process that automatically posts all documents, allows public review of all documents, and calendars all neighborhood, NPU and ZRB meetings. The current Accela system is not adequate for this critical need due to program limitations and outdated data entry requirements.
- Review pandemic-related hearing protocols in rules and procedures for consistency and effectiveness and enable such altered procedures in the event of similar future occurrences.
- Consider ways of emphasizing importance of ZRB's role as the official public hearing, possibly through reduction in repetitive neighborhood review prior to the ZRB. See 7.26 above.

- Consider relaxing posting and notice requirements where authorized by State procedural standards, particularly those imposed on city-initiated zonings.

Conflict Provisions

7.P. Assorted Districts (new).

Ensure that all conflict provisions do what they are intended to do, recognizing that not all such provisions are the same. Standardize or consolidate, as appropriate. Consider edits to overlay provisions when addressing historic property conflicts so that priorities are clarified and uniform.

7.Q. Overlay Conflicts (new).

Develop clear standards for overlays relate to base zoning, including specific direction on which standards are deemed "more restrictive."

7.R. Building and Fire Code Conflicts (new).

Remove side setback standards found in some zoning districts that duplicate or conflict with building and fire codes. These standards should remain in the Building Codes, not the Zoning Ordinance.

Sign Ordinance

7.30. Sign Ordinance (updated).

Update the Sign Ordinance reflect any new or renamed districts. Streamline and restructure the standards to better reflect current law and make them easier to use and enforce. Revise the nonconforming sign provisions, specifically "billboards," and make them more restrictive. Consider prohibiting all new "billboards" given the large number of such structures currently existing.

Special Administrative Permits

7.32. Special Administrative Permits (updated).

Streamline the SAP process by:

- Reducing the types of activities that require SAPs.
- Developing clear regulations that are easy to administer.
- Defining minor variations that may be approved administratively.
- Defining major variations that may require BZA approval.

7.S. Variations (new).

Create a single section describing SAP variation procedures and criteria. Consider aligning with 7.1, if possible.

User-Friendly Code

7.36. Cumulative Impact.

The cumulative effect of implementing the various other recommendations will be a simpler and user-friendly Zoning Ordinance. It is essential that all the recommendations of this work move forward to improve the usability of the code to the greatest extent possible.

7.37. Graphics.

The new Zoning Ordinance should use graphics that are embedded within the regulations to better communicate their intent

7.38. Tables And Charts.

Tables and charts should be utilized to condense portions of the code into consolidated summaries that serve to further reduce the overall length of the code.

7.39. Plain English.

Utilize plain English to the greatest extent possible in the new code, lessening the dependence upon legal language to craft the regulations.

7.40. New Website (deleted).

A website is not in the purview of the Zoning Ordinance.

7.T. Phasing (new).

Update all regulations to consider the impacts of incremental and phased development, especially as relates to parking maximums, use concurrency, and design requirements.

Zoning Enforcement

7.42. Zoning Enforcement (updated).

The process of zoning enforcement is not in the purview of the Zoning Ordinance. However, the rewrite will consider opportunities for improved enforcement by making regulations that are clear and easy to enforce.

PUBLIC ENGAGEMENT PRIORITIES

These recommendations include both technical and policy updates. Technical updates focus on improving the mechanics and usability of the Zoning Ordinance, while policy updates change its actual regulations. As a result, the public engagement process will focus on conversations about policy updates, although both technical and policy changes will be available for review before they are finalized.

The following table categorizes all recommendations and prioritizes policies for public engagement. Low priority recommendations are those with little citywide impact or where the City has longstanding policies supporting the recommendation, while medium and high prioritizes will require more public conversations to explore or confirm the proposed recommendation. Almost all recommendations below are inter-related in one way or another and will be consolidated during the engagement process.

Numbering is not sequential where completed or deleted recommendations are excluded.

		Technical	Policy	Engagement Priority
RECOMMENDATIONS: Improving Urban Design				
1.A.	Frontage Types	■		n/a
1.B.	Parking Form Standards	■	■	Medium
1.C.	Building Size Standards		■	Medium
1.D.	Townhouse Standards	■		n/a
1.6.	The Role of Floor Area Ratio (FAR)		■	High
1.F.	Building Height	■	■	High
1.7.	Elements of Density		■	High
1.8.	Mixed-Use		■	High
1.9.	Basis for Floor Area	■	■	Medium
1.10.	Land Use Intensity (LUI) Table.		■	High
1.11.	Transfer Development Rights (TDR)	■	■	Low
1.G.	Green Building Density Bonuses	■	■	Low
1.12.	Consolidated Design Standards	■		n/a
1.13.	Differentiated Design		■	Medium
1.14.	Graphics	■		n/a
1.16.	Style Neutral	■		n/a
1.H.	Renewal Energy and Stormwater	■	■	High
1.J.	Solar Access Regulations		■	High
1.17.	Supplemental Zone	■		n/a

