

# QUESTIONS ATL ZONING 2.0

The following summarizes questions that were asked during July 9, 2024, Module I Question and Answer Session but could not be answered due to time constraints.

## Engagement

### **Q. What is the project website?**

[www.zoningatl.com](http://www.zoningatl.com)

### **Q. Will we be able to comment on everything? Since module II has definitions, will we be able to look back at Module I and make comments?**

Yes. We will be taking comments on all Modules through March 31, 2025.

### **Q. Why is zoning not taught in schools, and how will these discussions be communicated to the people not at these meetings?**

The Department of City Planning does not control the school curriculum.

The engagement process includes far more than just meetings. We are using social media, online feedback, NPU announcements, signs, and more to get the word out. All comments are equally important, whether given at a meeting, through the project website, via email or phone, or any other way. So far, the number of comments received outside of meetings far exceeds the number received at them.

## Form Standards: Accessory Units/Guest Houses

### **Q. What is changing about guest house/accessory unit regulations? Why is it changing?**

We have received hundreds of questions and comments about guest houses and accessory units. The proposed standards for these accessory uses will be updated in the revised Module I that will be released on September 30, 2024.

### **Q. What is the allowed size of a ADU or Guest Unit today?**

Today, an accessory dwelling unit does not have a minimum size and has a maximum size of 750 square feet in the R-4, R-4A, and R-5 zoning districts (some historic districts allow larger). There is no size limit on guest units (guest houses) today, except that the



total number of accessory buildings may not exceed 30% of the floor area of the house.

**Q. According to the tax assessor my property is R3. Can I build an ADU today?**

The zoning listed on the Fulton County tax records is not always accurate. Verify zoning using this link: [Planning Viewer](#). If a property is zoned R3, ADUs are not allowed today.

**Q. Can I build an ADU in R-2 today?**

No.

**Form Standards: Definitions and Measurements**

**Q. How can you set floor area ratio (FAR) limits without a clear definition of FAR and what it includes?**

The floor area definition will be provided in Module II. Generally, it will include all interiors portions of a building, measured from the exterior wall. More areas will count towards floor area than currently do.

**Q. Will there be anything to encourage housing rather than parking, such as including parking garages in FAR calculations?**

Module II will contain parking and FAR calculation standards.

**Q. I'm curious if "floor area" or "roof area" is more relevant with our citywide drainage focus. Why is "floor area" the current metric?**

Floor area, when combined with building coverage, setbacks, and height, provides an easily quantifiable "carrying capacity" of a lot. Roof area, also called "building footprint" is regulated in some historic districts. The draft Zoning Ordinance proposes to regulate by building width in some districts to provide more predictable outcomes that match existing patterns.

**Form Standards: Specific Districts**

**Q. Is there a driveway requirement in the existing R-1 district?**

Today two parking spaces per dwelling are required in the R-1 district. These may be provided on-site, in which case a driveway is required, or in the adjacent streets if there is on-street parking, in which case no driveway is required.

**Q. Are the heights and setbacks for R-4 remaining the same?**

The height will remain unchanged at 3 stories/35 feet.



The front setback will change so that it must match the built setback pattern of the street. For example, if nearby houses have a 20-foot front setback, new houses must have 20-foot front setback.

Side setbacks will change from 7 feet to 5 feet to match the existing patterns in most R-4 areas. Similarly, rear setbacks will be reduced from 15 feet to 10 feet.

**Q. I thought that R-4 translated to either RC2 or RNI. If this is true, how will it be determined which is which?**

RC2 and RNI are based on the current R-4 district, but RC2 has a lower building height. When the new Zoning Ordinance is adopted, R-4 properties will be renamed RNI. RC2 will only be available for future use in neighborhoods that want shorter houses.

**Q. Are R-1 setbacks remaining the same?**

When the new Zoning Ordinance is adopted, R-1 properties will be renamed to RHI.

The side setbacks will change from 25 feet to 30 feet.

The rear setbacks will change from 35 feet to 40 feet to better reflect existing patterns in R-1 neighborhoods and promote greater tree protection in what are the city's most wooded and hilly neighborhoods.

**Q. Could an R-5 double frontage lot be split into two lots?**

Nothing will change with the ability to subdivide R-5 lots. If both resultant lots meet the zoning requirements, they may be subdivided.

**Q. Will duplex still be required to provide two doors facing the street?**

This has not been determined.

