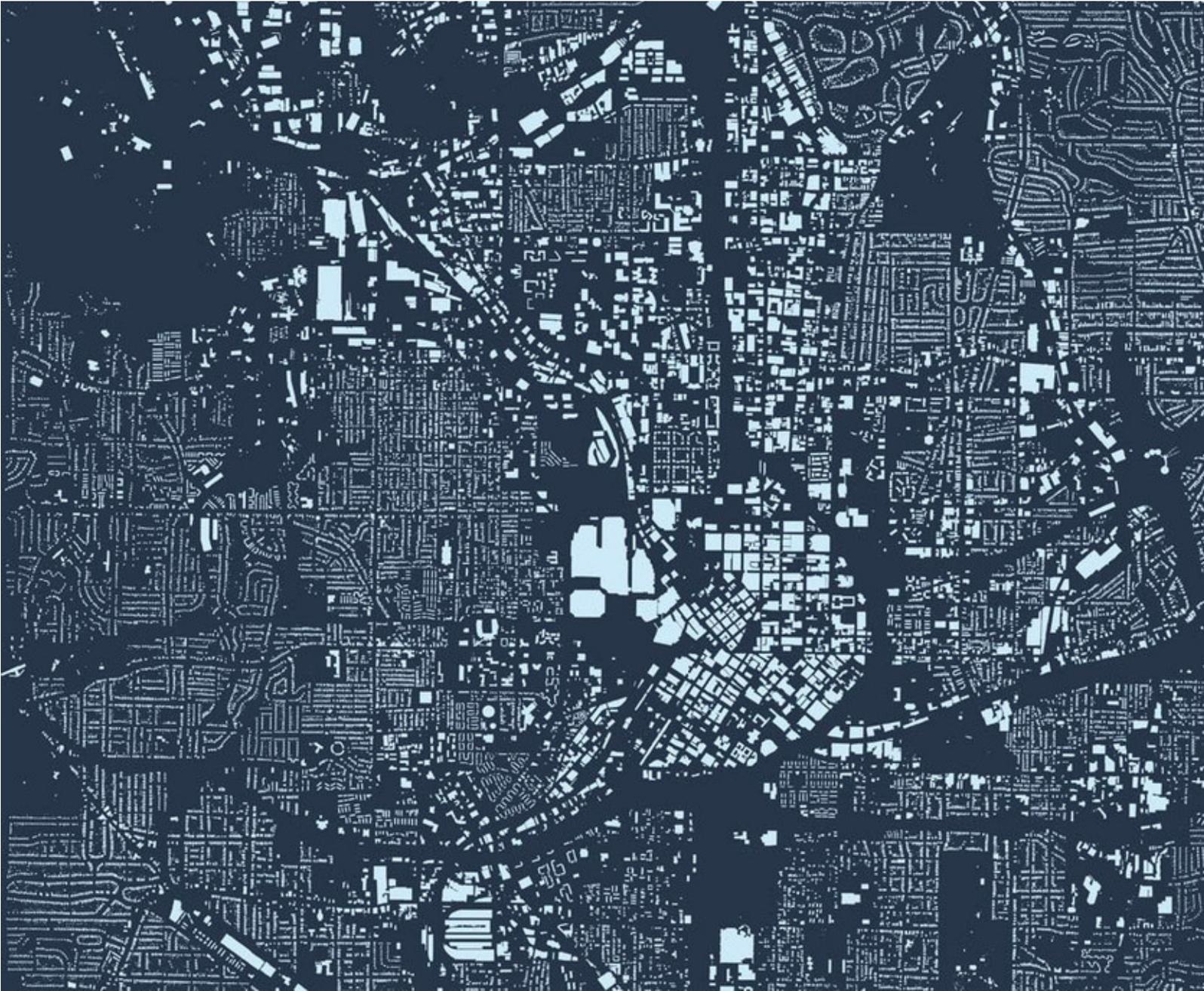


ZONING ORDINANCE DIAGNOSTIC

for the CITY OF ATLANTA



NOVEMBER
2016

| | |
|-------------------------------------------------------------------------|-----|
| ATLANTA ZONING DIAGNOSTIC OVERVIEW | 001 |
| BEST PRACTICES | 002 |
| CASE STUDIES | 017 |
| STRENGTHS & WEAKNESSES OF CURRENT CODE..... | 031 |
| COMPREHENSIVE DEVELOPMENT PLAN & THE CURRENT CODE | 045 |
| LEGAL ASSESSMENT OF THE CURRENT CODE | 075 |
| SUMMARY OF RECOMMENDATIONS | 096 |
| CODE ASSESSMENT: 1_IMPROVING URBAN DESIGN | 118 |
| CODE ASSESSMENT: 2_PROTECTING NEIGHBORHOOD CHARACTER | 145 |
| CODE ASSESSMENT: 3_CREATING VIBRANT CORRIDORS & DISTRICTS | 162 |
| CODE ASSESSMENT: 4_EXPANDING TRANSPORTATION OPTIONS | 169 |
| CODE ASSESSMENT: 5_ENSURING HOUSING DIVERSITY | 193 |
| CODE ASSESSMENT: 6_SUPPORTING JOBS & INNOVATION | 205 |
| CODE ASSESSMENT: 7_CREATING USER-FRIENDLY REGULATIONS & PROCESSES | 208 |
| PUBLIC INPUT | 232 |
| INDEX OF TERMS | 285 |
| APPENDIX A: MISSING MIDDLE HOUSING | 288 |



Prepared for: Department of Planning and Community Development,
Office of Planning

Prepared by: TSW, Canvas Planning Group, and The Zoeckler Firm

Atlanta Zoning Diagnostic Overview

This document is a compilation of the findings and recommendations of the Atlanta Zoning Diagnostic project. This work began in October of 2015 and was completed in May of 2016. It was the intent of the project team to generate recommendations to the Office of Planning that are bold, innovative, and rooted in stakeholder and public input. Subsequent strategization and community engagement processes will surely be required to successfully implement several of the more complex recommendations of this report. These future processes will be necessary to further determine with greater precision the exact approaches and regulations that will form the future Atlanta Zoning Ordinance.

More specifically, this document is organized into the following topical sections:

Zoning Code Research & Analysis

- A review and analysis of zoning best practices in peer cities;
- A review and analysis of the current Zoning Ordinance and its ability to implement the Atlanta Comprehensive Development Plan;
- An assessment of the strengths and weaknesses of the current Zoning Ordinance; and
- A legal assessment of the current Zoning Ordinance.

Zoning Code Recommendations

- A summary of all of the project recommendations;
- Recommendations for short-term solutions, including items with clear importance, broad-based consensus, and high urgency;
- Recommendations that will be addressed when the new code is eventually written, including items with clear importance and broad-based consensus, but moderate urgency;
- In-depth research and strategy for select recommendations; and
- A summary of the Community feedback collected throughout the process.

Topics listed in the document do not represent an order of value or priority.



best
PRACTICES

Best Practices

When the last major overhaul of the Zoning Ordinance of the City of Atlanta was completed in 1985, the approach to writing the Ordinance and the regulations within it reflected best practices of the day.

The new Ordinance regulating development by primarily controlling use. This was accomplished through a modified cumulative zoning approach in which uses allowed in less intensive zones were generally allowed in more extensive zones, with exceptions in industrial, office, and institutional zones.

The Ordinance also incorporated many best practices of the time into specific regulations. Some of these then cutting-edge regulations including requiring transitions between residential and non-residential districts, updating parking and loading regulations, and creating Special Public Interest (SPI) Districts around MARTA stations. In most non-single-family zoning districts, the Ordinance also utilized Floor Area Ratio (FAR) to control the bulk of development and provide corresponding variable requirements for parking and open space that were tied to FAR. Finally, the Ordinance provided for a variety of Planned Developments where master planned sites could utilize innovative approaches to site design, density, and metrics.

In the 30 years since the bulk of the current Zoning Ordinance was adopted, both Atlanta and approaches to zoning regulations nationwide have changed. This section reviews some of these current best practices that may have applicability in whole or part to Atlanta as it moves forward within updating its zoning and development regulations.

APPROACHES TO ZONING

Today, there are three major approaches to controlling development: the so-called conventional approach, the form-based approach, and the hybrid approach. The following summarizes the differences between these approaches and how Atlanta's current Zoning Ordinance fits into the different approaches.

Conventional Approach

Until the 1990s, most zoning ordinances in the United States were based on model ordinances promoted through the Standard State Zoning Enabling Act (SZEA), which was first developed by an advisory committee on zoning appointed by Secretary of Commerce (and later President) Herbert Hoover in 1921 in 1926¹. While the model ordinance included nine sections, one of those key sections of was that it allowed the legislative body to divide the local government's territory into districts, "and within such districts it may regulate and restrict direction, construction, reconstruction, alteration, repair, or use of buildings, structures, or land."²

This concept of primarily controlling the development of land by focusing on the use of a property has been established as the conventional approach to zoning ordinances for over 50 years. Implicit in this conventional approach is a focus on segregating land-use types, permissible uses, and the control of development intensity through simple numerical parameters (e.g., FAR, dwellings per acre, height limits, setbacks, parking ratios). Development projects meeting these few parameters are entitle by-right, with no consideration for what buildings look like. The built environments resulting from such regulations can be highly variable because a great deal flexibility is often left up to developers.

The conventional use-based approach to regulating development works extremely well in areas where the design of buildings is intentionally of little importance. This can include single-family areas with large setbacks and ample landscaping, truck and freight-focused industrial districts, and highway commercial areas, among others. It can also work well in areas where builders and developers voluntarily develop in ways that supports existing local character.

However, the conventional approach does not work as well in areas where the design of buildings is just as important, if not more so, than the use within them, or where developers choose to build with little or no consideration for their surroundings. In such areas, this approach can result in unpredictable, haphazard development that is often inconsistent with local community plans and policies.

1 Standard State Zoning Enabling Act and Standard City Planning Enabling Act. (n.d.). Retrieved September 9, 2015, from <https://www.planning.org/growingsmart/enablingacts.htm>

2 U.S. Department of Commerce. A Standard Zoning Enabling Act. By The Advisory Committee on Zoning appointed by Secretary Hoover. Revised. Washington: Government Printing Office, 1926. Page 6

Of all approaches to zoning, the conventional approach is often the easiest to administer because staff only need to review setbacks, lot coverage, building height, and a handful of other metrics that can be easily measured. With experience, a project's compliance can be assessed in a matter of minutes. The relatively small number of requirements also means that variations from are usually limited to one of two items that can be clearly defined and reviewed by the appeals board.

In Atlanta, most of the zoning districts originating in the 1982 Zoning Ordinance are conventional. R-districts, commercial districts, office-institutional, and industrial districts all incorporate a long list of uses and restrict regulations of building form to minimum setbacks, lot cover, height, and FAR. Beyond this, there are no requirements for compatible building forms or designs. The result of this is most evident on Atlanta's C1 and C2-zoned commercial corridors, where development occurs in a haphazard manner.

Form-Based Approach

In recent decades, the highly unpredictable nature of conventional zoning has given rise to a new approach that seeks to create predictable and complementary development by focusing on the regulation of form rather than use. This form-based approach often includes regulations expressed in both text and carefully crafted graphics.

The form-based approach varies greatly by community but typically seeks to regulate the physical elements of private development that are important in cities, including the relationship-between building and street, building type and massing, and the location of parking. Some communities choose to also regulating architectural style, but this is by no means a requirement. Most form-based codes can also shape the design of the public realm; many incorporate specific requirements for streetscape upgrades and public spaces.

Because it focusses on design and form, the form-based approach is ideal at implementing community master plan policies. Typically, form-based codes are adopted following completion of a community visioning process that defines the desired physical character of a community. In fact, many city planners and code writers assert that the form-based approach should never be used without first undertaking such a process.

The form-based approach can incorporate detailed requirements for the overall structure of a community. Detailed site- or neighborhood-specific maps called regulating plans can be used to show where new streets,

parks, and greenways are required with development or redevelopment. Some even go so far as the design specific street cross sections and open space amenities.

Because the form-based approach proactivity defines what is expected of development, it is often seen as being more predictable. This can remove the need for lengthy site-by-site zoning conditions, to the benefit of developers, affected neighbors, and administrators. Shorter entitlement processes may also result.

Despite its focus on the form of buildings, the form-based approach usually continues to regulate the uses within them. Some uses, such as retail, restaurants, and houses are often extremely compatible when the buildings they occupy are designed to be complementary. However others, such as industrial uses, adult businesses, and certain uses with impacts that extend well beyond the confines of the structure, are never compatible and must be closely regulated.

From an administrative perspective, form-based codes do require significantly more staff time to review and administer. Unlike the conventional approach, which normally only includes a handful of metrics (i.e. setbacks, lot coverage, and height), form-based regulations do require staff to review considerable more items. When these items are limited to building placement, materials, massing, and fenestration, the amount of extra effort is minimal. However, when the regulations focus on achieving a specific building style they can require considerable effort. With the additional regulations, the granting of relief from specific requirements can increase the amount of cases heard by local appeals boards if provisions are not made in the code for administrative review of some variations.

Nationwide, form-based codes are rapidly growing in number. Citywide codes with heavy form-based elements have been adopted in Miami, Denver, and Cincinnati. Locally, Roswell, is the only community to have adopted a citywide form-based code.

In the City of Atlanta, most SPIs incorporate form-based elements, as do the Beltline Overlay, NC, MR, LW, and MRC districts. Because they focus on preserving the character of specific neighborhoods, the City's Landmark and Historic districts also incorporate many form-based elements.

Hybrid Approach

Many communities choose to adopt citywide regulations that include elements of both conventional and form-based zoning approaches. This so-called hybrid approach is used where the consistent application of one of the approaches across the entire jurisdiction is not appropriate from an administrative, context, or political perspective. In such cases, communities often apply form-based elements in areas where they are most beneficial, while leaving the large areas of the city under their presumably pre-existing conventional zoning.

When a hybrid approach is taken, form-based elements are generally used in the community's commercial and mixed-use districts, where the predictable development patterns they provide can support the creative of compact, walkable development patterns featuring a diversity of uses in close proximity. They may include downtowns, transit areas, major corridors, or other important neighborhood and district types. Conventional elements often to apply where less walkable, auto-oriented development patterns are deemed appropriate by the local community, including newer suburban areas, highway commercial districts, or industrial areas.

Nationwide, most large cities, including Atlanta, utilize and intention or unintentional hybrid approach. Recent citywide zoning updates implementing hybrid approaches include Philadelphia, Nashville, Baltimore, and Madison, among others. Locally, Decatur recently adopted a hybrid code that includes some districts that are highly form-based and others than are not.

UNIFIED DEVELOPMENT CODES

In addition to the three approaches identified earlier in this section, many cities are rethinking the actual organizing structure of their zoning and development regulations. Traditionally regulations likes zoning, subdivision, and land development (i.e. stormwater, erosion control, flood protection, tree protection, etc.) were found in discrete chapters of a city's Code of Ordinances. Cities across the county are abandoning this fragmented structure in favor of a unified development code (UDC) combining the various regulations that shape development into a single document.

Cities choose to adopt UDOs for many reasons, but usually because their previous regulations guiding development were prepared at different times. At best, this may mean that the definitions and terms within the different code sections vary. At works, it can mean that the regulations within them are in conflict. In either case, the end result is that the regulations are challenging for applicants to understand and for staff to administer.