		Technical	Policy	Engagement Priority
1.19.	Natural Systems		■	High
1.20.	LUI Table Open Space		■	High
1.21.	Consolidate Approach	■	■	Medium
1.J.	Types of Open Space	■	■	Medium
1.22.	TOSR	■	■	Low
1.23.	Transitional Yards		■	High
1.24.	Change of use	■		n/a
1.25.	Larger Sites	■	■	Medium
1.26.	Stormwater Facilities	■	■	Low
1.28.	Outdoor Dining	■		n/a
1.30.	Place-Based Districts	■	■	High
1.32.	Street Network Map	■	■	Low
RECOMMENDATIONS: Protecting Neighborhood Character				
2.3.	Duplicative Provisions	■		n/a
2.4.	District Conditioning		■	High
2.6.	Broader Tailoring		■	High
2.7+	Historic Districts (by others)	■		n/a
2.22.	Infill Provisions		■	High
2.23.	"Faux Lots"	■		n/a
2.24.	Updated Transitional Protections		■	High
2.A.	Drive-Thrus	■	■	Low
2.B.	Lighting Standards	■	■	Medium
2.26.	Historic Lot Dimensions		■	High
2.C.	Accessory Structure Size		■	Medium
2.D.	Tree Protection Coordination		■	High
RECOMMENDATIONS: Creating Vibrant Corridors & Districts				
3.A.	Redevelopment Focus		■	High
3.2.	Industrial Districts		■	High
3.4.	Mix of Uses in Some Large Projects		■	Medium
3.5.	Atlanta City Design Corridors		■	High
3.B.	Fence Variances	■		n/a
3.C.	Minimum Lot Size	■	■	Low

		Technical	Policy	Engagement Priority
3.D.	Transit-Aware Standards		■	High
RECOMMENDATIONS: Expanding Transportation Options				
4.2.	Context Transportation Standards		See 1.30	
4.6.	Contextual Block and Street Standards		See 1.30	
4.7.	Public Standards for Private Streets	■		n/a
4.8.	Dedicated Streets		■	Low
4.9.	Sidewalk Standards		■	Medium
4.10.	Alley Incentives		■	Medium
4.12.	R1 through R5 Driveways		■	Low
4.A.	Sidewalk Waiver	■		n/a
4.13.	Loading Standards		■	Medium
4.15.	Reduced Parking		■	High
4.B.	Shared Parking	■	■	Medium
4.C.	EV-Ready		■	Medium
4.16.	Nonconformities	■		n/a
4.17.	Definitions		■	Medium
4.18.	Charts	■		n/a
4.19.	Alcohol Code	■	■	High
RECOMMENDATIONS: Ensuring Housing Diversity				
5.3.	Affordable Housing	■		n/a
5.5.	Integration Into Existing Districts	■		n/a
5.6.	R5 Amendment		■	Medium
5.A.	Legal Nonconforming Duplexes, Triplexes		■	Medium
5.B.	Mixed-Housing Type Standards		■	Medium
RECOMMENDATIONS: Supporting Jobs & Innovation				
6.1.	Pilot Areas	■	■	High
6.2.	Modern Uses	■	■	Low
6.A.	Maker Space/Lab Space		■	Low
6.B.	Indoor Farming	■		n/a
6.C.	Data Centers		■	High
6.D.	Daycare	■	■	Medium
6.E.	Self-Storage		■	High

		Technical	Policy	Engagement Priority
6.F.	Telecommunications	■		n/a
6.G.	Assisted Living	■	■	Medium
6.H.	Historic Shopfront Protection		■	High
6.I.	Alcohol Code Definitions	■		n/a
6.J.	Home Occupation		■	High
6.4.	Historic Patterns		■	High
RECOMMENDATIONS: User-Friendly Regulations/Processes Future				
7.I.	Administrative Variances		■	High
7.A.	Accessory Structures		■	High
7.4.	CDP	■	■	Medium
7.6.	Conditions		■	High
7.B.	Chapter 2 Consistency	■		n/a
7.C.	City-Initiated Conditional Zoning		■	Low
7.7.	Criteria	■	■	Medium
7.D.	New definitions		■	Medium
7.8.	Replace and Update	■	■	Low
7.9.	Attics and Garages	■		n/a
7.10.	Basements	■		n/a
7.11.	Hand Railings	■		n/a
7.12.	Average Grade		■	Medium
7.13.	First Floor	■		n/a
7.14.	Driveways	■		n/a
7.15.	Pervious Paving	■	■	Low
7.E.	Retaining Walls	■		n/a
7.F.	Building Coverage vs Lot Coverage		■	Medium
7.G.	Tree Caliper	■		n/a
7.H.	Site vs Lot	■		n/a
7.I.	Zero-Lot Line	■		n/a
7.J.	Other Code References	■		n/a
7.18.	Future Land Use Map		■	High
7.19.	Impact Fees		■	High
7.20.	Future Nonconformities	■		n/a
7.21.	Nonconformity Provisions	■		n/a

		Technical	Policy	Engagement Priority
7.K.	Thresholds		■	Medium
7.22.	Part 6 (only as needed)	■		n/a
7.23.	PD Densities	See 718		
7.L.	PD – Housing		■	Low
7.24.	PD Infrastructure		■	Low
7.M.	PD Platting		■	Low
7.N.	PD – Conservation Subdivision		■	Medium
7.O.	Rezoning Nonconforming Lots	■		n/a
7.26.	NPU System		■	High
7.27.	DRCs		■	High
7.28.	Neighborhood Review		■	High
7.29.	City Procedural Requirements	■	■	Low
7.P.	Assorted Districts	■		n/a
7.Q.	Overlay Conflicts	■	■	Low
7.R.	Building and Fire Code Conflicts	■		n/a
7.30.	Sign Ordinance	■		n/a
7.32.	Special Administrative Permits		■	High
7.S.	Variations	■		n/a
7.36.	Cumulative Impact	■		n/a
7.37.	Graphics	■		n/a
7.38.	Tables And Charts	■		n/a
7.39.	Plain English	■		n/a
7.T.	Phasing	■		n/a





05 ENGAGEMENT



ENGAGEMENT OVERVIEW

Public participation is an integral part of the Atlanta Zoning Ordinance Rewrite (also referred to as ATL Zoning 2.0) and is designed to ensure that proposed ordinance changes reflect Atlanta's needs and values. Early and continuous public involvement will bring diverse viewpoints into the decision-making process and allow the City, its Consultant Team, and diverse stakeholders to make informed decisions about changes to the City's zoning regulations that are guided by mutual understanding, trust, and appreciation of the trade-offs of any changes.