## **Use Standards**

**Q. Does the new zoning laws speak to Airbnb's in residential areas?**

The new code references existing City short-term rental (i.e., Airbnb) standards found outside the Zoning Ordinance. They are currently allowed in all residential areas, allowed in guest houses, but not allowed within accessory dwelling units unless the owner lives on the premises.

**Q. Where are we zoning for camping? I want to build and move into my dream campsite but APD keeps kicking me out of the right-of-way because it's illegal to camp in the city now.**

The Zoning Ordinance does not allow camping on private property, nor does it regulate camping on public property.



**Q. How does “two-unit living” compare to “duplex” and “zero lot line” (ZLL) under the existing code? Or is ZLL considered “single-unit living” since it is technically one unit per lot?**

“Two-unit living” encompasses the existing definitions of “duplex” and “zero lot line.” The new term removes the differentiation based on the ownership structure, which was the reason for “duplex” and “zero lot line.” The goal is that, if a property can have two units, then the rules are the same regardless if it is owned by one person or by separate owners. Even if the property has a “zero lot line” subdivision, it will still be treated as “two-unit living” because the “zoning” lot has two units. As a result, the term “zero lot line” will be eliminated. This will be further clarified in Module II.

## **Tree Preservation**

**Q. How will the Zoning Ordinance protect trees?**

Tree protection is primarily controlled by the City’s Tree Preservation Ordinance, but the zoning ordinance can encourage (not require) tree preservation. The proposed draft has incorporated several changes that will benefit tree preservation:

- It creates more flexible side yard setbacks in most detached house districts (i.e., R-1-R-5 today). This will allow homeowners/builders to easily and quickly adjust the location of a house or addition to avoid impacting trees. Today, homeowners/builders must file a variance before the BZA to accomplish this - a process that takes at least two to three months and has an uncertain outcome. As a result, many choose to cut the trees, as allowed by law, and pay the applicable fees instead.
- It creates limits on the amount of a lot that can be covered by buildings (i.e. building coverage) in most detached house districts. Buildings typically require footer foundations and grading, both of which significantly impact trees both directly and indirectly.
- It allows some accessory uses to be created inside existing buildings. Today, these uses can only be in detached structures in the rear yard. Allowing them in existing buildings will reduce the tree and stormwater impacts of new construction.
- It will contain other tree preservation incentives in Module II.

**Q. Do the front setbacks with minimum and maximum range allow buildings to be set further back if they are preserving trees?**

Yes. This will be specified in Module II.



**Q. Why can't you mandate how much of the land can be graded?  
We see 90% of lots being graded currently, which kills all existing trees on the lot and surrounding lot lines.**

Grading is regulated through environmental regulations, such as stormwater management or soil erosion, not zoning. Module II will contain some standards that seek to reduce grading on sites.

## **Other**

**Q. How will this make zoning decisions more accessible to the public?**

All zoning procedures, including notification, will be provided in Module III, which will be released in early 2025.

**Q. How will existing zoning conditions be handled when the new code is adopted?**

Zoning conditions will be attached to the legislation adopting the new zoning map in order to carry them forward.

**Q. What is the future of PD-H and PD-MU?**

The goal is to convert PD-H and PD-MU districts to the closets Form District. Any site specific conditions would carry forward (see above).

**Q. My street has been identified as a Conservation Area. Does this limit what can be built on my street today, or is it something that will go into effect later?**

A “Conservation Area” is a design area from [the Atlanta City Design](#). It reflects the existing character of the area, but does not impose any existing or proposed regulations.

**Q. Are there parking requirements?**

Module II will contain parking standards

**Q. Is there a way to regulate based on occupancy instead of the number of dwelling units? For example, today a family of eight can live in a 5,000 SF house in my neighborhood, but if a house was subdivided into three units, each with two adults (6 people), that is not permitted. I don't understand why that is.**

Zoning regulates occupancy limits in part through the definition of “family,” which term is proposed to be changed to “household” in the new code. Regardless of term, “family”



or “household” is defined as any number of related persons (by blood, marriage or adoption) or unrelated persons up to a certain number, currently six.

Federal law prohibits discrimination in housing on the basis of familial status (i.e. families with children under 18). So, the City cannot legally limit the number of occupants in a “household” beyond a numeric limit on the number of unrelated people that can constitute a “household.”

Some cities choose to regulate based on the number of bedrooms, such that a building with six bedrooms can be a single six-bedroom dwelling unit or six one-bedroom dwelling units. This is not recommended for Atlanta at this time.

**Q. What plans are in place to prevent investors from buying up affordable housing?**

The Zoning Ordinance does not regulate who can buy and own property.