UDOs can incorporate many different codes, but typically zoning and subdivision are the absolute minimum. The reason for this is that zoning controls the use of private property on individual lots and blocks, while subdivision directs the overall structure of these lots and blocks. Subdivision regulations also control the design of new streets, which represent the largest percentage of public land in most cities and are therefore of critical importance. For this reasons, combining zoning and subdivision regulations into a single document can address the two key pieces of cities: the public and private realms.

A key benefit of UDOs is that they are often easier to use and administer than regulations scattered across a Code of Ordinances. By offering consistent definitions and complementary regulations, they remove the confusion that can result when definitions and regulations vary.

Atlanta does not have a UDO currently, and there are numerous conflicts between the various code sections that will be identified later in this report.

PLAIN LANGUAGE

Another trend in zoning and development codes today is to move away from ordinances written primarily for lawyers toward ordinances that are written for the general public and design professionals. This so-called “plain language” approach seeks to make regulations accessible to their most common users through clear and concise language. An important part of this is to eliminate the typical legalese in favor of everyday language.

The use of plain language is not to suggest that the resulting regulations are any less legally defensible than those written in legalese. To the contrary, plain language is becoming the standard for legal writing at local, state, and federal levels. In fact, in 2010 President Obama signed the Plain Writing Act of 2010. The law requires that federal agencies use “clear Government communication that the public can understand and use.” In 2011, he issued a new Executive Order, “E.O. 13563 - Improving Regulation and Regulatory Review.” It states that “[our regulatory system] must ensure that regulations are accessible, consistent, written in plain language, and easy to understand.”³

GRAPHICS

The addition of graphics to zoning regulation is another best practice aimed at making the regulations easier to understand and administer. When properly used to supplement or explain text, graphics can be a powerful tool in creating a more user-friendly code. They are most helpful in explaining things that are numeric in nature, such as setbacks, lot coverage, planting requirement, etc.

SPECIFIC REGULATIONS

As the understanding of how cities work has changed in the last 40 years, so have the regulations that shape them. Regulatory best practices are increasingly moving away from the one-size-fits-all approach that was implicit in the conventional approach to zoning (which often applied the same regulations to cities, suburbs, and rural areas) towards customized regulations that reflect the specified tools needed to create dynamic and vibrant urban communities with a high quality of life.

The following summarizes some of the key zoning best practice regulations occurring nationwide. Many of these are already being used by the City of Atlanta, but other may have potential local application.

³ Plain Writing Act of 2010. Retrieved September 14, 2015, from <http://www.plainlanguage.gov/plLaw/index.cfm>

Thinking Beyond Floor Area Ratio

FAR is an effective tool at controlling how much building floor area can fit on a site, but it is a poor indicator of building form. This presents problems where things like height and massing are the primary ways that a building impacts its context, especially in traditional urban neighborhoods, where small lot sizes, high lot coverage, and little or no on-site parking can result 2 and 3 story buildings with FARs comparable to high-rises on larger sites. For this reasons, many cities are moving away from FAR towards an approach that regulates building height, lot cover, setbacks, and façade length or building footprint size, at least in some areas. This form-based approach can be applied citywide or selectively.

It is of note that FAR continues to have utility where is desire to control the mix of residential or non-residential uses on a site, and within more intense areas where mid-rise and high-rise buildings are appropriate. Applying FAR to these sites can result in more varied building heights than a form-based approach that only regulates by maximum building height.



1442 Lucille Avenue



1800 Howell Mill Road

These two Atlanta buildings demonstrate the deficiencies inherent in FAR calculations. The 2-story walk apartment building (1.4 FAR) and the 8-story office tower (2.4 FAR) have FAR calculations that are very similar. Source: Google Street View.

Neighborhood Conservation

American cities are increasingly adopting regulatory tools that provide greater detail and nuance for new construction in single-family neighborhoods. Commonly referred to as Infill Design Standards, these efforts are typically focused on maintaining the scale, density, setbacks, character, and appearance found in established single-family neighborhoods.

Contextual Transitions

As higher intensity districts and corridors redevelop in cities across the country, most places have incorporated requirements to minimize the impacts on any adjacent traditional low-rise neighborhoods that they abut. A key tool for this is the use of transitional requirements between the two land use types.

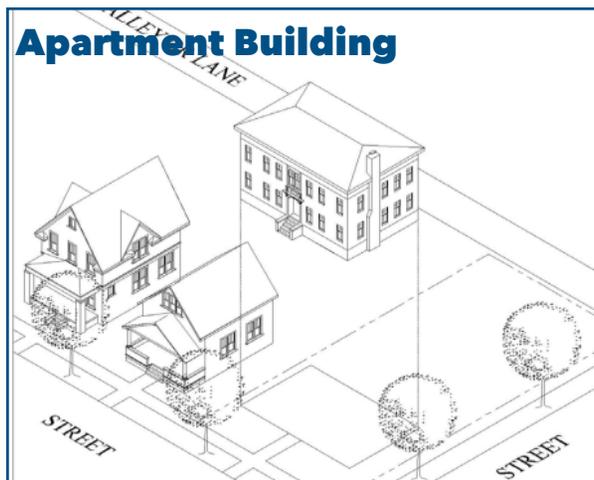
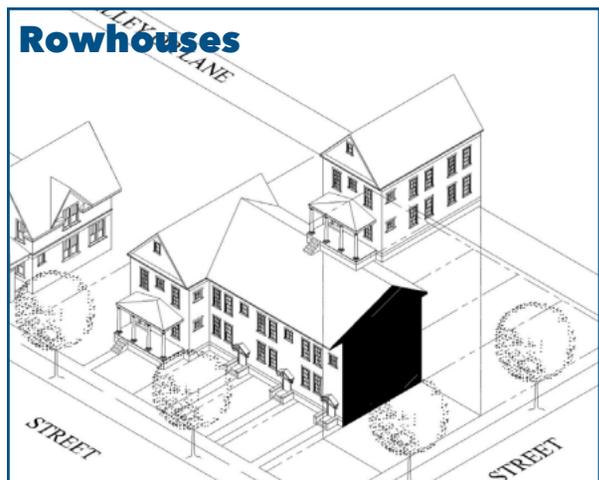
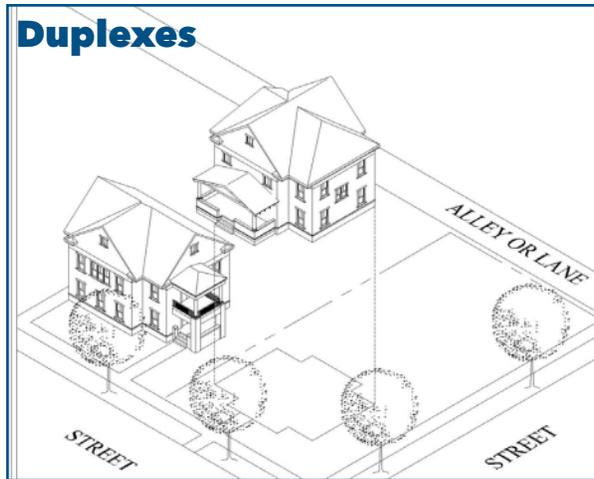
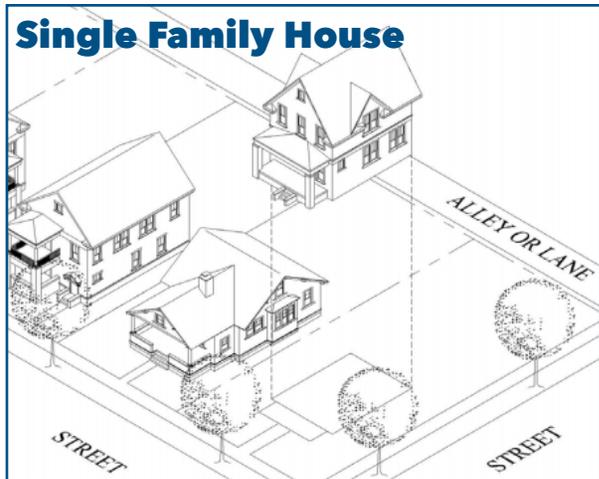
Atlanta uses both transitional height planes and transitional yards to offer protection for neighborhoods adjacent to more intense redevelopment sites. While the transitional height plane continues to be a best practice across the nation, the same cannot be said of the transitional yard, which essentially requires a one-size-fits all 20-foot landscaped buffer between different zones.

While landscape buffers are somewhat effective at protecting residential areas, they are inconsistent with the traditional patterns of transitioning between different land use intensities. Historically in Atlanta, this was accomplished through an alley and fence that separated the two; often, opaque fencing or walls on either side of the alley offered further protection. Another approach was to place similarly scaled buildings adjacent to the residential areas. One-to-three story buildings can work quite well next to residential uses, provided attention is given to the design of the façade. Many zoning codes now incorporate these and other requirements.

Building Type Regulations

Many cities have found that the best way to code for community character is to actually regulate building types. Such cities define specific buildings types such as detached houses, townhouses, walk-ups, mixed-use buildings, etc. and create specific form-based requirements for each type. For example, detached houses may require a front door facing the street, a stoop or porch, and a certain amount of street-facing glass or windows. Similarly, mixed-use buildings may require ground floor storefronts, higher first floors to accommodate retail uses, and certain upper floor use restrictions. Building Type regulations may or may not incorporate FAR controls.

When a building type based approach is used, the requirements for certain types may vary by context. For example, if such a code was applied to Atlanta, both a 1920s bungalow in an R5 district and a large estate house in an R1 district would be a “detached house” building type, but specific standards for that type could be created in specific zoning districts. This allows for a greater degree of precision, where appropriate.



Zoning regulations that delineate Building Type are shown in these images from the City of Blue Springs, Missouri. Source: City of Blue Springs, Missouri.

Frontage Regulations

An alternative to coding for building type is to code for building frontages, or the portion of the building or lot that abuts a public street. Cities that code for building frontages do so because frontages have the greatest impact on the public realm of any portion of a development.

Frontages can include both public frontages and private frontages. Public frontages are those frontages that make up the city's streetscapes, such as sidewalks and street trees. Conversely, private frontages are the areas from the public frontage to, and including, the building façade. Private frontages can include front yards, fences, stoops, porches, storefronts, windows, and even roof shape.

As with building types, frontage regulations can and should be calibrated to context and zoning district. Stoops and porches not appropriate frontages on shopping streets and should be restricted where shopfronts are desired. Similarly, in residential areas there may be a desire to require full width porches to match existing neighborhood patterns.

Although not called frontages, Atlanta does currently use a loosely-defined frontage approach in several districts. Storefront streets are coded for in several SPIs, and the Quality of Life Zoning Districts include different requirements adjacent to residential and non-residential uses; essentially a frontage-based approach. Finally, it is of note that cities should code for frontage or building type, but not both. When properly prepared, building types implicitly include certain frontages, and vice versa.

Missing Middle Housing Standards

Most American cities, including Atlanta, were originally developed with a range of small multifamily buildings. These townhouses, duplexes, triplexes, and small multifamily buildings were often located near or among single-family residential uses, and were very compatible with them in terms of scale, massing, setbacks, and design. Today, this housing type is known as "missing middle" housing because it occupies the spectrum of housing between detached single-family houses and large apartment blocks. It is an especially useful tool in providing a greater range of housing types in neighborhoods where a strong desire to preserve their existing scale and character exists.

Many cities have found that new missing middle housing can play an important role in their future and have coded for new missing middle housing through very specific, form-based regulations that ensure that they are compatible with any nearby single-family houses. This form-based approach is essential for such uses, because they often have numerically higher densities and FARs than surrounding single-family uses and warrant significant design details to ensure that they are compatible with them.

Progressive Bicycle Parking Standards

As bicycles become an increasingly important form of transportation, cities are seeking to enhance bicycle parking by requiring more than just a set number of bicycle parking spaces per vehicular parking spaces. Rather, bicycle parking are now being tied to the floor area of the building (in the same way that vehicular parking has been for decades). Additionally, the most progressive bicycle communities are also differentiating between short-term and long term bicycle parking (with different requirements for each), requiring bicycle repair stations in large projects, and even requiring bicycle accessible routes from the street to the bicycle parking area.

Progressive Vehicular Parking Standards

Requiring abundant off-street vehicle parking has, arguable, the greatest impacts on a community's form of any type of regulation. Ample parking not only shapes new developments, it also impacts transportation systems, street design, physical activity, and much more.

In areas where true walkability of multimodal is desired, many cities are implemented assorted regulations that reduce the amount of dedicated off-site parking through the following techniques:

- Eliminating or significantly reducing off-site parking minimums, not just in downtown areas or areas served by transit, but citywide.
- Implementing parking maximums citywide.
- Allowing by-right shared parking.
- Allowing adjacent on-street parking to count towards any parking minimums.
- Allowing by-right administrative reduction of on-site parking.
- Allowing by-right off-site parking.
- Prohibiting or severely limiting any above-ground off-street parking.

- Requiring new parking in higher density areas to be unbundled, meaning that parking is excluded from rental contracts or real estate sales and is covered by separate agreement. Unbundled parking means that the cost of parking is only passed on to people with cars, as people without cars can opt-out. Technically, this is done by creating extremely low dedicated accessory parking caps and requiring any parking above the cap to be in publicly accessible park-for-hire facilities that, by definition, require a separate contract. Meters or resident parking programs should also be implemented to ensure that drivers don't just park on the street to avoid paying the fee.

It is of note that the City of Atlanta already uses many of these approaches in certain areas, including parking maximums, no parking minimums, by-right-shared parking, and by-right off-site parking.

Progressive Loading Standards

In many modern codes, off-street loading standards apply only to the design of loading spaces, where proposed, rather than requiring a specific ratio of spaces per 1,000 square feet of use. This is primarily because all forms of loading have changed substantially over the years. Just-in-time production, overnight delivery services and extensive use of box trucks in place of semi's means most businesses no longer require significant loading areas. When businesses do provide off-street loading areas, they are increasingly sophisticated about making use of loading spaces.

Some cities are also activity encouraging on-street loading areas as a means of reducing off-street loading (which can result in unsightly and pedestrian unfriendly loading docks and curb cuts). Given the frequent use of smaller vehicles, this is another viable approach.

Atlanta is no stranger to this trend, with the City routinely granting shared loading reductions in SPI Districts, Quality of Life Districts, the BeltLine Overlay, or via Special Exception.

Live-Work Units

Live-work units are dwelling units that may include a commercial uses within them. Such use can be incidental to the residential use, or it can constitute the majority of the unit's floor area. Live-work units are popular in many cities, including Atlanta, for the flexibility they provide. Dozens of cities have created specific standards

to encourage them. While live-work units are allowed in Atlanta, the zoning codes does not clearly define them. Depending on the extent of the commercial space, they may count to residential FAR or non-residential FAR. This creates confusion for both builders and city officials.

Administrative Variances

As cities continue to integrate form-based zoning concepts into zoning codes, there is a growing need for enabling city staff to grant administrative variances for the numerous scenarios that emerge containing minor discrepancies between the regulation and the proposed action. Administrative variances are a useful tool for reducing the number of variances that otherwise clog community and city processes devoted to considering such proposals. These type of variances must be specifically delineated in terms of what the staff can and cannot vary, and further require a clear delineation of criteria to guide such decision-making.