This Public Engagement Plan builds upon the outreach work conducted as part of the 2017 Diagnostic process and gives Atlanta stakeholders ample opportunities to inform the new Zoning Ordinance as it is written and mapped. It seeks to do it in a way that makes a highly technical topic— zoning and zoning law—as understandable and relevant to as many Atlanta stakeholders as possible and in a way that creates broad support for the proposed concepts well before the official process begins.

This Public Engagement Plan incorporates a variety of events and activities tailored to the needs of different stakeholders. It provides a transparent, inclusive, and accessible process that allows the public to inform the topics they are most familiar with or affected by, wherever in Atlanta they are and in a way that is convenient to them. With this in mind, the two components to the Public Engagement Plan include Engagement Strategy focused on engagement activities and events and a Supportive Outreach and Marketing/ Communications Strategy focused on marketing and communication tactics. Both are outlined below.

COVID-19 STRATEGY

This Public Engagement Plan will comply with the City of Atlanta's COVID-19 Response Plan. Accordingly, the strategy below assumes that COVID-19 public meetings restrictions will remain during the Round #1 Idea Labs and Round #2 Public Meetings. However, starting in Round #3, all meetings are assumed to be in-person unless otherwise required by the COVID-19 Response Plan. For maximum accessibility, all related materials for in-person meetings will be available for review and comment on the project website: www.atlzoning.com.



ENGAGEMENT STRATEGY

The following engagement strategy identifies and describes efforts and would be conducted over four phases of public education, exploration, and comment. These include:

- Phase I: Analysis and Problem Definition
- Phase II: Development and Evaluation of Alternative Approaches
- Phase III: Drafting the New Ordinance Language
- Phase IV: Ordinance Adoption and Implementation

This strategy will provide stakeholders with a variety of guided and self-paced engagement platforms to interact and provide feedback on. Collectively, these will be “curated” to tell the “story” of the Zoning Ordinance Rewrite, its impacts, and implementation.

PHASE I : ANALYSIS & PROBLEM DEFINITION

Engagement activities for this initial phase are limited due to its technical focus on preparing an addendum to the 2017 Diagnostic through the lens of Atlanta City Design and ongoing City needs. Key tasks include preparing the project identify/branding and website, and conducting stakeholder interviews.

Stakeholder Interviews - for City of Atlanta staff, small builders, and other users of the Zoning Ordinance that were not previously interviewed during the 2017 Diagnostic.

PHASE II: DEVELOPMENT & EVALUATION OF ALTERNATIVE APPROACHES

Engagement activities for Phase II include a Public Plenary and Citywide Public Meetings providing participants examples of national best practices and alternative testing through workshops:

PUBLIC MEETING CONTENT & LOCATIONS

All public meeting content identified here is tentative and will be finalized as the meeting approaches, as mutually agreed on by the Consultant Team and the Office of Zoning and Development. Based on experience with similar efforts, the Consultant Team anticipates that certain topics, especially ones related to policy, will require deeper discussion at public meetings than technical updates to the mechanics of the Zoning Ordinance.

To ensure that the public understands these potential policy changes to the regulations in the Zoning Ordinance and provides meaningful feedback, the Consultant Team will craft public meetings to focus on explaining and discussing these policies or difficult-to-understand topics. All rounds of public meetings, except Idea Labs, will incorporate four separate identical meetings held once in each of Atlanta’s four quadrants. The Consultant Team and the City will collaborate to identify locations that are accessible to as many stakeholders as possible, including those arriving by MARTA. Every effort will be made to use existing City of Atlanta facilities or other no-cost facilities. The Consultant Team will not be responsible for rental fees.

All public meeting content, including agendas, presentations, boards, and exercises, will be shared with the Office of Zoning and Development for review and approval at least 10 business days before the event for review and comment. Meeting minutes will not be prepared.

Round # 1: Idea Labs

Idea Labs are a series of 1-hour presentation and discussions by local and national subject matter experts to share concepts and best practices related to the following topics:

- Welcome and Background
- Existing Atlanta Patterns
- Coding for Mobility and Access
- Coding after COVID-19
- Sustainability
- Urban Ecology
- Coding for Place
- Unlocking Residual Space

Topics may change to avoid duplicating other Department of City Planning efforts, including Atlanta City Design Housing, and to ensure that topics are relevant to Atlanta's changing needs.

As noted above, Idea lab presentations will be virtual, but will be released live, with opportunities for the public to comment and ask questions at the end. All presentations will be recorded for later viewing/review by the public. Each will include exercises for the public to respond to the various ideas presented and their potential appropriateness for Atlanta.

