

WELCOME

Review and
comment on
the drafts
online



Thank you for joining us to learn about the ‘discussion draft’ Administration procedures of Atlanta’s new Zoning Ordinance!

This process marks Atlanta’s first comprehensive update of its zoning regulations since the current code became effective in 1982. This meeting focuses on the processes and standards used to administer the new Zoning Ordinances. All standards are drafts and will only be finalized after Atlanta Stakeholders have reviewed them.

Whether you’ve attended every meeting or this is your first, we encourage you to share your thoughts on what you learned today either in person or through the project website, www.atlzoning.com. There, you will find the draft codes, commenting tools, and more.

Your comments today and in the coming months will help shape Atlanta’s growth for decades to come. We look forward to hearing your ideas and to working with you over the next year.

Today’s Meeting

This meeting includes an overview presentation followed by an open house. Its goal is to introduce the code and then let you review it on your own. **A follow-up Q&A meeting will occur on March 17th via Zoom.** Register at www.atlzoning.com by clicking “Participate” and “Meet and Contribute.”

Sign in and check out our welcome board

Begin to review boards with highlights of the draft Module III

Listen to a background and Module III overview presentation

Continue to review the boards or scan a QR code to read the draft Module II

Leave your feedback and let us know how we did!

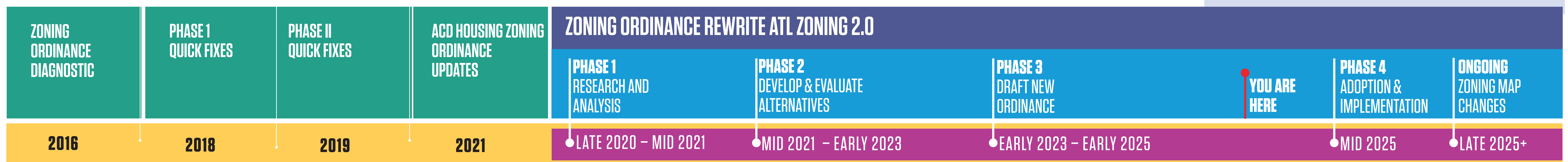
Future Meeting Opportunities

We encourage you to continue to participate in future community engagement activities. To stay engaged, please consider attending an upcoming event.

Module III: Q&A Session March 17th (Zoom)

Ask your questions about the administration of the proposed Zoning Ordinance, including rezonings, use permit, development review committees, variances, and more!

Submit questions in advance to:
atlzoning2@atlantaga.gov



MODULE III - ADMINISTRATION KEY UPDATES

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Legal Considerations



The administration of zoning is guided by laws that aim to balance the public good with individual property rights. In addition to the U.S. Constitution, the following legal considerations have shaped the proposed approach to zoning administration:

- » The rights of a property owner to build on their land if their project meets code requirements.
- » Georgia's Zoning Procedures Law, which sets standards that zoning codes must follow.
- » Georgia case law, particularly regarding:
 - Vesting rights, which means that if a property owner has already made significant investments or started construction under existing regulations, they have the right to continue development even if the laws change later. This protects developers from new rules that could negatively impact their projects.
 - Nonconformities, which refers to properties or land uses that were legal when established but no longer meet current regulations. These are often considered "grandfathered in," meaning they can continue despite changes in laws.

Both vested rights and nonconformity laws depend on the specific facts of each case, and there is no simple answer whether something is vested or legally nonconforming.

Summary of Review Authority



- » Summarize common review procedures
 - Legislative review
 - Historic review
 - Permit review
 - Administrative relief
 - Quasi-judicial
- » Codify NPU roles
 - Review and recommendation (RR) for legislative review
 - Review and recommendation (RR) for variances
 - Review and comment (RC) for administrative relief
- » Codify Development Review Committee (DRC) roles (see next board)
 - Review and recommendation for design review
- » Maintain Zoning Review Board (ZRB) as the exclusive forum for public hearings (PH)
 - Eliminate special exceptions
- » Maintain Board of Zoning Adjustments (BZA) for variances
 - Eliminate special exceptions

DIVISION 9.1. REVIEW AUTHORITY

Sec. 9.1.1. Summary of Review Authority

The following table summarizes the review, approval, and appeal authority of the various review bodies and officials that implement and administer the Zoning Ordinance.