Urban Manufacturing

In many cities manufacturing is return to the urban core after decades of decline. However, unlike the traditional manufacturing of bygone times, this new manufacturing model if often of smaller scale, value added products that are compatible with an urban context and the access to markets that it provides. In response to this, cities are reconsidering industrial zoning districts to respond to these new users. Additionally, some low impact, so-called artisanal manufacturing uses are even being allowed in proximity to commercial and residential uses.



case
STUDIES

estination maternity

Jack Wile

SUMMER
SALE EVENT

Case Studies

In recent decades many American cities have updated their zoning codes and development regulations to reflect the best practices identified earlier in this report. The following is a summary of recent efforts in cities that could be considered peers to Atlanta.

It is of note that all of the cities noted below have utilized a form-based or hybrid approach. No major American city has prepared a new citywide conventional zoning code in recent decades.

DENVER, COLORADO

Hybrid Code

Overview

The 2010 Denver Zoning Code update is a hybrid code that includes both conventional districts and citywide form-based context districts. A context-based approach sets standards for compatible development within parts of the city with common characteristics. The neighborhood contexts (such as “Suburban Neighborhood” and “General Urban Neighborhood”) are distinguished from one another by their physical and functional characteristics, such as street, alley and block patterns; building placement and height; diversity, distribution and intensity of land uses; and transportation options. These context districts helped to implement Blueprint Denver, the city’s plan that identifies areas of stability and areas of change. The new code is intended to guide Denver into a sustainable future while achieving excellence in design of the built environment.

Blueprint Denver, the city’s integrated transportation and land use plan, identified the overhaul of development regulations as a top priority to achieve the city’s long-range vision to maintain a high quality of life. Specifically, it identified problems with the existing zoning code such as haphazard potential land use patterns, a lack of support for mixed-use and pedestrian-friendly development, and insufficient density to spur investment in amenities and services needed to support pedestrians and transit users.

Section 2.3.1. City of Denver Zoning Code

| FIRST LETTER | SECOND LETTERS | THIRD LETTER OR THIRD NUMBER | OCCASIONAL LAST NUMBER OR LETTER | EXAMPLES |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Neighborhood Context | Dominant Building Form and Character | Minimum Zone Lot Size in square feet or Maximum Building Height in stories | Special Purpose | |
| <p>S = Suburban E = Urban Edge U = Urban G = General Urban C = Urban Center</p> | <p>SU = Single Unit TU = Two Unit</p> <p>TH = Town House RH = Row House MU = Multi Unit RO = Residential Office RX = Residential Mixed Use CC = Commercial Corridor MX = Mixed Use MS = Main Street</p> | <p><u>Minimum Zone Lot Size</u> A = 3,000 B = 4,500 C = 5,500 D = 6,000 E = 7,000 F = 8,500 G = 9,000 H = 10,000 I = 12,000</p> <p><u>Heights</u> 2 = 2 stories 2.5 = 2.5 stories 3 = 3 stories 5 = 5 stories 8 = 8 stories 12 = 12 stories 16 = 16 stories 20 = 20 stories</p> | <p>When there is a number or letter at the end of the Zone District name, that is an indicator of special regulations. Refer to the Zone District regulations for more detail. Typically:</p> <p>1 = Accessory dwelling units allowed throughout</p> <p>2 = Accessory dwelling unit and duplexes allowed on certain corners</p> <p>x = Special provisions tailored to that Zone District</p> | <p>U-SU-A: Urban Neighborhood Context, allows single units and the minimum zone lot size is 3,000 sf</p> <p>U-SU-A1: Urban Neighborhood Context, allow single units, a minimum lot size of 3,000 sf and allows accessory dwelling units</p> <p>G-MU-3: General Urban Neighborhood, allows up to multiple family uses with a maximum height of 3 stories</p> <p>C-MX-5: Urban Center Neighborhood, allows a commercial and residential uses with a maximum height of 5 stories.</p> |

Denver's new Zoning Code uses six context zones that group like-areas with a common form into six chapters. Source: City of Denver.

Key Goals

- *Prepare for Continued Growth and Prosperity*

The zoning code update enabled the city to attract and direct growth to the areas with the greatest capacity: 1) commercial corridors and transit station areas, 2) redevelopment and infill areas near downtown, and 3) large-scale developing communities. This approach supported growth at a variety of scales in both major activity centers and neighborhood commercial areas.

- *Reflect the Denver's Diverse Character*

The use of six context zones allowed the city to group like-areas with a common form into six chapters. Within these chapters, common elements that apply to all zoning districts within a specific content are indicated, avoiding the need to repeat regulations multiple times. Additionally, the code's naming convention allowed a variety of districts to be mapped in response to existing neighborhood character without creating a whole new zoning district text. For example, where two districts were identical in terms of context and use, but varied only in lot size or building height, these elements can be noted on the zoning map. The table on the following page shows how this operates.

- *Modernize and Improve an Outdated Code*

As with many comprehensive ordinance rewrites, Denver wanted to repeal antiquated ordinances, respond to current land use trends, and introduce a balanced approach of building form and use.

The Drafting Process

One of the biggest challenges that Denver faced was estimating the level of city staff involvement necessary to complete the project. There were no general fund dollars allocated to the project aside from the expectation that one full-time senior-level employee would spend time managing the project. In the first three years of the zoning ordinance update, a project manager was spending approximately 50-60% of their time working on the ordinance update with the consulting team. In the remaining two years of the project, the city reassessed their approach and assigned a core project team that consisted of three project managers, and five or six staffers dedicated to mapping and scenario testing the new code provisions. By the fifth and final year, the project managers were spending nearly 100% of their time on the zoning code update. Although the evolving approach may have added to the overall duration of the project, it allowed Denver to take the reins and institute a sense of ownership of the new code.

Another major challenge with the code was the degree to which code would regulate form. Original drafts of were much more prescriptive in terms of building form. This drew criticism from area architects, leading to eventual changes to the code.

A final challenging during the drafting process was the fact that the code required rezoning of the majority of the city. A six-month transition period provided for all remapped properties, during which both the Denver Zoning Code and former Chapter 59 were available to property owners for certain types of applications.

| Denver, Colorado | |
|-----------------------------------------------------------------------------------|---------------------|
|  | |
| TYPE OF CODE | Hybrid |
| ADOPTED | 2010 |
| OVERHAUL DURATION | 2005-2010 |
| CONSULTANT FEES | \$850,000 |
| NUMBER OF STAFF | Increased over time |
| PREVIOUS OVERHAUL | 1956 |
| NEIGHBORHOOD CONTEXTS | 7 |
| LAND EXCLUDED FROM ZONING MAP AMENDMENTS | 22.5 |
| STAFF MEMBERS ON TECHNICAL REVIEW COMMITTEE | 45 |
| STAKEHOLDERS/PUBLIC MEETINGS IN YEAR OF ADOPTION | 200+ |

Since Adoption

Since adoption in 2010, there have been 14 amendments. Most of the amendments were considered “omnibus” amendments that corrected multiple technical issues and cleanup items. The remaining items were single-topic amendments that were addressed as they emerged, such as additional zoning districts (and neighborhood contexts), sign code changes, provisions for urban agriculture, and readdressing the non-conforming uses section.

The majority of code users reportedly view the new code as a significant improvement. There is a stronger framework and rationale for decision-making; the code has been praised for its ease of use and the overall clarity of technical information; the variance case load has decreased; and the new administrative adjustments process is perceived to be working well.

One of the reported shortcomings of the new code is an ongoing struggle between zoning and urban design. Although the new code does regulate building form and intensity, many in the community had expectations that zoning would reach further into the design realm. The city has other mechanisms for regulating design, including conservation overlay districts for neighborhoods wanting to get into more detail.

RALEIGH, NORTH CAROLINA

Hybrid Unified Development Ordinance

Overview

Following a 2009 comprehensive plan update, the City of Raleigh prepared a new unified development ordinance (UDO) that combined subdivision, zoning, and land development. The purpose of the UDO was to provide a systematic approach to allow regulations affecting the built environment that would support the comprehensive plan’s vision, including a desire to significantly change some areas of the city while keeping others as they were. To do the latter, the UDO carried over some existing zoning districts, known as “legacy districts,” while creating new mixed-use, form-based districts in those parts of the city where it was appropriate. The UDO is intended to help the city improve livability as outlined in their comprehensive plan by directing development toward transit corridors and helping to create walkable mixed-use centers. Highlights from revised development standards include subtler skyscrapers, neighborhood transitions, more open spaces, smaller parking lots, varying (and clearly defined) heights, and better sidewalks and bicycle facilities.

Key Goals

- *Follow the Plan*

The UDO was the result of a carefully crafted process to build consensus for major code issues during the update of the comprehensive plan. Many key zoning policies were actually addressed prior to the onset of the UDO project. The city solicited input on what type of code should be developed, and what regulations should be incorporated into it. An action plan in the comprehensive plan specifies, for example, that regulations should be developed for accessory dwelling units, parking reductions, and walkable, mixed-use growth in designated growth centers and corridors. There were no surprises when it came time to update the code.

- *A Modern Code for a Modern Era*

From 2005 to 2012, the Raleigh population grew from 360,000 to 423,000. The UDO project needed to accommodate this growth and respond to national trends, while also addressing some local resistance to growth. It also needed to re-envision, reorganize, and streamline previously conventional regulations into an innovative modern code. Many in Raleigh are apprehensive about moving forward as a progressive midsize city, and the project needed to highlight the protection of local character.

- *The Right Rules for the Right Places*

Since the previous code adoption in the 1950s, Raleigh had been amending code and adding zone districts and uses through a piecemeal approach. The UDO consolidates and eliminates 21 base or overlay zone districts and ensures that standards are associated with representative zone districts.

- *Ensuring an Effective Transition*

The City of Raleigh developed several resource documents to ease the transition from the old code to the unified development ordinance, including a zoning conversion reference guide and online Prezi® presentations to ease the transition from the old way of doing things to the modern context-based zoning approach.

The Drafting Process

At the onset of the project, it was expected that the time spent on the UDO would be split approximately at 80% for the consultant and 20% staff time. The city quickly realized, however, that it would be closer to a 60/40 split. A core team of five project staff was dedicated to the project from start to finish, but at the peak there were over 20 staff members working on components of the code or scenario testing. One of the project

managers initially estimated that he would be spending half of his time on the UDO in its final year, but actually spent close to 100% of that year fully dedicated to seeing the project through adoption.

| Raleigh, North Carolina | |
|-----------------------------------------------------------------------------------|----------------------------|
|  | |
| TYPE OF CODE | Hybrid |
| ADOPTED | 2013 |
| OVERHAUL DURATION | 2009-2013 |
| CONSULTANT FEES | \$500,000 |
| NUMBER OF STAFF | 20 at peak/5 core team |
| DISTRICTS ELIMINATED OR CONSOLIDATED | 21 |
| STAKEHOLDERS/PUBLIC MEETINGS IN YEAR OF ADOPTION | 50 |
| MINIMUM OPEN SPACE REQUIREMENT IN HIGH DENSITY DISTRICTS | 10% of building sqft |
| CONTACT | travis.crane@raleighnc.gov |

Since Adoption

The city established a six-month review period between the UDO adoption date and the effective date. This was intended to allow staff, elected officials, citizens, and the development community to become comfortable using the code prior to it becoming fully effective. Developers could elect to rezone to the new districts, or wait for the city to go forward with a comprehensive remapping of the city and process their application under the legacy code. Most developers chose to voluntarily rezone to the new districts because of the added flexibility.

One of the biggest challenges was the abandonment of FAR and units-per-acre regulations in the mixed-use districts. Rather, the city elected to regulate density by establishing permitted height. Much of the ongoing

training is related to how form-based controls would apply versus the legacy code that regulated units-per-acre. Staff provided onsite training three days per week to firms that want to learn more about a specific scenario using the UDO.

The city expects several minor cleanup items as well as broader “omnibus” items never fully vetted during the UDO’s development. Some officials have opened discussion on topics where consensus was not previously reached, including, for example, building transparency in mixed-use districts.

PHILADELPHIA, PENNSYLVANIA

Hybrid Code

Overview

Philadelphia completed a comprehensive overhaul of their zoning code in 2012. The zoning code update was part of an integrated planning and zoning process. This process allowed for a citywide discussion on the desired character of different parts of the city and the tools needed to make it a reality. Given the city’s age and significant number of historic districts, the discussion also focused on how to preserve the city’s built heritage, while also allowing growth in appropriate locations. The result was a 384-page code that clarifies expectations and is more user-friendly for everyone, including developers, community groups, and homeowners, and which included major improvements in parking standards, procedures, landscaping, tree protection, sustainability, open lands protection, and design.

Key Goals

- *Amend Broken Zoning Processes and Procedures*

The city was hearing between 3,000 and 4,000 variances and conditional use permit requests per year under the old code system. Because so much of the city was “underzoned” (meaning that a substantial number of properties were nonconforming,) most changes to property involved a public hearing. Through the zoning code update, Philadelphia reduced the number of processes that go to public hearing. Part of this process meant re-categorizing many conditional uses as permitted uses.

- ***Give Neighborhoods Voice a Role in Review Process***

The code formalized the public's role in development review so that projects could be reviewed and commented on before being heard by the Planning Commission. Previously, no such mechanism existed and the result was long, contentious meetings. The code created registered community organizations (RCOs) and gave them a role in the review process using a technique very similar to Atlanta's NPU system, but without pre-determined geographic areas or the requirement that all areas of the city be in an RCO. It also allowed issue-focused RCOs to be established for the purpose of being notified of specific applications that might impact them, but with no formal review roll.

The code also created an opportunity for RCOs to review the design of certain large projects that may not require a zoning change or variance. It established an advisory, citywide Civic Design Review Committee that included six permanent members and one floating member made up of the local RCO.

Finally, the code created a Citizen Planning Institute (CPI), an on-going citywide commitment to educate neighborhood residents on planning and zoning issues. CPI graduates are intended to serve as liaisons to their neighborhoods and RCOs, and ensure a clear, accurate understanding of sound planning and development in the city.

- ***Reduce the Base and Overlay Districts through Consolidations and Retirement***

Many new districts had been established over time to respond to new development, and the resulting patchwork had become unwieldy. Through the zoning code update process, Philadelphia consolidated or eliminated 22 base zone districts and 22 overlay districts, resulting in a simplified and transparent approach to land use and zoning.

- ***Enhance Overall Sustainability***

The new code includes new provisions that allow urban food production and encourage development around nodes of mass transit, among other sustainability-related goals. Philadelphia also increased the number of districts list where solar and geothermal infrastructure may be installed as an accessory use.

- ***Protect Neighborhoods and Promote Quality Design***

Philadelphia has many neighborhoods that consist of 80 percent row-houses. The new code established setbacks and step-back provisions to protect these neighborhoods from being overshadowed by rede-

velopment and infill, and codified the ability for even non-conforming structures to expand within a reasonable building footprint. For the first time, the city established a Design Review Commission for review of buildings downtown. This pivotal move provides the city with further weight above and beyond the shaping of buildings to ensure that the future of downtown Philadelphia is respected.

– *Improve Readability and Organization*

As is the case with most code updates, the code update included improvements to the structure and design of the document. Graphics were added throughout the entire code, enhancing the readability of the document. Land uses, sign controls, and procedures were structured in tabular format to make the code user-friendly and easy to understand.

| Philadelphia, Pennsylvania | |
|-----------------------------------------------------------------------------------|----------------------------------------------------------|
|  | TYPE OF CODE ——— Hybrid |
| | ADOPTED ——— 2012 |
| | OVERHAUL DURATION ——— 2008-2012 |
| | CONSULTANT FEES ——— \$750,000 (+\$250k for staff) |
| | NUMBER OF STAFF ——— 2 full-time |
| | PAGES OF CODE REDUCED ——— 258 |
| | DISTRICTS ELIMINATED OR CONSOLIDATED ——— 44 |
| | CITIZENS PARTICIPATING IN THE PROCESS ——— 3,400 |
| | NUMBER OF PUBLIC MEETINGS ——— 100+ |

Since Adoption

Code users reportedly find the new document as easy to use, administer, and enforce as the previous version, mostly because the city was cautious not to adopt provisions that would be difficult to administer or enforce.