At the same time as the Idea labs, the Consultant Team will solicit public input in identifying up to 14 sites that could be used for testing concepts for the remainder of the process. Sites should be scattered across Atlanta and be reflective of a variety of contexts and potential development conditions. Final sites selected will be determined by the Department of City Planning and the Consultant Team.

Round # 2: Focused Workshops

Focused Workshops are presentations and exercises designed to explore alternatives for a range of topics identified in the 2017 Diagnostic, the Idea labs, and by the Consultant Team and the Department of City Planning. Potential alternatives with community support will later be tested for how they might apply to specific sites identified above.

Focused Workshops will have a hybrid format that allows in-person and virtual participation. Presentations will be posted to the project website, and exercises will be offered on-line for 10 days after each. Workshops will include:

- Two on **Citywide Alternatives**, held on November 29, 2022, and January 17, 2023;
- One on **Growth Area Alternatives**, held on February 28, 2023; and
- One on **Conservation Area Alternatives**, hold on April 20, 2023.



PHASE III : DRAFTING THE NEW ORDINANCE LANGUAGE

The engagement activities for Phase III are designed to present and receive feedback on the preliminary draft, discussion draft and final draft of the new Zoning Ordinance in addition to the review of zoning maps.

Round # 3, 4 & 5: preliminary draft

Citywide Public Meetings will review the preliminary draft and related testing. To allow participants to digest the information and/or focus on topics most important to them, it is recommended that the draft be divided and presented in sections (e.g. citywide provisions, residential districts, corridor and mixed-use districts, etc.).

- Up to three rounds of public meetings (12 meetings total) tentatively planned for late 2023.

Round # 6, 7 & 8: discussion draft

Citywide Public Meetings will be held to present the revised discussion draft and testing. As with the Preliminary Draft public meetings, it is recommended that the discussion draft be divided into smaller pieces to allow participants to digest the information and/or focus on topics most important to them.

- Up to three rounds of public meetings (12 meetings total) tentatively planned for early 2024.

Round # 9: final draft

Citywide Public Meetings will present the final code and key refinements from earlier versions.

- One round of public meetings (4 meetings in total) tentatively planned for mid 2024.

Round # 10 & 11: proposed zoning map changes

Citywide Public Meetings for the purpose of the review of the draft zoning map and recommend potential application of any new districts to specific sites for feedback. These meetings will include interactive exercises.

- Up to two rounds of public meetings (8 meetings total) tentatively planned for mid 2024.

PHASE IV : ORDINANCE ADOPTION & IMPLEMENTATION

The final phase of the zoning rewrite includes adoption and implementation. The engagement activities associated with these tasks include additional public meetings in addition to presentations to NPUs for adoption and presentations to the Zoning Review Board.

FINAL ZONING ORDINANCE

Citywide Public Meetings to make the public aware of the final draft prior to the ordinances being presented to NPUs for adoption.

- One round of meetings (4 meetings total).

NPU Meetings - All NPUs will be briefed on the final Zoning Ordinance for vote. The planning Consultant Team will not be required to attend any NPU meetings but will brief NPU planners prior to Phase IV and provide pertinent documentation for the presentations.

Zoning Review Board Presentations - The Consultant Team and City staff will present the ordinance to the Zoning Review Board. (2 presentations total).

SUPPORTIVE OUTREACH & MARKETING STRATEGY

PROJECT BRANDING

The Atlanta Zoning Ordinance Rewrite, branded at ATL Zoning 2.0, has adopted the visual identity of the Department of City Planning to provide a unified system comprised of core elements such as brandmark, color, and type, along with extended expressions including graphic assets.

DIGITAL

The following are a combination of media and communication tools and outlets that will be used to keep stakeholders informed, educated and aware of forums where their voices can be heard.

PROJECT WEBSITE

www.atlzoning.com

The Consultant Team has developed a website to allow visitors multiple opportunities to stay updated and engaged (Participate) and provide feedback (Connect) throughout the process.

PROJECT EMAIL ADDRESS

atlzoning2@AtlantaGa.Gov

Stakeholders can directly email the project email address or use a form on the website's Connect tab. Both methods allow communication with City staff and the Consultant Team.

Protocol

- **Receives messages:** City and Consultant Team member will receive emails.
- **Response:** A response of email receipt will be sent within 24 hours (business days only).

Within 5 business days, the Consultant Team, in collaboration with City staff, will prepare and submit via email a written response to the question, request for information, etc.

- **Responsible party:** Once the response is approved by City staff, the Consultant Team will submit the response using the project email address.
- **FAQs:** General responses will be incorporated into the project website monthly.

All electronic correspondence, including e-blasts, will come from this email address.

SOCIAL MEDIA

Project social media posts will occur on City of Atlanta and/or Department of City Planning social media on a consistent schedule with relevant content to be determined by the Consultant Team and City staff:

- <https://www.facebook.com/AtlantaPlanningDevelopment>
- <https://twitter.com/CityofAtlanta>
- <https://nextdoor.com/agency-detail/ga/atlanta/city-of-atlanta/>
- <https://www.instagram.com/atlplanning/?hl=en>
- <https://www.youtube.com/channel/UC9rhTL6d6r1-VM0Q7XJ7FTQ>
- <https://www.linkedin.com/company/coacityplanning/>

Protocol

- **Development:** The Consultant Team will provide narrative and graphics for social media posting, social media teasers, and a schedule for dissemination.
- **Timeline:** At least 7 business day advance notice for approvals and edits, where necessary.

- **Responsible party:** City staff will be responsible for submitting the postings.