APPROVAL PROCESS	REVIEW AND APPROVAL AUTHORITY					NOTICE			
	Neighborhood Planning Unit	Development Review Committee	Director	Zoning Review Board	Board of Zoning Adjustment	City Council	Posted	Mailed	Published
Legislative Review									
Zoning Amendment <i>Sec. XX</i>	RR		RR	RR-PH		D-M	Y	Y	Y
Special Use Permit <i>Sec. XX</i>	RR		RR	RR-PH		D-M	Y	Y	Y
Transfer of Development Rights <i>Sec. XX</i>	RR		RR	RR-PH		D-M	Y	Y	Y
Historic Review <i>Sec. XX</i>									
Permit Review									
Common Review Procedures <i>Sec. XX</i>			D						
Development Review <i>Sec. XX</i>		RR	D						
Sign Permit <i>Sec. XX</i>			D						
Temporary Use Review <i>Sec. XX</i>			D						
Administrative Relief <i>Sec. XX</i>									
Administrative Modification			D						
Administrative Variation	RC		D						
Quasi-Judicial Review <i>Sec. XX</i>									
Variance	RR		RR		D-PH		Y	Y	Y
Appeal of Administrative Decision					D-PH		Y	Y	Y

KEY: RC = Review and Comment RR = Review and Recommend D = Final Decision
-PH = Public Hearing -M = Meeting Y = Required

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Permit Review



Permit review means that a zoning district allows the proposed development and the property owner has a legal right to develop it as long as it meets the applicable zoning standards.

Currently, there are two main types of non-historic permit review:

- » **Building permit review** – Zoning review occurs as part of the building permit process.
- » **Special Administrative Permit (SAP) review** – Zoning review takes place before filing for a building permit.

If a project undergoing building permit review does not meet all zoning standards, the applicant must either apply for a variance before the Board of Zoning Adjustment (BZA) or revise their plans.

If a project undergoing SAP review does not meet all zoning requirements, the Office of Zoning and Development (OZD) may reduce or waive certain standards, generally those related to site design. However, other types of zoning relief still require a variance from the BZA or a plan redesign.

Proposed updates include:

- » Require **strict compliance** with zoning standards in all districts (including former SPIs)



- » Update permit review for projects that **fully comply** with zoning standards
 - Eliminate special administrative permits (SAPs)
 - Allow OZD to approve fully compliant projects as part of the building permit process
- » Update permit review for projects that **do not comply** with all zoning standards
 - Replace SAP “variations” with “Certificates of Administrative Variation (CAVs)” and expand citywide (except House-Scale Districts)
 - Reduce the scope of CAV relief from current unlimited standards. The extents allowed will be listed in upcoming Chapter 3 and Chapter 8 updates.
 - Require more extensive variations to apply for a variance before the BZA
 - Require 30-day sign posting and NPU notification (no NPU presentation required)
 - Expire CAVs after 36 months
- » Maintain Development Review Committees (DRCs) where they currently exist
 - Require DRC review and recommendation (DRCs cannot approve or deny projects)
 - Limit DRC review to one meeting, 45 days

Transfer Development Rights



Transfer of Development Rights (TDR) allows protected historic buildings and properties with “special characteristics” to transfer their unused development rights to another property. Atlanta has used TDRs for years to protect and preserve sites while reducing financial burdens to owners. TDRs include two key concepts:

- » **Sending areas** – Properties that transfer their unused development rights.
- » **Receiving areas** – Properties that acquire additional development rights.

TDRs require City Council approval.

Proposed updates include:

- » Allow the transfer of floor area and height.
- » Expand sending areas to include non-residential buildings of 5,000 SF or more in landmark and historic districts
- » Expand receiving areas to all RS, UG, UC, and Legacy Districts, removing restrictions that limit TDR transfers within a specific district
- » Require multifamily rental projects on receiving sites to designate at least 5% of all units (not just TDR units) as affordable for residents earning no more than 80% of the Area Median Income (AMI), unless the district requires more than 5%.

Other Key Updates



Other proposed updates include:

- » Update processes to reflect new state laws:
 - Require a 30-day newspaper notice for variance requests
 - Establish a process for rezoning from single-unit to multi-unit housing
 - Establish a process for annexation requests
- » Create new temporary use standards
 - Apply to uses and events not requiring a Mayor’s Office of Special Events (MOSE) permit
 - Limit duration to 90 days or less
 - Do not apply to outdoor sales associated with an on-site business
- » Update nonconformity standards
 - Eliminate amortization for structures valued at \$5,000 or less
 - Reduce the allowed expansion of nonconforming uses
 - Clarify that the intent not to “abandon” a nonconforming use is irrelevant - use it or lose it
 - Require signs abandoned for more than 12 months to comply with current regulations

GIVE US YOUR FEEDBACK

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On a sticky note, record your comments, suggestions, and questions for the project team to review. **We're especially interested in knowing if there are proposed standards that you really like or dislike, or that need more explanation and discussion.** Then, use a dot sticker to tell us how we did.

I'm still not sure I understand how the next zoning code will work.

I understand some of the new zoning code, but I find many parts confusing.

I have a good high-level understanding of the new zoning code.

I feel confident I understand the new zoning code, and could summarize what I've learned to a friend.