Most find the code easy to navigate to find technical information, in part because of ongoing training of the citizens and development community through a Citizen's Planning Institute.

Although the code itself is functioning well, the culture among its users has not fully developed. A long-term change in philosophy away from the way Philadelphia has "always done things" may still be necessary in order to fully take advantage of the new tools within the code.

As with most major code updates, staff completed a technical "cleanup" amendment shortly after adoption. Two major substantive amendments since adoption included further prohibition of uses along commercial corridors, and expanded neighborhood notice and meetings requirements.

MIAMI, FLORIDA

Form-based Code, SmartCode

Overview

In 2009 the City of Miami adopted Miami 21, the largest citywide form-based code adopted in country to-date. Miami 21 is based on the SmartCode, a model unified development code based on the principles of New Urbanism and organized according to the rural to urban transect. The purpose of the code was to direct the city toward transit-oriented, pedestrian-friendly growth, and away from disjointed, car-centered development. It also sought align development regulations with the city's vision for its future which included a strong sense of community, an improved quality of life, economic vitality, open space preservation, and sustainability. Most critically, it was guided by a desire to balance development with conservation.

Key Goals

- *Reflect Local Character*

The new code includes new provisions that allow urban food production and encourage development around nodes of mass transit, among other sustainability-related goals. Philadelphia also increased the number of districts list where solar and geothermal infrastructure may be installed as an accessory use. Before the code was written, the project consultant undertook an extensive effort to document on-the-ground conditions throughout Miami. This included measuring typical building heights, lot coverage, lot

sizes, setbacks, uses, frontage types, and other design considerations in order to define patterns that would eventually define new zoning districts. This process was guided by a belief that the code should reflect cherished local conditions and neighborhood character as much as possible.

– **Create Preservation Tools**

Miami 21 created significant new preservation tools guided by the analysis noted above. These include new transitions in height and density between areas expected to redevelop and existing neighborhoods that would be preserved over the long-term. The code also incorporated new incentives for historic preservation (through a transfer of development rights program similar to Atlanta’s), new requirements for green buildings, and standards for newly created public spaces.

– **Encourage the Right Type of Development**

As a form-based New Urbanist code, the bulk of Miami 21 focuses on shaping the character of new development in areas where development is appropriate, especially along major corridors, in activity centers, and in others areas served by transit. Much of this focused on the relationship between building and street by addressing façade design, ground floor uses, sidewalk/streetscape requirements, and building massing.

Since Adoption

By most accounts, the form-based requirements of Miami 21 had a visible impact on the character of new development almost immediately after adoption. This is especially true in the city’s neighborhoods, where the code almost immediately resulted in more compatible new development in terms of building height, setbacks, and design. One notable example of this is that the so-called “snout house,” the name given to houses that front the street with garages, stopped being built and were replaced by buildings that fronted the street with stoops or porches. The code made the “snout house” illegal by limiting the width of a house lot that could be occupied by a garage. The code has also had a very noticeable impact in the city’s high density activity centers, where it now requires active ground floor uses, façade articulation, and streetscape enhancements. In many high growth areas, the ag-

THE TRANSECT / TRANSECT-BASED CODES

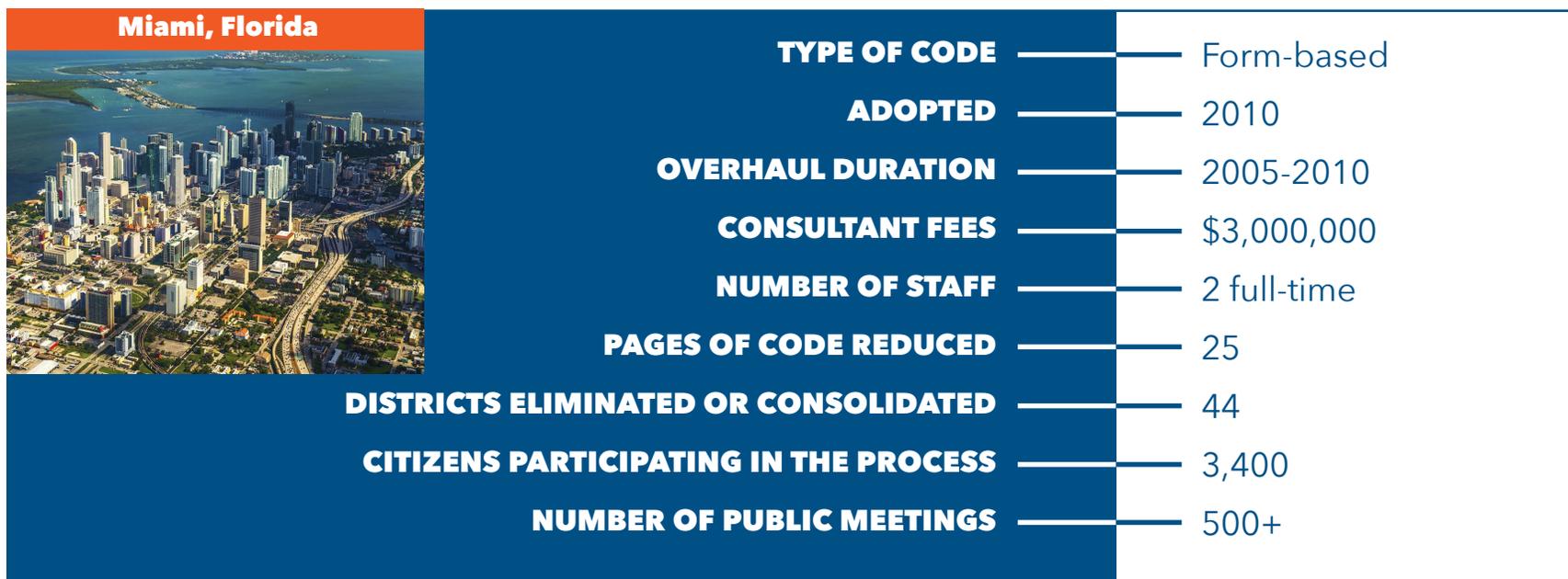
The Transect is a tool which describes a range development patterns from completely wild to completely urban. It holds that each development pattern contains a unique set of uses, densities, building heights, setbacks, and other characteristics depending on where it lies on the transect. Every settlement has elements of these patterns, such as a small town which may have a traditional main street at its center, and as one travels farther from that main street, the buildings are placed farther apart and the intensity of development diminishes, eventually as one moves outward there is a point where there are no more buildings.

A transect-based code is a form-based code that adopts concept of the Transect to organize districts and ensure that zones (often called transect zones or T-zones) smoothly transition intensity between neighborhoods rather than permit abrupt changes in neighborhood character. Transect based codes use of a range of T-zones to allow the creation of more coherent and appropriately complex development patterns.

gregate impact of multiple new buildings has been the wholesale revitalization of districts with walkable, high quality design.

Even with these visible accomplishments, the code is still not without its critiques. Following adoption, some politicians, developers, and community groups worked to amend the code by lowering building heights in certain areas, relaxing signage regulations, and a watering down of the bonus system. Another major criticism of the code has been that it did not significantly reduce required on-site parking requirements. Political pressure from elected officials and residents continues to inflate parking needs, while at the same time critics have noted that current parking regulations are not different from the suburban standards under the previous code.

A final critique of the code was that some developers and architects continue to find it challenging to work with. Unlike the previous conventional code, Miami 21's attention to design is seen as confusing and heavy-handed, despite the fact that the code is generally neutral in terms of style and instead focuses on urbanism.





Strengths & Weakness OF THE CURRENT CODE

Strengths & Weaknesses of the Current Code

Any set of regulations as lengthy as Atlanta's zoning Ordinance that has not been systematically reviewed for several decades will invariably perform well in certain areas and poorly in others. This is not a critique of the original Ordinance's authors or the authors of any subsequent text amendment. Rather it is the usual outcome of changing times and a piecemeal approach to updating regulations.

In order to understand how the Atlanta Zoning Ordinance meets the needs of today's Atlanta and modern zoning best practices, the consultant team has prepared an overview of the Ordinance's strengths and weaknesses. This assessment has been guided by the stakeholder interviews and a thorough technical review by the consultant team. It is not intended to assess the every single element of the Ordinance, but rather identifies specific themes that have emerged during review process.

USABILITY

As noted in the Best Practices section of the document, modern zoning ordinances strive to be user-friendly to their expected users. There are many ways to achieve this, but they typically involve clear language, use of graphics and tables, and logical document organization.

Usability Strengths

- Individual zoning districts contain the pertinent regulations for the district all within the district text.

Usability Weaknesses

- The use of graphics and tables is extremely limited.
- Most of the Ordinance is written in legalese, which is difficult for most users to understand.

- The sequential chapter numbering convention bears no relationship to what is being regulated. Many modern zoning codes group chapters into articles (for example, all residential districts start with a "3," all mixed-use with "4," etc.) so that they are easier to navigate.

URBAN DESIGN

Recent growth in the Atlanta and assorted city policy documents have highlighted the importance of urban design in providing a high quality of life for existing and new residents, attracting jobs, and promoting Atlanta's image. The following summarizes how the Zoning Ordinance performs in promoting urban design.

Urban Design Strengths

- The city has many existing tools for urban design, including SPIs, Quality of Life Districts, the BeltLine Overlay, and Historic Districts. These tools have ensured that development in many parts of Atlanta provides a high quality of design that conforms with City policies.

Urban Design Weaknesses

- The same urban design requirements are repeated in many places across the Zoning Ordinance. Sometimes slight variations between different districts makes them more challenging to administer.
- The City lacks a basic set of consistent urban design requirements that could be applied to diverse zoning districts.
- The lack of graphics is especially challenging for many urban design provisions, especially those regulating the relationship of building to street, the supplemental zone, and building facades.
- The methods of calculating fenestration vary by district and are challenging to administer because most are based on the length of the façade, not the area treated in glass.
- The Zoning Ordinance lacks a "building-type" based approach, which can be helpful in areas where the form of buildings is very important.
- Building height is measured as the average grade around a building, not from the street. Most people experience buildings based on the height in feet perceived from the street, not the number of floors.
- Set numeric height limits can result in an unvaried cityscape. Some cities allow a certain portion of the building footprint to exceed the numeric limit in order to create a more interesting cityscape.

BLOCKS AND STREETS

Although blocks and streets are typically regulated by Atlanta's Subdivision Ordinance, not its Zoning Ordinance, there are several districts and overlays that include block and street requirements. These are important because blocks define the enduring overall form of a city, while the design of streets directly shapes Atlanta's public realm and the day-to-day image of the city.

Blocks and Streets Strengths

- Several zoning districts incorporate maximum block size standards that are intended to create a more fine-grained street network.
- The City's Traditional Neighborhood Development (TND) Street Ordinance provides a range of context sensitive, less auto-oriented streets, despite its limited application.
- Several zoning districts incorporate streetscapes with redevelopment, including wider sidewalks, street trees, and, in some cases, the provision of new on-street parking. In areas where significant development has occurred since these regulations were adopted, there has been a remarkable improvement in walkability, aesthetics, and quality-of-life.
- The SPI 1 Pedestrian Space Plan provides a fine-grained approach to designating new streetscape requirements with redevelopment. It designates widths on a block-by-block basis, with consideration for roadway width, block length, and context.

Blocks and Streets Weaknesses

- The Zoning Ordinance and the Subdivision Ordinance have varying block and street requirements that sometimes conflict.
- In districts that contain maximum block size standards, the current regulations are weak at defining the treatment of the streets that bound newly-created blocks. Often, drivers through parking lots or vehicular access driveways that do not resemble public streets are used to satisfy these requirements.
- Maximum block sizes in Quality-of-Life districts are poorly worded and can offer a loophole that allow developers to build fewer new streets. Ideally, block sizes should be regulated based on the perimeter of the new block, not the amount of frontage that a site has on an existing street.
- Inter-parcel connectivity and stub street standards are weak in existing regulations. It is not enough for

individual projects to have street connectivity within them. They must connect to the adjacent existing or future urban fabric.

- The Zoning Ordinance does not clearly state if new streets must be public or private. Best practices incorporate consistent design standards for all streets regardless of who owns them.
- The street cross sections available for use on public or private streets in Atlanta are limited and do not incorporate recent context-sensitive and complete street approaches. For the most part, seek to maximize vehicular operations, speed, and through-put and not enrich the surrounding community.
- The City has no standards for shared streets, woonerfs, or other extremely low speed streets where the needs of cars are considered secondary to those of pedestrians and bicyclists.
- There are no requirements for street trees on any of the street sections found on the Subdivision Ordinance. This can result in barren new streets, which are especially noticeable in recent PD-H developments.
- The inability to provide assorted on-street parking options, including angled parking, on public streets conflicts with the intent of many zoning districts to oriented buildings towards the public sidewalk. Without this, many developers orient their sites towards internal parking areas.
- Where streetscape requirements exist they are usually tied to the zoning district and not the specific street type or location. This can sometimes result in newly created sidewalks being wider or narrower than is appropriate for the specific roadway.

ENVIRONMENTAL SUSTAINABILITY

Environmental sustainability is a broad term that can include many different aspects of the built environment that are regulated by many different code sets of regulations. Because this document reviews the Zoning Ordinance, the following summarizes strengths and weaknesses directly or indirectly related to items that it can influence.

Strengths

- Many districts allow compact, mixed-use developments or neighborhoods. This can reduce building energy use, reduce driving, and make efficient use of land.

- Some districts have no or very low on-site parking minimums, which can reduce driving and make efficient use of land.
- Atlanta has strong bicycle parking requirements in most areas of the city.

Weaknesses

- Most zoning districts still include on-site parking minimums that promote an auto-centric city and make it difficult for developers who wish to build little or no parking to do so.
- Off-street parking requirements can result in the demolition or under-utilization of historic buildings if such buildings lack on-site parking. The environmental impacts of demolishing existing buildings is great.
- The City of Atlanta does not allow off-site parking or shared parking by-right in most districts.
- Minimum off-street parking requirements in Chapter 10: Alcoholic Beverages conflict with the zoning requirements. In most cases, parking is required by the former, even when the Zoning Ordinance requires little or no parking.
- The City of Atlanta has minimum off-street loading requirements. Many cities have eliminated these entirely, recognizing that on-street loading spaces are a more efficient use of urban land and that major projects will incorporate the amount of loading that they truly require.
- Bicycle parking requirements do not differentiate between short- and long-term bicycle parking. The result is that most developers provide exterior racks that benefit short-term visitors, but not commuters or residents.
- The Residential General (RG) district permits accessory non-residential uses, but limits their use to residents. In all but the most density sites, businesses cannot be supported by residents alone and must rely on outside customers. The result of this is that there are many dense arts of the city with no retail or services accessible on foot.
- In some higher intensity districts, such as MRC and MR, the cumulative impacts of on-site parking requirements, side setbacks, transitional yards, and other requirements is the creation of unwalkable development patterns. In order to create true walkability, every effort must be made to make walking as convenient as possible by minimizing walking distances.
- The City lacks tree planting requirements in single-family districts. In some communities, every new home must include at least one tree in the front yard. Atlanta has no such requirement.
- Coordination could be improved between the Tree Ordinance, the Post-Development Stormwater Management Ordinance, other regulations, and the Zoning Ordinance.