MARKETING & COMMUNICATIONS TACTICS

A variety of communications strategies and tactics will be deployed to disseminate information to stakeholders throughout the process. The Consultant Team intends to use a combination of methods to ensure that all touchpoints are reached. Other communications tactics will be used as needed.

PRESS RELEASES

Written communication will be drafted with the intention of informing local media outlets to announce public meetings. The Press release will be disseminated with the inter departmental support of Marketing and Communications within the Planning Department and the Mayor's Office of Communications.

STAKEHOLDER DATABASE

During Phase I, a comprehensive database of citywide stakeholders will be developed for the distribution of project information and announcements at key milestones to interested parties. The list will be updated periodically with email address for anyone that joins the distribution list via the website. The list will include the following groups/ organizations: public/ private advocacy, elected officials, neighborhood groups, business community, housing and sustainability organizations, and NPU leaders, to name a few.



Courtesy Department of City Planning, City of Atlanta

DIGITAL COLLATERAL CAMPAIGN

With the use of e-blasts and social media, the Team will design and distribute meeting notifications, email alerts and project updates periodically. The digital collateral campaign will target the stakeholder list, in addition to community partners with list-serves such as neighborhood groups, civic organizations, and municipal and agency partners. Constant Contact will be utilized as the tool to disseminate the digital campaign materials.

Specific tools proposed include:

- **Media and Partner Tool Kit** - A collateral information package for community partners will include a draft letter, project schedule, link to the website and social media platforms, branding elements, etc., to assist with the dissemination of information and public

announcements to other stakeholders and influencers.

- **Digital Display Posters** - For increased visibility, digital signage will be developed and shared with partners across hundreds of public, private, and non-profit agencies and organizations. The digital poster creates similar value to printed flyers and is more cost-effective and flexible in terms of ability to change and update information.
- **Sponsored Advertising** - Social Influencers, Change Makers and online Platforms with targeted followings will be contacted to participate in a sponsored advertising program. Social Influencer accounts will be offered payment to post and disseminate communications via email and social media to their followers and subscribers. The outcome is to reach a group of Atlanta stakeholders that the project has not reached before.



Courtesy Department of City Planning, City of Atlanta

PRINT COLLATERAL CAMPAIGN

The following are a list of print medium proposed:

- **Yard signs** - Often used for political campaigns, yard signs placed at strategic locations such as key intersections, gateways, bus stop/ transit hubs will be used to advertise engagement opportunities to stakeholders that typically lack internet access. As events approach, yard signs will be posted in legal locations around the city, with a QR code and website so people can learn more on the website.
- **Postcards/Flyers/Posters/Door Hangers** - Limited print advertising may be utilized to inform targeted stakeholders groups and the public in advance of key meetings. Note that postcards will be printed to leave at popular locations around the city, but not mailed. The final number used shall be established as the meeting approaches, but shall not exceed 2,000 cards per round of meetings.
- **Distribution Plan** - A distribution plan will be developed and approved by the City staff to identify target markets for and key locations for dissemination.

INTER-DEPARTMENT COORDINATION.

It can be taken for granted that the City of Atlanta has hundreds of employees working in various departments with differing scopes of interconnected work. A focused effort will be taken to facilitate communication and collaboration between different departments within the City and supporting governments like the County and School System. The outcome is to provide wide reaching notice to Atlanta stakeholders who are not already participating in Public Forums like Neighborhood Meetings, NPU Meetings and the like.

TEXT MESSAGING CAMPAIGN

A very successful method of disseminating information to a vast number of stakeholders is through a text messaging campaign. Short message directing recipients to the project website or providing a link to the public meeting registration are tactics used that yield positive results. Based on the target area, the Consultant Team can isolate cell phone numbers at cost and distribute the message as defined.

PHONE HOTLINE

404-546-0116

Many stakeholders in Atlanta lack or are uncomfortable using technology. For these stakeholders, a phone number has been established to receive voice messages related to the project - with an understanding that the calls will not be returned. All information on the hotline will be documented and general interest questions will be included in the FAQs on the project website.

UTILITY BILL INSERT

A two-fold bill insert is included with each monthly Watershed bill to inform ratepayers about Watershed initiatives, programs, and other information mandated by law. Based on space availability, the insert can be used to publish public meeting notifications and project information.

Protocol:

- **Development:** Consultant Team will provide narrative and graphics for the insert.
- **Timeline:** Information to be considered for the bill insert should be submitted to our office before the 5th of the month preceding the month when you are requesting the information appear.

- **Responsible party:** William Horton at whorton@atlantaga.gov Office: 404.546.3203 | cell: 770.294.3240

POP-UP EVENTS

Up to four project outreach activities will be staged at community/ partner events, festivals, transit stations, etc., to disseminate and collect stakeholder feedback – ideally at key decision points in the process or shortly before beginning the official adoption process. Pop-up staging usually consists of a tent, with tables, boards/ displays, project collateral and interactive activities to capture input documentation

ACTIVITY WORK PLANS

Plans will be developed for each engagement and outreach activity to ensure timely execution and maximum results. The plans will include a strategy, description of engagement and outreach methods and schedule of tasks, responsible parties, and deadlines.

ENGAGEMENT AND OUTREACH SUMMARIES

Provide an overview of each engagement and outreach activity performed, by round, not meeting. Each will include a brief description of event, attendance list, and outcomes. Outreach activities used to advertise the event, for example, will include an overview of the effort, the amount of material distributed, where applicable along with photographs.