DENSITY

The following summarizes strengths and weaknesses related to the regulation of density.

Strengths

- The use of floor area ratio (FAR) is a good tool for regulating density in areas of the city where the design of a project is unimportant.
- FAR is an effective tool where density bonuses and transfer development right (TDR) programs are utilized.

Weaknesses

- The differential use of Gross Land Area (GLA) and Net Lot Area (NLA) between different districts (and uses) is confusing.
- FAR is poor at regulating the form of development.
- Traditional small buildings on small lots often have numerically high FARs that are not allowed by the 15-Year Future Land Use Plan's FAR-based correlation to zoning.
- The use of different residential and non-residential FAR in mixed-use districts does not allow for buildings to change use over time.
- There are many disjointed TDR provisions that are bulky and complex to use effectively.

OPEN SPACE

The following summarizes strengths and weaknesses related to open space.

Strengths

- The Zoning Ordinance provides for open and public space in most districts.

Weaknesses

- Total Open Space Required (TOSR) is not an appropriate where walkable urban development is desired.
- Usable Open Space Required (USOR) required by the LUI Table is not ideal where walkable urban devel-

opment is desired. It can result in open space requirements that are contrary to good urban design or the fact that urban locations typically relied on public parks.

- Open space requirements do not account for the amenities provided within the open spaces, or things like green roofs.
- The Zoning Ordinance does not differentiate between open space required on a large site and open space required in an individual building on a lot.
- The transfer of open space requirement found in certain districts does not work well.
- UOSR requirements can be especially challenging for corner and double-frontage lots.
- The regulations for special events on private property need improvement; more and more public space requirements are resulting in open spaces on private property.

USES

The following summarizes strengths and weaknesses related to the regulation of use, including district regulations and general and supplementary regulations.

Strengths

- The City allows neighborhood-specific use tailoring in NC, SPIs, and historic districts.

Weaknesses

- District regulations usually present uses as text, which is not user-friendly.
- District regulations do not typically note where a permitted use is subject to any specific additional standards.
- There is no clear relationship between the permitted uses identified in district regulations and their meaning because the Zoning Ordinance only defines certain uses.
- Some use definitions are written as regulations. Regulations and definitions are different.
- The City lacks many modern use definitions, especially for live-work scenarios, modern flex office/work space, 3D printing facilities, micro-hosing, meditation centers, and other newer uses.
- The meaning of "affordable housing" is inconsistent throughout the code.
- Use tailoring is often difficult to administer and track, especially where it includes limitations on a certain number of businesses.

SINGLE-FAMILY DISTRICTS

The following summarizes strengths and weaknesses in R1 through R5 districts.

Strengths

- A wide number of districts exist to accommodate the diverse land use patterns in Atlanta.
- Many single-family residential districts protect existing neighborhood characters, especially in parts of the city built following World War 2.
- R5 and certain historic districts allow accessory dwelling units.

Weaknesses

- Many districts are nearly identical except for a handful of metrics. Opportunities may exist to reduce the number.
- Single-family residential districts do not often do a good job reflecting neighborhood character in pre-World War 2 neighborhoods.
- The Ordinance lacks tools for preserving the character of individual neighborhoods.
- The Ordinance lacks meaningful tools for Missing Middle housing and other innovative housing techniques, where appropriate.
- Despite recent text amendments intended to address infill housing, many are still concerned with the scale of new houses in existing neighborhoods.
- There is no easy mechanism for allowing accessory dwelling uses in neighborhoods. While R5 does allow such use, it does not differentiate between them and true duplexes.

MULTIFAMILY DISTRICTS

The following summarizes strengths and weaknesses in RG and MR districts.

Strengths

- The Land Use Intensity (LUI) Table is effective at shaping development in areas where FAR is the primary regulatory device, but not in areas where form and design is more important.

- RG districts allow some accessory retail. See Environmental Sustainability.
- The MR district provides a multifamily district with good urban design standards.

Weaknesses

- LUI Table Sectors 1 through 3 lack the FAR to create traditional urban buildings.
- Most multifamily districts do not adequately encourage Missing Middle Housing or micro-housing.
- The requirement that MR4B, which is intended to be an urban townhouse district, has a “High Density Residential Land Use” classification discourages its use in neighborhoods uncomfortable with said classification.

COMMERCIAL & MIXED-USE DISTRICTS

The following summarizes strengths and weaknesses in RLC, OI, C, NC, and MRC districts.

Strengths

- All of the City’s commercial and mixed-use districts do allow mixed-use development and buildings that engage the street.
- C-districts effectively permit automobile oriented development in parts of the city where such is appropriate.

Weaknesses

- Providing variable residential and non-residential FARs in single districts ignores the fact that many buildings can and should change use over time.
- MRC2 has insufficient residential FAR to justify its use.

INDUSTRIAL DISTRICTS

The following summarizes strengths and weaknesses in LW and I districts.

Strengths

- The city’s industrial districts assure that manufacturing is allowed in the city.

- The provision in I1 allowing existing buildings over 50 years old to be converted to housing has encouraged the preservation of many historic industrial buildings.

Weaknesses

- The by-right inclusion of retail and restaurant uses in industrial districts have made them de facto commercial and retail shopping districts and discouraged meaningful industrial uses.
- The restriction of most manufacturing uses to industrial districts, based on the assumption that they are incompatible with other uses, does the city a disservice, especially in attracting so-called artisanal manufacturing, which can be very compatible with other uses.
- The city lacks an industrial mixed-use district that allows both industrial and residential uses, but includes assurances for job-creation and retention.

PLANNED DEVELOPMENT DISTRICTS

The following summarizes strengths and weaknesses in PD-H, PD-MU, PD-OC, and PD-BP districts.

Strengths

- Planned developments are effective on sites with unique site conditions.
- Planned developments have allowed creative design solutions that cannot be accommodated in other zoning districts.

Weaknesses

- The Zoning Ordinance is silent about whether or not streets in planned development districts must be public or private.

HISTORIC & CULTURAL CONSERVATION DISTRICTS

The following summarizes strengths and weaknesses in LW and I districts.

Strengths

- Historic and conservation districts have preserved many of the city's historic resources.

Weaknesses

- Conservation districts are infrequently used and may not be needed if other tools can be created to preserve neighborhood character.
- Current regulations and procedures have resulted in a high case load going before the Urban Design Commission.

SPECIAL PUBLIC INTEREST DISTRICTS

The following summarizes strengths and weaknesses in SPI districts.

Strengths

- Most SPIs are very effective at reflecting the needs of specific parts of the city.

Weaknesses

- The Ordinance contains districts that no longer used, including SPIs 2, 3, and 4.

PROCEDURES

The following summarizes strengths and weaknesses of procedures of the Zoning Ordinance.

Strengths

- Administrative variations granted during the Special Administrative Permit (SAP) process are effective in districts with greater design regulations.

Weaknesses

- When a site plan amendment can be handled administratively versus having to go through City Council is sometimes unclear.
- The various procedures and committees at different NPUs is confusing and inconsistent.

- Variances are frequently required for the expansion of non-conforming conditions. Some cities have simplified this by creating exceptions for these.
- The SAP process has exceeded, or will soon exceed, the administrative capacity of the city to review it.
- Zoning conditions placed on projects by neighborhoods and NPUs are often used to compensate for weak code provision. Conditions can be difficult to administer.

DEFINITIONS

The following summarizes strengths and weaknesses of other the definition section of the Zoning Ordinance. Definitions related to use have been placed in the Use subsection above.

Strengths

- The definition of lot types is one of the few graphics in the entire Zoning Ordinance and makes the text easier to understand.

Weaknesses

- The Zoning Ordinance contains many terms that are poorly defined or undefined.
- Definitions are not in alphabetical order, making them difficult to find.
- Definitions related to measurement or other procedures are often poorly defined or difficult to understand. Graphics could help.
- The Zoning Ordinance lacks a meaningfully different definitions for "site" and "lot." Sites are often larger, master planned areas that may or may not contain several lots and buildings. This creates problems where a site is subdivided (although a few districts do include master site plan language to address this deficiency).
- The subdivision of lots can be used to create loopholes around other zoning restrictions, such as the transitional height plan.

MISCELLANEOUS

The following summarizes strengths and weaknesses of other parts of the Zoning Ordinance.

Strengths

- The Transitional Height Plan works very well in protecting single-family areas from the potential impacts of taller buildings nearby.

Weaknesses

- Atlanta has a one-size-fits all approach to the relationship between higher and lower intensity areas called the Transitional Yard. The requirement establishes an unbuilt buffer between existing uses. While this may be appropriate in subarea areas, the traditional treatment in cities was to separate uses with an alley, wall, fence, or less intense building.



comprehensive
development plan
& THE CURRENT CODE

NOW NON-SMOKING
NEW SPRING
MENU
by chef Alex Friedman
OPEN AT 4PM
SAT-SUN BRUNCH

Comprehensive Development Plan & the Current Code

The Comprehensive Development Plan is the overarching policy framework tool for the City of Atlanta. The CDP is an exhaustive listing of all policies and visions related to the future growth and development of Atlanta. Though far-reaching, a vast extent of the plan content depends upon the Atlanta Zoning Ordinance for successful implementation. Some of these policies have been achieved through past changes made to the Zoning Ordinance, while many more policies still are waiting to be integrated. The update of the ordinance is an opportune time to integrate as many CDP policies as possible. This section of the Zoning Diagnostic report focuses on those elements of the Comprehensive Development Plan that ought to be considered for inclusion into the future Zoning Ordinance update.

HOUSING POLICIES

- Independence for persons with disabilities often hinges on four key components: housing, transportation, employment and supportive services in the community. Without adequate affordable housing, independence and self-sufficiency cannot be attained. Housing on accessible public transportation routes is a significant issue for persons with disabilities. Persons with physical disabilities are more likely to depend on public transportation in order to maintain employment and to meet daily needs. p. 109
- The City has established goals for working with developers to expand the stock of affordable housing by 5,700 units for senior households with incomes at or below 30% AMI and 7,600 units for senior households with incomes between 31% and 50% of AMI. p. 110
- The Atlanta Study Group on Assisted Living identified housing affordability as the greatest single issue for seniors living alone. An inadequate supply of services for those not qualified for Medicaid waiver personal assistance was also identified as a major need. Strategies to help older adults remain as independent as possible should be encouraged, including ones concerned with having sufficient income to

be able to afford housing in the Atlanta area and remain here. p.111

- Permanently affordable housing near the Atlanta BeltLine is necessary to ensure that jobs are accessible to existing residents, as well as other low and moderate-income residents. p.134
- HUD defines the content of the Consolidated Plan by federal regulation and policy memoranda and has computer software for production of the Plan. Each of the entitlement grants to be covered in the Consolidated Plan has statutes that set forth three basic goals. The Plan is evaluated by HUD on how the City, "will pursue these goals for all community development programs, as well as all housing programs." The three goals are:
 - Decent housing (assistance to affordable housing for homeless and those at risk, retaining affordable housing, increasing availability for low/moderate income families especially for disadvantaged, increasing supportive housing)
 - A Suitable Living Environment (improving safety, livability of neighborhoods, eliminating blight, increasing access to public and private facilities)
 - Expanded Economic Opportunities (job creation and retention for low income persons, empowerment and self-sufficiency) The 2010-2014 Consolidated Plan was adopted in February 2011. p. 135
- Prioritize affordable housing in new Transit-Oriented developments. Ensure a strong, equitable economic development infrastructure in transit corridors and nodes by supporting the symbiotic relationship between affordable housing and transit. Put policies and resources in place, and assert political will to ensure that the two are developed together. Target a minimum of 20% of TOD residential units for affordability, including for very low incomes. p.532
- Promote opportunities for mixed-income housing developments throughout the City. p.551
- Focus on rehabilitating and utilizing existing vacant housing stock. p.551
- Promote the creation of new housing in appropriate locations. p.551
- Promote a wide range of housing types to meet different housing needs and income levels within the Atlanta BeltLine corridors and along major employment centers: Downtown, Midtown and Buckhead. p.551

ASSESSMENT

The current Zoning Ordinance does little in the way of addressing affordable housing and assisted living options. Both of these uses are allowed, but otherwise the code does not incentivize nor require these elements.

ECONOMIC DEVELOPMENT POLICIES

- The City has identified neighborhoods where economic development is lagging behind the rest of the City. The objective for CDBG funding is to help expand economic opportunities for persons of low and moderate income by:
 - Supporting revitalization of commercial areas that serve low/moderate-income persons
 - Supporting small, minority and female-owned businesses and microenterprises
 - Supporting programs to create permanent, private-sector jobs for low/moderate-income persons p.140
- The City has adopted goals, policies and programs to address those factors that have been identified as the root causes of the City's poverty problems. In order to address poverty in the City of Atlanta, the following goals have been developed and adopted in the City's Comprehensive Development Plan (CDP):
 - Preserve and increase decent, secure, affordable housing for all citizens
 - Increase accessibility to jobs, services and places of leisure
 - Increase the number of jobs for low-income City residents
 - Protect, maintain and enhance the quality of neighborhoods
 - Promote greater economic and human development and investment throughout the City, especially on the southside and in poorer neighborhoods pp. 141-142

ASSESSMENT

Economic Development goals place significant emphasis on the facilitation of development in low-income areas of the city. More could be done to make sure that these areas of the city have the proper zoning tools to encourage, incentivize, and attract development.

NATURAL AND CULTURAL RESOURCES POLICIES

- As the City of Atlanta and the surrounding areas continue to grow, the conservation of existing and finding opportunities for the protection of environmentally sensitive and ecologically significant resources is becoming increasingly important. The City of Atlanta's vision is to balance growth and economic devel-

opment with protection of the natural environment. This is to be done in conjunction with the statewide goal for natural resources, which is to conserve and protect the environmental and natural resources of Georgia's communities, regions, and the State. p.143

- It is estimated that Atlanta has over 6,000 acres of Brownfield sites. The overall economic, health, and land use will impact the City for decades to come as brownfield revitalization moves ahead under the City's current EPA grants. The primary goal is to make every property in the City of Atlanta safe, productive, sustainable and attractive. p.161
- Mayor Reed has set the goal for Atlanta to become one of the top ten sustainable cities in the U.S. Achieving this goal will improve the quality of life of Atlanta's citizens by enhancing the quality of their environment while supporting jobs and long term economic growth. Atlanta city government will adopt a culture dedicated to environmental sustainability through innovative leadership. The City must therefore commit to continual improvement in sustainability practices and lead by example through policies and activities that support environmental sustainability. p.164
- Greenspace goals:
 - Provide a minimum of 10 acres of greenspace per 1,000 residents;
 - Protect and restore the city's tree canopy to reach 40% coverage;
 - Create and maintain a park system that promotes and supports sustainable development;
 - Implement landscaping and facility renovations that reduce energy demand and maintenance costs. p.165
- Atlanta adopted the U.S. Mayors Climate Protection Agreement committing the City to reducing its carbon footprint to 7 percent below 1990 levels by 2012, and the Architecture 2030 Challenge, targeting fossil fuel reductions for all new buildings, reducing incrementally until achieving carbon neutrality by 2030. p.166
- Evaluate the use of performance standards in the city-Zoning Ordinance to address impacts of commercial and industrial uses on the environment. p. 553
- Permit development based upon the carrying capacity of available infrastructure and the natural environment. p. 553
- Establish consistent and coordinated environmental criteria for interdepartmental use for construction during all development, economic and facilities plans, land use policies and codes. p. 553
- Promote Green Infrastructure, Low Impact Development (LID) techniques and environmentally sensitive site design to reduce the amount of impervious surfaces in a development. p. 553

- Develop a citywide streetscape master plan, including tree planting details and prioritized streetscape projects. p. 553
- Develop citywide streetscape specifications and standards as part of the above master plan, include on-site stormwater management practices were applicable. p. 553
- Continue to review proposed development projects for their provision of adequate vegetative buffering and their compliance with the City's Tree Ordinance to preserve trees and to plant replacement trees. p. 553
- Within the Special Public Interest (SPI) zoning districts in the central areas of the City, issue Special Administrative Permits (SAPs) only after adequate provision has been indicated on developers' site plans for the planting of street trees adjacent to City streets, among other requirements. p. 553

ASSESSMENT

The majority of City of Atlanta zoning districts require open space for all new development. More could be done to require open space for all new development. The definition and application of open space is in need of update. The Stormwater Ordinance has done much to better mitigate the impacts of development. The updated Zoning Ordinance must be well-integrated with the Stormwater Ordinance.

HISTORIC RESOURCES POLICIES

- It is expected that the number of neighborhoods and individual property owners seeking listing in the National Register of Historic Places and local designation by the City will increase. The Staff will be unable respond as it has in the past if there are an increased number of property owners or neighborhoods seeking local designation by the City or listing in the National Register of Historic Places. p.178
- Taking into account the anticipated future conditions and existing programs and projects, the following additional programs and projects are needed, but cannot easily be initiated or sustained by the Commission and/or Office of Planning Staff at this time.
 - Specific strategies and programs for the preservation of existing residential properties in historic districts, as well as for the design of appropriate infill construction in such districts.
 - A "Layman's Guide" or similar brochure regarding the implementation of the Historic Preservation Ordinance, including the most commonly asked questions regarding historic districts and designations.

- A “pattern book” outlining compatible infill development in undesignated, but still unique or potentially historic, neighborhoods.
- Revision of the City’s zoning and historic preservation ordinances to reflect current City policies, priorities, and changing approaches to construction and development in the City. p.181
- Effect and accomplish the protection, enhancement and perpetuation of such buildings, sites and districts, which represent or reflect special elements of the City’s cultural, social, economic and architectural history. p. 514
- Safeguard the City’s historic aesthetic and cultural heritage, as embodied and reflected in such buildings, sites and districts. p. 514
- Stabilize and improve property values of such buildings, sites and districts. p. 514
- Foster civic pride in the beauty and noble accomplishments of the past. p. 514
- Protect and enhance the City’s attractions to tourists and visitors and thereby support and stimulate business and industry. p. 514
- Promote the use of such buildings, sites and districts for the education, pleasure and general welfare of the people of the City. p. 514
- Promote attention to sound design principles in areas of new development and redevelopment. p. 514
- Raise the level of community understanding and expectation for quality in the built environment. p. 514
- Create a design guidelines “template” for new development and renovations in historic, but unprotected, neighborhoods and commercial areas that could be used by other organizations to create fully-developed design guidelines documents. p. 534
- Investigate regulatory and incentive tools to protect the few remaining rural areas within the City against in-compatible development patterns. p. 534
- Using models from around the State of Georgia, develop a City ordinance to ensure potentially historic archeological sites and Civil War trenches are protected. p. 534
- Create long-term and sustainable strategies to prevent the demolition of abandoned and/or deteriorated (but salvageable) residential structures in City-designated districts. p. 534
- Research opportunities to update, expand, and strengthen the range of the City’s regulatory tools and enforcement techniques that relate to historic properties. p. 534
- Strengthen communication with the City’s zoning and building code enforcement personnel through training sessions and improvements in information sharing. p. 534

- Improve the nomination and regulation processes provided for by the Historic Preservation Ordinance. p. 556
- Utilize the Zoning Code and other regulatory tools to support historic preservation policies. p. 556
- Develop mechanisms for supporting historic resource-sensitive development along the Beltline corridor. p. 556

ASSESSMENT

The current Zoning Ordinance should do more to protect the character of Atlanta’s neighborhoods that are outside of Historic Districts. In addition, the updated Zoning Ordinance should utilize graphics and illustrations to better communicate the regulations of Landmark and Historic Districts.

TRANSPORTATION POLICIES

- At least one-third, perhaps even one-half of the development needed for a 2040 Atlanta Region population approaching 50% larger than today’s has yet to be built. Well thought-out policies for guiding where this new development goes and how it contributes to community quality are essential for a sustainable future with a high quality of life. p. 275
- The Plan for a Walkable Atlanta presented by the Walkable Atlanta Task Force in 2004 suggested several long-term and short-term strategies for achieving the following key goals:
 - Adopt transportation principles, street design guidelines and measurement tools that encourage walking, cycling and use of public transit, to reduce traffic;
 - Improve the relationship between the pedestrian and the built environment by implementing new zoning, enforcing existing guidelines and encouraging development that provides walkable destinations. p. 290
- The Connect Atlanta Plan identifies the oversupply and low cost of parking as the chief challenge to realizing the City’s vision for an active urban environment with attractive multi-modal transportation options. p. 295
- Conventional zoning, which covers most of the City’s land area, prioritizes vehicle storage and circulation over the pedestrian environment, with parking lots separating buildings from the street and minimum parking requirements. The BeltLine Overlay, Special Public Interest (SPI) and Quality of Life (QOL) zon-

ing districts restore pedestrians to prominence in the public realm by moving parking behind street-front buildings or into shared parking structures. These zoning districts also place maximum limitations on the number of parking spaces that may be provided for a particular development. p. 295

- Surface lots for patron parking at MARTA stations outside the core business districts present opportunities for Transit-Oriented Development (TOD). LCI plans for MARTA stations on the East, West, and South lines call for construction of structured parking to serve both transit patrons and dense new development. p. 295
- Atlanta's Project Greenspace recommends block parks on top of structured parking in urban core areas. Parts of Downtown, Midtown, and Buckhead have entire blocks that are vacant or completely devoted to surface parking.... that present opportunities to support increased residential density with quality recreation facilities and reduced space devoted to parking in surrounding developments with the bloc park-over-parking deck concept. p.295
- Project Greenspace calls for creating shared-use parking structures capped with block parks for neighborhood recreational opportunities in areas targeted for high residential density. It recommends additional considerations for street design to incorporate shade trees and provide space for passive storm-water management. p. 306
- The target growth areas identified in the Connect Atlanta Plan would make natural sending areas for the transfer of development rights (TDR) recommended by Project Greenspace to preserve sensitive lands in sending areas along greenway corridors radiating from the urban core. The SmartCode zoning model advanced by the Congress for the New Urbanism uses TDR as a market-based tool for guiding the location of new development. Implementation of a TDR program is a unique opportunity to reallocate zoning entitlements in order to concentrate growth at densities supportive of transit use and pedestrian scale retail while preserving connected areas of undeveloped greenfields . The SmartCode approach recommends that as much as 80% of the allowed Floor Area Ratio (FAR) in areas targeted for growth be available only through TDR as bonus density. p.308
- A review of the currently allowed land uses within 2500 feet of each transit node should be conducted. It is encouraged that automotive-dependent land uses such as large format retail, industrial and low density residential not be encouraged within walking distance of the existing and proposed transit nodes. p.543

- Mixing land uses should be encouraged in areas expecting the highest density and intensity of development. In areas where the market is weak, allowing a mixture of land uses will provide needed flexibility to the development community. p.543
- Encouraging new development to concentrate the highest densities closest to the transit station and transitions to lower densities adjacent to existing single-family neighborhoods is recommended. It is recommended that the City consider establishing density minimums rather than maximums in areas within walking distance of transit corridors and maintaining maximums in areas under-served by transit. p.543
- Every effort should be made to intensify development while preserving the existing residential communities. p.543
- Block dimensions within transit nodes should be small (300 to 500 foot block faces) to promote human scaled development. The block dimensions should include a maximum block-face length as well as a maximum block perimeter for each of the development conditions. p.543
- It is recommended that densities outside the city core be influenced by building heights. p.543
- It is recommended that the City modify its parking regulations to shift away from parking minimums and establish parking maximums in areas served by premium transit. These maximums should be aggressively low in upcoming years to help drive down the oversupply of parking and allow the market to raise costs. The City should also consider policies such as decoupling parking from residential development; allowing those who choose not to drive to avoid the cost of a mandatory parking space which makes homes less affordable. p.543
- Given that Atlanta currently has an over-supply of parking, the City should remove surface parking as a permitted use. Further, the methods for assessing the improved value of existing surface parking facilities should be revisited to assess whether they can be taxed at rates in line with other retail uses. p.543
- Architectural design elements should not dictate architectural styles, but instead should inform fundamental architectural elements based on human proportions and the quality of the pedestrian experience at the street level. These design guidelines should be based on a street typology, or hierarchy based on desired pedestrian activity serving the proposed development. The Connect Atlanta Plan Street Design Guidelines links these elements together and should be the guiding document for the development and design of new streets. p.543
- Require sidewalks for all new development and sidewalk repair for new construction. p.568

- Minimize the number of curb cuts and encourage the use of private alleys or drives to access parking and loading areas Centers. p.568
- As the City is projected to increase in population density, the opportunity exists to promote growth in appropriate activity centers, particularly those with existing transit infrastructure. This is particularly critical for areas surrounding the low-performing heavy rail stations. p.568
- Establish mixed use zoning around all transit stations addressing minimum development density, maximum parking, bicycle and pedestrian facilities requirements, and urban design guidelines. p.568
- Build street network to support redevelopment: Given the City's large block sizes and low street connectivity relative to future planned densities, a plan is needed for the construction of new streets and connections to existing streets as redevelopment occurs. p.569
- Provide incentives for development in areas with existing infrastructure; preserve greenfield areas. p.571

ASSESSMENT

More can be done to discourage surface parking facilities, single-use development, transit-supportive densities around transit facilities, and pedestrian-oriented design for new development. Additionally, an updated Zoning Ordinance should further develop the infrastructure necessary for cycling and walking.

URBAN DESIGN POLICIES

- The creation of new smart growth zoning districts coupled with today's development pressures offers the opportunity to create pedestrian-friendly, sustainable mixed-use environments that combine commercial and residential uses in a balanced manner which also serves to link the surrounding neighborhoods to one another. p. 314
- Any set of urban design strategies must include, and even begin with, the natural pre-urbanized environment and seek to conserve and re-establish complementary and mutually supportive development policies that support the environment's sustainability and enhance the community's quality of life. These include amending zoning, subdivision, transportation and utility corridor standards and designs in support of urban naturalization strategies. p. 317
- Urban design issues that should be addressed for Atlanta to continue to attract positive growth include:

- Re-establishing Downtown as a regional center,
- Maintaining and strengthening existing neighborhoods,
- Advancing urban design that engenders a safe and pedestrian-oriented environment, and
- Preserving Atlanta’s historic and cultural resources. p.317
- Streetscapes in many parts of the City should also be improved with new sidewalks, trees, pedestrian lights and street furniture. The visual clutter of signage and above ground utilities in public spaces should also be controlled. These elements in the public realm should knit together a cohesive network of usable public space and sidewalk-oriented buildings. p.317
- Urban design issues that will need to be addressed include the emphasis of pedestrian and bicycle transportation throughout the City, encouraging mixed-use development around transit facilities, and limiting parking lot expansion in areas where transportation facilities are planned or provided. p.317
- Increased demand for pedestrian and bicycle facilities: Roadway improvements should also include pedestrian and bicycle facilities. These include:
 - Sidewalks should be wider to accommodate pedestrian traffic, street lighting should promote pedestrian safety and comfort;
 - Street furniture (lights, benches, bicycle racks, etc.) should be coordinated;
 - On-street parking should be encouraged and expanded to buffer pedestrians from traffic and support sidewalk-oriented retail;
 - Street trees should be provided to shade the sidewalk and define a pedestrian zone;
 - Buildings should be oriented towards the sidewalk and provide ground- floor active uses;
 - Signage should be coordinated to minimize visual blight. p.318
- Greater emphasis on security and safety in urban design: Crime prevention may be increased through careful design of the built environment. Strategies as advocated through “CPTED,” Crime Prevention Through Environmental Design, are creative design solutions that may be implemented to increase public safety along streets. p. 318
- Implement zoning recommendations from adopted corridor studies and redevelopment plans to rezone properties to the City’s design based, quality of life Zoning Ordinances. p.550
- Supply information and technical assistance to developers, neighborhood associations, business groups, and advocacy organizations for distribution of urban design principles. p.550

- Create an urban design guidelines document to guide new development within neighborhoods and commercial areas that could be used by developers, business and neighborhood organizations. This document would serve as a companion piece to the City's Zoning Ordinance to illustrate zoning requirements and design principles. p.550
- Update the City's Zoning Ordinance to streamline and clarify urban design requirements. p.550
- Strengthen communication with the City's zoning and building code enforcement personnel through training and improvements in information sharing. p.550
- Preserve the boundaries and architectural character of Atlanta's existing neighborhoods. p.550
- Create stable neighborhoods by protecting and enhancing their historic character and enhancing neighborhood parks, schools and commercial areas. p.550
- Discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy (including surface parking lots). p.550
- Protect and preserve existing boundaries between neighborhoods and commercial areas. p.550
- Provide primarily single-family neighborhoods with nodal commercial areas, which are of such a size, that all uses are within convenient walking distance of one another. p.550
- Protect existing neighborhood-oriented commercial areas from uses and building forms, which are incompatible with the scale, character and needs of the adjacent primarily single-family neighborhoods. p.550
- Prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods. p.550
- Promote the nodal form of commercial and multi-family development to relieve development pressure on existing neighborhoods and to avoid development or expansion of strip commercial areas. p.550
- Alleviate development pressure on existing neighborhoods by placing reasonable controls on the development and expansion of strip commercial areas within primarily single-family neighborhoods. p.550
- Place reasonable controls on the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the City than a single neighborhood or a small group of neighborhoods. p.550
- Create new neighborhood commercial nodes, in areas so indicated in the Comprehensive Development Plan, which are pedestrian-oriented and provide uses, which primarily serve adjacent neighborhoods. p.550

- Discourage the development of gated communities or those otherwise physically and symbolically separated from the surrounding urban social and physical fabric. p.550
- Integrate new developments into the existing urban fabric, providing connectivity into and expansion of the existing street grid system. p.550
- Encourage multi-family and neighborhood-oriented commercial development that is built up to the public sidewalk or respects historic setbacks, faces the public sidewalk, and has entrances to ground floor units directly accessible to the public sidewalk. p.550
- Encourage the development of multi-family housing within commercial areas, along major corridors, and adjacent to transit. p.550
- Discourage invasive or insensitive roadway projects and the land speculation that surround them. p.550
- Minimize negative impacts of roadway projects on neighborhoods and encourage an interconnected street system to provide a variety of route choices and lessen pressure to widen arterial and collector streets. p.550
- Preserve and protect the city's historic buildings and sites. p.574
- Encourage adaptive reuse of historic buildings to promote sustainability. p.574
- Discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy (including surface parking lots). p.574
- Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses. p.574
- Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle routes and parking, and alternative fuel vehicle parking. p.574
- Associate future development, both type and intensity, with environmentally sustainable locations and infrastructure. p.574
- Encourage a compatible mixture of residential, commercial, entertainment, cultural and recreational uses in Downtown that creates a vital and safe community at all hours. p.575
- Encourage a greater intensity of land use in Downtown through the revitalization of underutilized buildings and the use of upper-story space, and the redevelopment of vacant lots and surface parking lots. p.575
- Promote high-density housing in Downtown to continue to strengthen and revitalize Downtown as a complete and sustainable community. p.575