06 TESTING METHODS



TESTING METHODS

THE IMPORTANCE OF TESTING

Zoning regulations shape the daily lives of Atlantans in many ways - often without them even realizing it. This makes it extremely important for any changes to the Zoning Ordinance to be clearly explained and tested before they are implemented.

The Zone Strings described earlier would allow the new Zoning Ordinance to easily respond to the unique character of Atlanta's diverse neighborhoods in ways that the current code does not. Among other things, they would create a structure that could apply completely different rules to the city's urban, suburban, and rural areas, as opposed to the one-size-fits-all approach common today. Defining what these differences are will be a key goal of the Zoning Ordinance Rewrite public engagement effort.

Visualization Testing allows Atlanta stakeholders to easily see how new standards could apply to different types of sites across the city. It seeks to take often abstract standards like setbacks, lot coverage, floor area ratio (FAR), etc., and creates images of what they might actually look like - all without the pressure associated with a real development project. This, in turn, allows stakeholders to decide which standards should or should not be included in the new Zoning Ordinance.

Policy Testing allows standards to be considered through a lens of City policies, including the five Atlanta City Design core values. It is useful to show trade-off and how potential standards relate to a broader set of issues.



VISUALIZATION TESTING

Representative test sites will be selected for visualization from a cross section of Atlanta's Growth and Conservation Areas, with consideration given to sites that vary in terms of:

- Current zoning;
- Size;
- Shape;
- Topography and natural features;
- Existing buildings on the site;
- Transportation access;
- Transitions between higher and lower intensities;
- Geography; and
- Applicability of the provision being tested.

Sites with active development proposals will not be considered. It is important that the testing process remain free of the baggage sometimes associated with real development proposals.

The consultant team and the Department of City Planning will have final say over the selected sites, but will consider nominations from property owners, neighborhood groups, and others when the testing process begins.

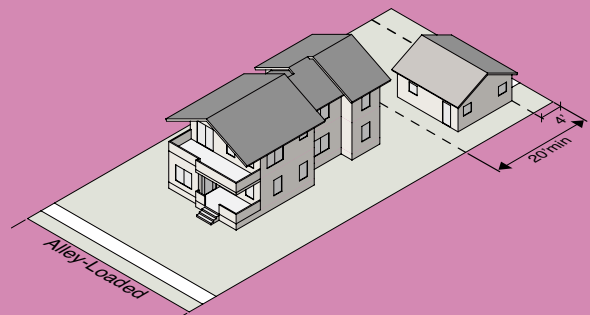
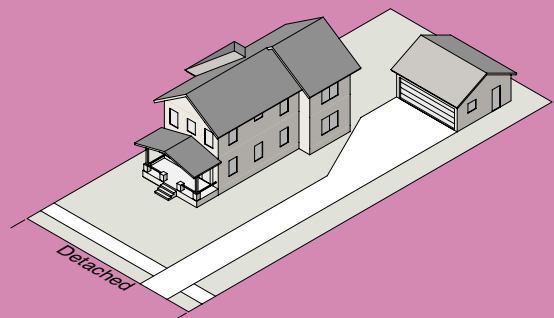
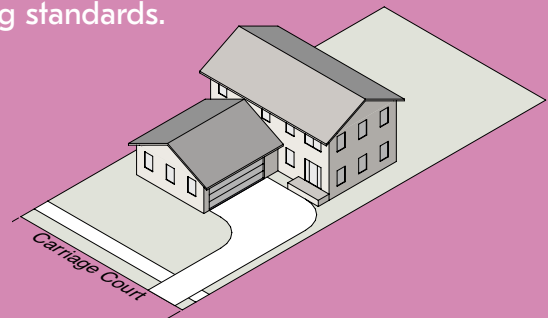
At least 14 sites will be identified for visualization testing. If ideal representative real sites cannot be found, the consultant team will develop one or more hypothetical sites for testing purposes.

VISUALIZATION TOOLS

Testing will utilize a variety of visualization techniques most suitable to the concept being explored. These may include:

- Site plan alternatives;
- Section alternatives;
- Photo manipulation alternatives; and
- 3-D digital models of alternatives.

Visualizations will seek to only represent those elements being considered for the Zoning Ordinance; they will not attempt to convey architectural style. Ideally, testing will include several elements, such as how a lot might be developed differently under the existing and new zoning standards.





POLICY TESTING

Policy Testing will be used so decisions guiding the new Zoning Ordinance consider the implications of standards on a variety of City policies, especially the idea of trade-offs.

The consultant team will develop a way to assess how standards support or do not support existing guiding documents, including:

- The Atlanta City Design and its core values;
- The Comprehensive Development Plan; and
- Other City policies.