- Provide a range of housing types and prices to meet different housing needs. p.575
- Ensure new development, including new cultural facilities, engage the street with buildings that are built up to the public sidewalk and provide active ground-floor uses and transparent ground-floor building facades and building entrances that face and are accessible to the public sidewalk. p.575
- Aspire for award-winning architectural design in all buildings, cultural facilities, parks, plazas and streetscapes. p.575
- Promote the use of public art on the exterior of buildings and in parks, plazas and streetscapes. p.575
- Enhance all modes of transportation by providing more opportunities for pedestrian, bicycle and transit usage and enhancing street grid connectivity. p.575
- Promote multi-modal transportation, including rail, bus, airplane, bicycle and pedestrian modes. p.575
- Elevate the status of the pedestrian by creating safe, enjoyable, accessible and usable parks, plazas, streetscapes and greenways. p.575
- Provide for a pedestrian-scale environment on streets and sidewalks. p.575
- Facilitate development of a pedestrian system with sidewalks, streetlights, and street trees. p.575
- Provide sidewalks along all public streets consisting of two zones: a street furniture and tree planting zone located adjacent to the curb, and a pedestrian clear zone. p.575
- Reserve the space between the building and the sidewalk for pedestrian related uses. p.575
- Ensure pedestrian-oriented building forms with articulated facades and pedestrian entrances accessible from adjacent sidewalks. p.575
- Promote public safety through the provision of pedestrian-oriented street-level active uses accessible from adjacent sidewalks. p.575
- Encourage street-level retail activities adjacent to the sidewalk in commercial nodes and along major corridors, and ensure that nearby residents have pedestrian access to such uses. p.575
- Encourage mixed-use developments with residential uses to promote walkable communities. p.575
- Control and limit strip-commercial development along arterial roads oriented solely to the automobile. p.575
- Facilitate safe and convenient bicycle usage by providing multi-use trails and on-street dedicated or shared use lanes, and bicycle parking along bicycle corridors and at commercial nodes. p.575
- Prohibit pedestrian bridges and tunnels, except over limited access/grade separate highways, railway corridors and other public rights-of-way where pedestrians are prohibited, to emphasize pedestrian safety and encourage pedestrian activity at the street-level. p.575

- Facilitate safe, pleasant and convenient pedestrian circulation and access management. p.575
- Encourage a grid of connected streets to improve access and reduce congestion. p.575
- Encourage creation of pedestrian-scale block sizes to enhance circulation and connectivity. p.575
- Minimize the number of curb cuts and encourage the use of private alleys or drives to access parking and loading areas. p.575
- Limit the width of curb cuts to ensure safe pedestrian movement. p.575
- Minimize conflicts between pedestrians and vehicles by encouraging curb cut consolidation and shared driveways. p.575
- Establish maximum parking requirements. p.575
- Encourage shared parking and alternative modes of transportation. p.575
- Maximize opportunities for on-street parking. p.575
- Encourage the use of MARTA through the location of mixed-use development and regional entertainment and cultural facilities around MARTA rail stations. p.575
- Promote a mix of land uses in Downtown, Midtown, Buckhead, and at a smaller scale in neighborhood commercial nodes to create a vital and safe community at all hours. p.577
- Encourage a built environment that fosters mixed-uses where people can live, work, meet and play. p.578
- Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art. p.578
- Provide safe and sufficient pedestrian-accessible streetscapes, plazas, parks and greenways for active and passive enjoyment. p.578
- Create a more beautiful city by enhancing the visual quality of all public spaces. p.578
- Enhance the visual quality and beauty of the City through landscaping, varied building and streetscape materials, placement of overhead utilities underground, greater sensitivity to building scale, and a clearer and less obtrusive system of signage. p.578
- Aspire for award-winning architectural design in all buildings, cultural facilities, parks, plazas, bridges and streetscapes. p.578
- Preserve high points where the city skyline can be viewed and enjoyed. p.578
- Encourage the creation of visual focal points along corridors, parks and plazas. p.578
- Encourage the installation of public art in corridors, parks and plazas throughout the City. p.578

- Improve the aesthetics of street and built environments. p.578
- Promote visual continuity and an enhanced street environment with street trees and streetlights. p.578
- Provide citywide streetscape standards to promote pedestrian safety and connectivity, efficiency of maintenance, continuity and beauty of design, and handicapped accessibility. p.578
- Emphasize gateways with the use of architecture, landscaping and or public art. p.578
- Encourage the underground placement of overhead wires along parade routes, visually and historically important streets, such as Peachtree Street and Auburn Avenue, and key retail areas, such as Downtown, Midtown, Buckhead and other neighborhood commercial nodes. p.578
- Promote landscaping in surface parking lots, landscaped sidewalk areas and landscaped buffers as a means of lessening the negative visual impacts of strip development. p.578
- Encourage site development that creates visual continuity and interest along streets and sidewalks by placing building facades and storefronts adjacent to sidewalks and locating parking to the rear of buildings. p.578
- Preserve Atlanta's tree canopy and encourage on-site tree replacement as part of any new development. p.578
- Create spaces appropriate and adequate for large shade trees. p.578
- Establish an Urban Design Policy document as a framework for infill and new development to create pedestrian-friendly buildings, streets, streetscapes, and parks and plazas. p.578
- Standardize the location and design of street signs and methods for promoting continuity in street names and street identity. p.578
- Encourage a grid of smaller blocks and connected streets to improve access to the BeltLine, reduce congestion, and further the urban character of the area. p.579
- Preserve the historic physical character of the industrial districts that follow the BeltLine by promoting adaptive re-use of historic structures and encouraging new construction to be consistent with the size, scale and/ or character of those buildings. p.579
- Promote opportunities for parks, open space, and cultural and institutional buildings in the BeltLine district. p.579
- Encourage opportunities for public art and promote the concept of a cultural ring to unify the City's cultural institutions. p.579
- Ensure that new construction is compatible with the scale and character of adjacent single-family neighborhoods. p.579

- Create new mixed-use nodes at BeltLine station areas that are pedestrian and Transit-Oriented. p.578
- Maximize air and water quality, including that which supports the planting of trees, greenspace and watershed protection, and bicycle parking. p.579

ASSESSMENT

Today's Zoning Ordinance is uneven in its implementation of City Urban Design policies. Some zoning districts are rich with urban design regulations while others are completely void of such specifications. In addition, the urban design elements addressed in the Zoning Ordinance vary from district to district, leading to confusion when it comes to implementation and administration of such regulations.

INDUSTRIAL LAND USE POLICIES

- Promote the adaptive reuse or redevelopment of vacant, underutilized, obsolete, or structurally-deteriorated industrial and commercial properties in order to increase the possibilities for introducing modern industrial uses to increase the compatibility of these areas with the surrounding land uses. p.510
- Provide sufficient and attractive buffering, screening, landscaped or architectural buffers between existing and proposed industrial uses and outdoor storage and activity areas and residential areas and non-industrial areas. p.510
- Encourage the redevelopment of underused industrial areas which have sufficient existing street and utility infrastructure rather than the expansion of development in areas that are undeserved by streets and utility connections. p.510
- Promote the redevelopment of brownfield sites for new industrial uses. p.510
- Maintain industrial land uses by discouraging encroachment of incompatible land uses in industrial areas, particularly residential uses, and encouraging redevelopment of obsolete industrial buildings to new industrial uses instead of a non-industrial uses. p.510
- Discourage the conversion of industrial land uses to non-industrial land uses (except for buildings over 50 years old). p.510
- Encourage light industrial and office parks uses in industrial areas in close proximity to residential uses. p.510

- Incorporate new “green” features to reduce environmental impacts and improve the appearance of industrial districts. p.510
- Amend the Industrial Zoning District to eliminate some allowed uses not compatible with industrial uses. p.510
- Develop a Mixed Use Industrial or Planned Manufacturing Employment District (PMED) land use category that allows for industrial and residential uses. p.510
- Adopt design standards for industrial areas to address screening and buffering. p.510

ASSESSMENT

A new Zoning Ordinance and Zoning Map could better delineate older industrial areas of the city that are intended to be redeveloped as mixed use areas from those that are intended to be preserved as industrial and working districts. Additionally, a new mixed use zoning district is needed that facilitates light manufacturing and working uses with residential uses (aka a Live Work District).

TRANSIT-ORIENTED DEVELOPMENT LAND USE POLICIES

- Support a complementary, well-integrated mix of land uses within ½-mile walking distance of the transit station. p. 525
- Provide a range of relatively higher intensity uses that are transit supportive. p. 525
- Encourage retail and service establishments that serve users daily needs. p. 525
- Predominantly residential station areas should offer neighborhood commercial services such as dry cleaning, prepared dinners, grocery stores, and child care. p. 525
- Predominantly employment station areas should offer day time services such as coffee shops, restaurants, and business service establishments. p. 525
- Provide uses that attract and generate pedestrian activity, especially at the ground-floor level. p. 525
- Consider special traffic generators - such as educational, cultural, entertainment, and recreational uses. p. 525
- Encourage multi-use and mixed-use developments that include a mixture of uses on the same site or building. p. 525
- Encourage a mixture of transit-supportive housing types and prices. Encourage development and pres-

- ervation of workforce and affordable housing and a mixture of income levels within each station area. p. 525
- Protect existing, stable single family residential neighborhoods. p. 525
 - Encourage retrofitting and improving existing uses to improve their pedestrian and transit orientation. p. 525
 - Discourage automobile-dependent uses such as automobile sales lots, car washes, drive-through service windows. p. 525
 - Discourage low-density and land consumptive uses such as junkyards, telecommunications equipment storage centers, self- or mini-storage centers, urban agriculture, and warehouse-distribution centers. p. 525
 - Discourage new single-family or townhome developments on properties suitable for denser development. p. 525
 - Within a ½ mile radius of the station areas, design the streets to be multi-modal with an emphasis on pedestrian and bicycle circulation. p. 525
 - Set vehicular levels of service to reflect an emphasis on pedestrian and bicyclists. p. 525
 - Expand street connections by creating intervening streets to break up large blocks. p. 525
 - Block faces should not exceed 600 feet in length. p. 525
 - Reduce parking requirements within the station area. p. 525
 - Establish parking maximums. p. 525
 - Parking facilities should accommodate retail or other active uses at the ground floor. p. 525
 - Reduce large surface parking lots within ¼ mile of the station. p. 525
 - Well-designed structured and subterranean parking is preferred over of surface parking lots. p. 525
 - Encourage shared parking facilities where different uses require parking at different times of the day. p. 525
 - Proximity to Park n' Ride sites which could possibly accommodate parking during off -peak hours. p. 525
 - Make each station area a "place" - Make each station a unique environment, with distinctive design features that can be easily identified. p. 525
 - Design buildings to face open spaces or public streets, with minimal setbacks and with windows and doors at street level, avoid the use of expansive blank walls. p. 525
 - Minimize the walking distance between the transit station and buildings, by locating building entrances on the street. p. 525

- Locate all surface parking, with the exception of on-street parking, to the back of buildings and where necessary, provide pedestrian paths through surface parking to the station. p. 525
- Locate the tallest and most intensely developed structures near the station, have buildings that are adjacent to established neighborhoods limited to low-rise structures. p. 525
- Screen and limit unsightly elements (i.e. dumpsters, service entrances, outdoor storage, loading docks) from the public streets. p. 525
- Take into account safety and security concerns during the design process. p. 525
- Establish public open spaces that serve as focal points around transit stations as well as development catalysts. p. 525
- Develop open space to complement the transit stations. p. 525
- Design open spaces to be centers of activity that include items such as public art, benches, and fountains. p. 525
- Design buildings to open into the open spaces. p. 525

ASSESSMENT

More could be done to provide transit-supportive zoning regulations at all existing and planned transit stations. These areas could also be more aggressive in establishing no parking minimums, parking maximums, higher allowable densities, and density minimums.

COMMUNITY CHARACTER LAND USE POLICIES

- Traditional neighborhood development patterns should be encouraged, including use of more human scale development, compact development, mixing of uses within easy walking distance of one another, and facilitating pedestrian activity. p.367
- Communities should maximize the use of existing infrastructure and minimize the conversion of undeveloped land at the urban periphery by encouraging development or redevelopment of sites closer to the downtown or traditional urban core of the community. p.377
- Traditional downtown areas should be maintained as the focal point of the community or, for newer areas where this is not possible, the development of activity centers to serve as community focal points should be encouraged. These areas should be attractive, mixed-use, pedestrian-friendly places where

- people choose to gather for shopping, dining, socializing, and entertainment. p.369
- The traditional character of the community should be maintained through preserving and revitalizing historic areas of the community, encouraging new development that is compatible with the traditional features of the community, and protecting other scenic or natural features that are important to defining the community's character. p.372
 - New development should be designed to minimize the amount of land consumed, and open space should be set aside from development for use as public parks or as greenbelts/wildlife corridors. Compact development ordinances are one way of encouraging this type of open space preservation. p.373
 - Environmental sensitive areas should be protected from negative imprints of development particularly when they are important for maintaining traditional character or quality of life of the community or region. Whenever possible, the terrain, drainage, and vegetation of an area should be preserved. p.374
 - A range of size, cost, and density should be provided in each community to make it possible for all who work in the community to also live in the community (thereby reducing commuting distances), to promote a mixture of income and age groups in each community, and a range of housing choice to meet market needs. p.378
 - Over the next 20 years, the City will be a place where communities are better connected to each other and there are ample opportunities in which to invest, live, work, play, and raise a family. Atlanta will:
 - Be a diverse community in terms of race, age, and income by focusing on its youth and attracting young professionals while planning for an aging population;
 - Focus development in Northwest, South, Southeast and Southwest Atlanta and redeveloping of the commercial corridors and neighborhood centers;
 - Have a strong, diverse economic base that provides a range of businesses and employment opportunities that meet the needs of City residents;
 - Have a revitalized Downtown that serves as the heart and soul of the City; while continuing the ensure the vitality of its major employment centers;
 - Promote neighborhood-scaled nodes with quality retail and cultural opportunities;
 - Promote economic development through investments in transportation infrastructure;
 - Have a diverse and balanced housing stock that provides affordable housing, options to meet the needs at each stage of life, a range of incomes and economic situations, and proximity to jobs and services;