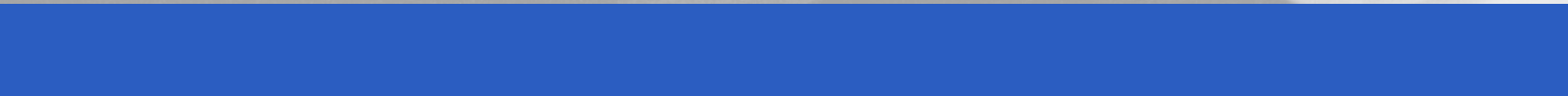
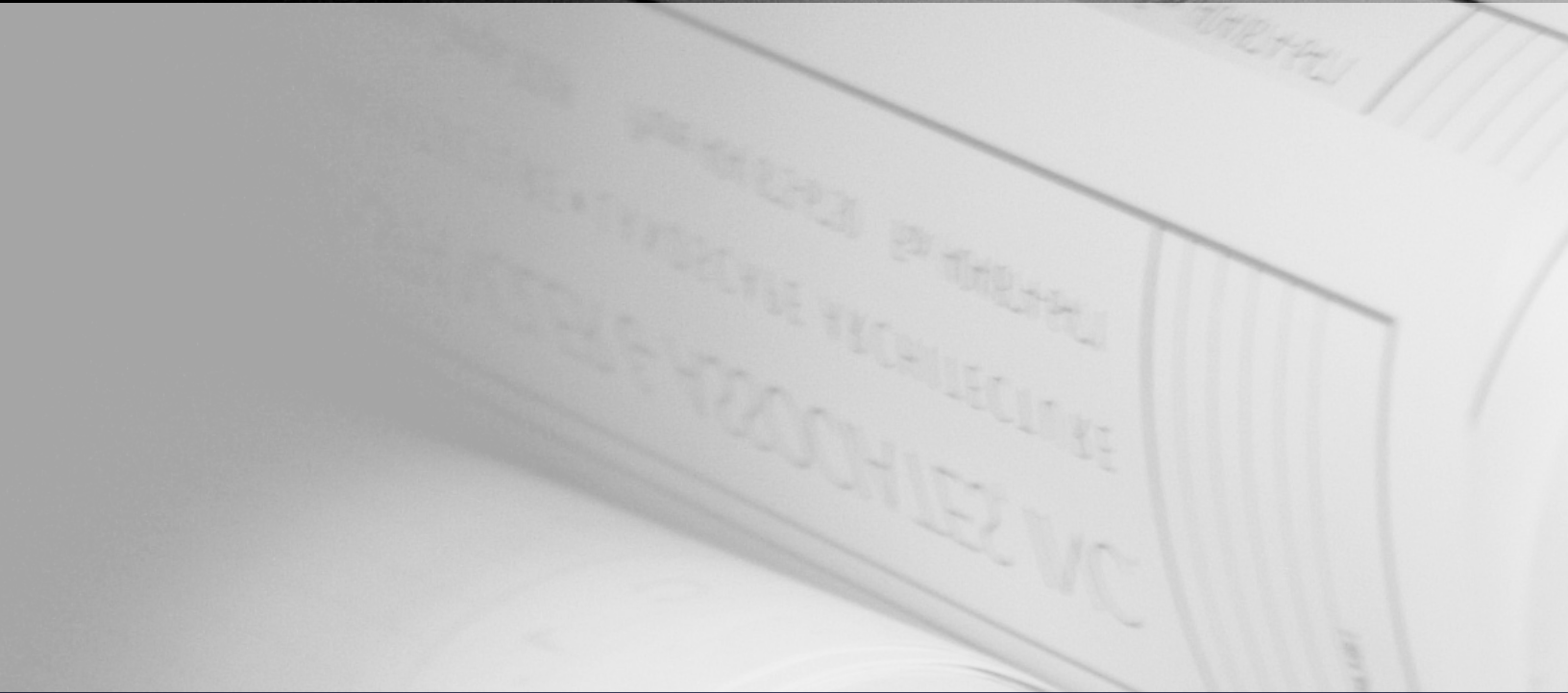
Policy Testing will not apply to every new standard. Rather, it will be selectively used when an emphasis on achieving one policy negatively impacts another. A key goal of this testing will be to ensure that standards consider and balance sometimes competing City policies.

THE TESTING PROCESS

Testing will take two primary forms:

- **Exploratory Testing**, to test potential standards while the new Ordinance is being written and help the public determine which standards should be included in the new Zoning Ordinance; and
- **Draft Code Testing**, to test how proposed draft standards, when taken collectively, impact a site.

Both will be incorporated into the public engagement process at the appropriate time, with Exploratory Testing generally occurring earlier in the process and Draft Code Testing occurring once the first draft of the new Zoning Ordinance has been prepared. All testing will include opportunities for stakeholders to react to the alternatives and determine which they prefer.



The background of the slide is a grayscale photograph of a spiral-bound notebook. The notebook is open, showing several pages. A silver paperclip is attached to the top edge of the pages. The lighting is soft, creating gentle shadows and highlights on the paper's texture.

07 UPDATED LEGAL REVIEW

UPDATED LEGAL REVIEW



INTRODUCTION

The 2017 Diagnostic provides a detailed review of legal concepts affecting the Atlanta Zoning Ordinance, but did not address a few topics that are critical to the more technical aspects of rewriting and adopting a new Zoning Ordinance. This following legal review update expands upon several of the concepts covered in the 2017 Diagnostic and identifies new considerations that directly shape the proposed rewrite strategy, including recent legal decisions.

CONDITIONAL ZONING ACTIONS

In Georgia, conditions imposed on various types of zoning actions — rezonings, special use permits, variances — are lawful when used to ameliorate the impacts of the zoning action on surrounding properties. *Warshaw v. City of Atlanta*, 250 Ga. 535 (1983); *Cross v. Hall County*, 238 Ga. 709 (1977). In addition, under federal takings law, there must be a “nexus” demonstrating “rough proportionality” between a condition imposed and the underlying zoning action. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Accordingly, conditions that have no connection or “nexus” to the zoning action itself, or do not ameliorate the impact of the zoning action on surrounding properties, can face legal scrutiny under state and federal law. But conditions meeting these tests are valid and, in most

circumstances, become an integral part of the zoning action until removed by the body that imposed them.

A large number of parcels of land throughout the City are conditioned in a variety of ways, often on specific site plans or written conditions that were the product of discussions between applicants, professional staff or neighborhoods during the rezoning process. If previously conditioned properties are rezoned from one zoning district to another district as a part of the new zoning code, the city will need to address whether to continue these pre-existing conditions for all or some of these parcels. Larger district-wide rezonings have been done in the past that did not carry over prior conditions. SPI-12 is one example, the theory there being that the new code did a better job of protecting developer and neighborhood interests than did the existing conditions on individual parcels.

However, when the SPI-9 zoning district was created, the district-wide rezoning carried over all existing conditions within the district. A landowner challenged the procedural means used to accomplish that carry over and that court case is ongoing. Because of the degree of legal uncertainty at this time, analysis will continue. It is recommended that final decisions related to this issue should be delayed until that analysis has concluded, and professional and public comments on this issue have been closely reviewed.

The same uncertainty might apply to special use permits, although the permit nature of the SUP is an important distinction and one that would not be directly changed in the rewrite, unlike a rezoning. With regard to prior variances and special exceptions, neither of which would have involved rezoning action, it would appear that the variances and special exceptions would continue in place together with any attached conditions since, like special use permits, actions associated



Many properties have zoning conditions there were applied when they were rezoned, including Lee + White in the West End neighborhood, shown at left in the above photo.

with the rewrite would not include those prior types of actions. It is possible that some of these previously granted permits or variances could create nonconforming situations or conflicts depending on specific metrics imposed by the new code, but that could be addressed by the nonconformities chapter of the new code like any other nonconformity, or the conflict provisions that will have to be placed in the new code. Therefore, our recommended course is to allow past special use permits, variances and special exceptions to continue as previously decided, including any conditions that were a part of those decisions.

VESTED RIGHTS

A property interest in a parcel of property is said to “vest” when the process has reached a point at which the government may not take those property interests away without payment of compensation. Property interests vest upon actual issuance of a proper and legal building permit. *WMM Properties v. Cobb County*, 255 Ga. 436 (1986) Unlike most other states, property interests in Georgia – at least for the time being – also can vest upon mere application of a building permit if the application is proper and all fees paid, and even upon official assurances coupled with monetary reliance on those assurances that a particular project may be developed.

In nearly all cases, analysis of whether a property interest has vested is dependent upon the particular facts of the situation. For instance, unlike nonconforming uses, vested rights are personal to the individual that acquired them and are not automatically transferable when property is sold. See, *BBC Land v. Butts County*, 281 Ga. 472 (2007), which resulted in a legislative reaction codified in O.C.G.A. 44-5-40 allowing these rights to be transferred transactionally. Other facts, such

as the degree of reliance and expenditures by the property owner, or the lawfulness of the building permit application, must be investigated before rights are determined to have vested.

Accordingly, the preferred course for the code overhaul would be to avoid lengthy regulations addressing vesting. Vested rights are determined by applying complex court decisions to unique facts. They will or will not occur based on those facts and the evolving law. Rather than attempting to codify all of this law as it may apply to future or past fact patterns, the better course is to allow vesting issues to play out on a case-by-case basis in accordance with the facts and current legal court guidance.

There is an important possible exception to this general recommended course. The odd nature of vesting in this state may warrant the use of moratoriums or interim controls at some point in the process so that new proposed regulations are not thwarted by property owners seeking to vest rights by inexpensively and quickly applying for various building permits to avoid application of the new regulations. Interim controls are an important tool in this regard and are lawful and commonplace throughout the country when properly adopted. See, *City of Roswell v. Outdoor Systems*, 274 Ga. 130 (2001); *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002). Use of interim controls may be appropriate and needed at some point in the process as the rewrite gets closer to adoption.



Small apartment buildings with two to four units, such as this one on Lawton Street in the West End, are now legal nonconforming uses in most of Atlanta. This means they can continue to operate but new ones cannot be built without going through an extensive rezoning process.

NONCONFORMITIES

Generally, a use is deemed to be legally nonconforming when it was lawful at inception and in continuous use up until the time of a new zoning regulation no longer allowing such use. See *WMM Properties*, cited above. Property interests associated with lawful nonconformities were the genesis for nonconforming provisions in zoning codes. In Atlanta, nonconformities currently are codified in Chapter 24 of the Zoning Ordinance. In general, nonconformities, will survive a transfer of ownership and run with the land. But they also may be heavily regulated because they violate the public interest by definition. Local governments in Georgia and elsewhere may lawfully use a myriad of tools to refine nonconforming interests of various kinds,

such as limiting any increase in the degree of nonconformity and even eliminating some nonconformities over time. See, for example, *Flippen Alliance v. Brannan*, 267 Ga, App. 134 (2) (2004).

Because the parameters of various types of nonconformities can be regulated, it is recommended that nonconformities be addressed in the new code with particularity based on current law. In addition, the use of complex zoning tools allowing myriad uses on a single property has blurred the old rules regarding nonconformities, making some of the existing nonconforming use provisions outdated and difficult to administer. Consequently, the preferred course regarding nonconformities is to substantially overhaul or replace the existing regulations in Chapter 24.