- Have an adequate infrastructure for special needs populations dispersed throughout the City;
 - Brand the City neighborhoods' identity by preserving the unique character of established neighborhoods and supporting revitalization efforts that will increase housing opportunities and neighborhood stability;
 - Respect and maintain the character of the City's residential neighborhoods and preserve single-family residential neighborhoods;
 - Revitalize and protect historic buildings, sites and neighborhoods that tell the City's story and ensure infill development that preserves neighborhood character;
 - Preserve historic African-American neighborhoods and promote their revitalization;
 - Preserve and enhance natural resources - watersheds, streams and waterways- and maintain the tree canopy;
 - Be sustainable City in terms of energy, waste-recycling, water management, land use, site design and green building well as local food production/urban agriculture in order to ensure a clean, healthy and attractive City and neighborhoods;
 - Have an urban environment that promotes community health and physical activity for all age groups;
 - Have active and engaged stakeholders that participate in City government and play a key role in achieving its vision;
 - Have a quality educational institutions that meet the needs of residents;
 - Be a bikeable, walkable and pedestrian-oriented community offering a variety of safe transportation options such as sidewalks, streetscapes, greenway trails, bike lanes, and ADA accessibility;
 - Expand MARTA and public transit services with increased access to transit throughout the City, and Develop a balanced, multi-modal transportation system that provides choices beyond the private automobile for local and regional trips;
 - Provide City services efficiently, have infrastructure in good repair, be safe and clean, have abundant, accessible and well maintained parks and greenspace, and a develop a long term water supply.
- p.401-2
- TODs near existing and proposed transit stops is critical to build that ridership for sustainable transit operations. It is also imperative that new TODs respond equitably to the needs of low and moderate income families, which are the most transit-dependent for employment mobility, and comprise over half of Atlanta's households. pp. 407-408

- Continue to promote Low Impact Development (LID) techniques to reduce the amount of stormwater runoff from impervious surfaces. p.409
- Continue enforcement of the Post-Development Stormwater Management Ordinance to ensure that post-development controls are functioning as designed. p.409
- Preserve, enhance and expand the undeveloped floodplain along the Chattahoochee River as public open space. Protect and enhance undisturbed and protected buffers along streams to protect and improve water quality. Support and promote daylighting of covered streams where appropriate to reduce flooding and provide a floodplain. p.409
- Promote environmentally-sensitive site design to protect environmentally sensitive areas and prevent mass grading and clear cutting. p.409
- Enforce the parking lot landscaping ordinance. p.410
- Develop a citywide streetscape master plan to include tree planting details. p.410
- Promote and facilitate urban agriculture, green roofs, community gardens and rainwater harvesting and particularly use of vacant land for community gardens. p.410
- Pass green building ordinances and remove bureaucratic hurdles that prevent sustainable development. p.412
- Create more dense, Transit-Oriented development. p.412
- Create guidelines for new development and renovations in historic, but unprotected, neighborhoods and commercial. p.413
- Protect the few remaining rural areas within the City against incompatible development patterns. p.413
- Develop City regulations to ensure potentially historic archeological sites and Civil War trenches are not destroyed. p.413
- Create long-term and sustainable strategies to prevent the demolition of abandoned and/or deteriorated (but salvageable) residential structures in City-designated districts. p.413
- Research opportunities to update and expand the range of the City's regulatory tools and enforcement techniques that relate to historic properties. p.413
- The expansion and maintenance of the tree canopy enhances Atlanta's image, ameliorates the climate, and mitigates environmental problems in the City. p.439
- A strong sense of neighborhood identity exists in Atlanta and should be capitalized on in any urban design plans. Many of the most successful residential neighborhoods are focused around parks and small historic retail centers, and provides street connectivity and sidewalk infrastructure. p.439

- Amendments to the Land Subdivision ordinance to allow the creation of parks adjacent to streets flanked by single-family and two-family homes overlooking the parks. Neighborhoods such as Grant Park, Ansley Park, and Candler Park include single-family and two-family homes that front onto parks with street frontage. Amendments to the usable open space requirements in the Zoning Ordinance to establish minimum criteria for usable green space in new multi-family residential development. p.439
- The inordinate amount of surface parking in Downtown, Midtown and along major corridors is currently a negative attribute for these areas, but it could also be seen as an opportunity for their redevelopment into new pedestrian-oriented mixed-use and residential developments. p.439
- Existing historic districts should be protected provide a continuity with Atlanta’s past that contributes to the image, unique character, and architectural heritage of Atlanta. p.439
- As Atlanta’s population continues to grow there are opportunities for infill and new development as well as redevelopment and revitalization of existing neighborhoods. p.439
- Implementation of quality of life zoning districts recommended by recent corridor studies and redevelopment plans would provide zoning controls for new development to create traditional, walkable communities and prohibit suburban-style, automobile-oriented strip development. p.439

ASSESSMENT

New tools are needed to provide appropriate methods of buffering and transitioning established single-family neighborhoods from adjacent higher-density districts. More can also be done to ensure a greater variety of housing options are provided for in residential zoning districts.

TRADITIONAL NEIGHBORHOOD (EXISTING) LAND USE POLICIES

- Preserve the residential character of Traditional Neighborhoods. p.457
- Promote diversity of housing types. p.457
- Protect single-family detached residential neighborhoods from encroachment by non-residential uses, incompatibly scaled residential development. p.457
- Encourage new housing development that is compatible with the character of existing neighborhoods. “Character of neighborhoods” is defined by attributes of the platting pattern, including the layout of streets and blocks, street connectivity, the shapes and sizes of lots, the natural topography, and the presence of mature trees. p.457

- Ensure that the size and scale of new homes are commensurate with lot sizes in order to provide adequate open space, permeable surfaces and tree cover on each lot. p.457
- Maintain, rehabilitate and replace the existing housing stock where appropriate. p.457
- Provide Traditional Neighborhoods - Existing with nodal neighborhood commercial areas, which are of such a size and character that all uses are within convenient walking distance of one another. p.457
- Protect and enhance natural resources. p.457
- Support local historic designation of potentially eligible historic neighborhoods. p.457
- Support the preservation and the development of senior housing units and particularly affordable housing units. p.457
- Prioritize installation of pedestrian and bicycle around parks, schools and public facilities. p.457
- Develop and adopt development guidelines to promote and encourage compatible infill-development. p.457
- Strengthen the City of Atlanta Tree Ordinance Ensure sidewalks are constructed with new development. p.457
- Ensure adopted bike routes are signed and marked. p.457
- Improve walkability of neighborhoods by repairing existing sidewalks and ADA ramps installing new sidewalks. p.457
- Research and implement the Atlanta Regional Commission Life Long Communities program and policies. p.457

ASSESSMENT

The Zoning Ordinance lacks adequate tools to better preserve the character and pattern of established single-family neighborhoods. Additional planning work is needed to ensure that opportunities are provided for proximate goods and services within walk-distance of established housing within neighborhoods.

TRADITIONAL NEIGHBORHOOD (DEVELOPING/REDEVELOPING) POLICIES

- New residential development should be more integrated to the street network and provide as much connectivity as possible. p.461
- Promote opportunities for mixed-income housing developments throughout the City. p.461
- Increase opportunities for home ownership for low and moderate-income residents. p.461
- Improve connectivity and transportation options/safety. p.461
- Prevent encroachment of incompatible commercial uses. p.461
- Aggressively enforce Housing Code and Demolition to remove slum and blight. p.461
- Support the preservation and the development of senior housing units and particularly affordable housing units. p.461
- Strengthen code enforcement. p.461
- Ensure sidewalks are constructed for all new development. p.461
- Redevelopment of AHA properties should engage the surrounding community. p.461

ASSESSMENT

More can be done to ensure that new development integrates a mixture of housing types into walkable and transit-accessible patterns.

LIVE WORK LAND USE POLICIES

- Promote the preservation and rehabilitation of historic and potentially historic buildings. p.471
- Encourage remediation of Brownfields to promote redevelopment. p.471
- Preserve industrial land uses, as appropriate, in order to promote industrial employment in the City. p.471
- Ensure that new construction is compatible with the industrial heritage of the area in terms of design and density. p.471
- Promote a compact pedestrian-oriented urban form with smaller blocks and an interconnected street network when large industrial parcels redevelop to other uses. p.471
- Maintain or provide for appropriate transitions from live/work uses to any adjacent residential uses. p.471

- Encourage increased transit options. p.471
- Promote connectivity to the BeltLine and BeltLine trails, where appropriate. p.471

ASSESSMENT

More can be done to ensure that the Zoning Ordinance provides for industrial development in ways that can flexibly adapt and transition over time into other uses and users. A new Industrial Mixed-Use zoning district is also needed in order to provide for lighter manufacturing and working districts that integrate residential uses.

NEIGHBORHOOD AND TOWN CENTER POLICIES

- Preserve and restore existing, traditional and pedestrian scale and character of buildings in established neighborhoods. p.475
- Promote a balance of retail, service, office, dining and residential uses serving the adjacent neighborhoods. p.475
- Place controls on the development of larger scale strip development which are intended to serve larger areas than a single neighborhood or a small group of neighborhoods. p.475
- Encourage integrated modes of transportation including pedestrian, bicycle, auto and the use of public transportation including MARTA by promoting "complete streets". p.475
- Require new infill development to be compatible with the scale, height and character of adjoining neighborhoods and discourage auto-orientated uses. p.475
- Provide attractive pedestrian oriented storefronts and activities adjacent to sidewalks such as outdoor cafes/ markets. p.475
- Facilitate safe, attractive and convenient pedestrian circulation with wide tree lined sidewalks that is part of an integrated transportation network. p.475
- Encourage the rehabilitation or development of neighborhood commercial areas to include proportionately significant residential uses. p.475
- Protect existing commercial areas from uses and building forms which are incompatible with the scale, character and needs of the adjacent neighborhoods. p.475
- Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements. p.475

- Encourage the adaptive re-use of existing building stock. p.475
- Encourage public/institutional uses such as community centers and libraries that encourage community gathering. p.475
- Provide means to improve balance of retail, services, and restaurants. p.475
- Allow for unique character of individual neighborhood centers including signage and gateway features as much as possible. p.475
- Adopt Neighborhood Commercial zoning in Neighborhood Centers. p.475
- Encourage mixed-use vertical buildings providing residential uses above retail uses. Prevent the expansion of non-residential uses into residential areas. p.475
- Provide diverse and more affordable housing opportunities accessible for all ages. p.475
- Preserve and restore the existing, traditional and pedestrian scale and character of buildings. p.475
- Place controls on the development of larger scale strip development which are intended to serve larger areas than a single neighborhood or a small group of neighborhoods. p.475

ASSESSMENT

Neighborhood commercial nodes and larger commercial district nodes should continue to be rezoned to regulations that provide quality urban design controls and that ensure mixed uses to ensure the implementation of city policy for these vital areas of Atlanta.

CORRIDORS LAND USE POLICIES

- Encourage revitalization and redevelopment of Intown Corridors that improves the sense of place and community, creates a well functioning corridor that facilitates traffic flow, provides transportation options, and supports a variety of land uses. p.506
- Promote and encourage the redevelopment of vacant, underutilized and auto-oriented development along Intown Corridors. p.506
- Promote more dense pedestrian-oriented development at activity nodes and major intersections. p.506
- Discourage continuous automobile-oriented development along Intown Corridors. p.506
- Promote and encourage mixed use (residential, retail and office uses) and multi-family residential development with a pedestrian-friendly urban form. Preserve and rehabilitate historic and potentially historic buildings located in Intown Corridors. p.506

- Encourage integrated modes of transportation including pedestrian, bicycle, auto and the use of public transportation including MARTA by promoting “complete streets”. p.506
- Along Intown Corridors, the highest densities should be along the street or rail transition to lower densities at the edges to protect and buffer surrounding neighborhoods. Surrounding neighborhoods should be buffered from noise and lights. p.506
- Demolish and redevelop abandoned, underutilized or vacant buildings in disrepair. Enforce zoning regulations, code enforcement and design guidelines. p.506
- Adopt MARTA Transit-Oriented Development Guidelines. Connect to the BeltLine where appropriate. p.506
- Seek to attain the vision established in the Redevelopment Plans and Connect Atlanta Plan. p.506
- Encourage more grocery stores and or fresh food options. p.506
- Streetscape improvements along Redevelopment Corridor intersections. p.506

ASSESSMENT

Address the excessive allowance of auto-oriented commercial uses along major thoroughfares by providing greater urban design controls, encouraging mixed uses, and in some cases, lowering commercial development densities in exchange for greater residential development densities.

legal assessment OF THE CURRENT CODE



Legal Assessment of the Current Code

The Zoning Ordinance, despite its mileage, is essentially a sound document legally. There are some areas of the Code that would benefit from immediate editing, such as the current sign chapter amendments intended to address recent Supreme Court precedent in that field, but overall the legal band aids that have been applied to the Code since its drafting in 1980 have performed fairly well. Legal challenges over the past 3+ decades have focused for the most part on decisions made in interpreting the Code and rezoning and permit activity, as opposed to core legal deficiencies. Core “facial” challenges that have arisen over the years, such as the challenge to the sign code prior to the 1996 Olympics, facial challenges to the city’s preservation program, and the attack on the early surface parking landscaping ordinance (*Parking Association of Georgia v. City of Atlanta*, 264 Ga. 764 (1994), cert. den. 115 S.Ct. 2668), have for the most part been unsuccessful.

The Ordinance’s real challenge from a legal perspective stems from what this assessment refers to as secondary legal problems. Secondary legal problems are those which are not necessarily unlawful in isolation, but which tend to create other legal difficulties when the code is used and enforced, which in turn results in legal challenges. One easy example of this type of concern is the definitions chapter of the code. The lack of basic code drafting rules - such as placing defined terms in alphabetical order, updating the definitions to include modern practices/uses, and keeping regulatory material out of definitions - creates confusion and errors in daily implementation. For instance, distance requirements and mandatory permit regulations for human services facilities such as assisted living are located in the definition chapter (29) of the Code. For the most part, those human services regulations themselves are acceptable. But by placing them in the definitional portion of the code, rather than, say, a chapter on Human Services Facilities, the public, and even experienced city personnel, experience unnecessary difficulty finding the regulations, much less applying them properly. This increases the odds that mistakes will be made that will result in legal challenges.

Another good example of secondary issues with the current Code is the relatively small but important differences that exist in the quality of life and other design-focused zoning districts, such as SPI, NC, MR and the Beltline Overlay regulations. Too often, one type of regulation in one particular district will be treated in almost but not quite the same way in another similar district. This results in real difficulty even knowing where those differences exist, as well as uneven application of similar regulations and resultant mistakes. Sometimes, one set of these design-focused regulations does a better job dealing with a particular issue than another similar set, resulting in a tendency to favor the “better” regulation by granting variations to the “less better” regulation. This type of secondary problem results in misuse of professional staff’s time, confusion to applicants, and legal uncertainty.

Many of these secondary legal problems can and should be corrected in the comprehensive update. The analysis below first summarizes the various types of common legal challenges in the zoning field, and then identifies some of the potential legal problem areas in the existing ordinance, with some commentary on how these problem areas might be addressed in the future redraft of the Code.

TYPICAL LEGAL CHALLENGES

The following lists typical legal challenges to zoning codes in Georgia. Understanding the types of legal issues that often arise in this field helps to assess the problem areas and provides guidance for correcting those parts of the existing code that may be more vulnerable to legal challenges.

Compliance with U.S. and Georgia Constitutional Provisions

Of course, all local zoning codes must comply with the United States and Georgia Constitutions. Constitutional law as applied to the land use field is vastly complex and evolves regularly. Typical problem areas in the land use field derive from the First, Fifth and Fourteenth Amendments to the U.S. Constitutional, and corollary provisions in the Georgia Constitution. Takings, procedural due process, substantive due process, equal protection, vagueness, delegation of legislative authority, and preemption cases are common problem areas that derive from violations of these constitutional provisions.

Compliance with U.S. and Georgia Statutory Provisions

Zoning codes must comply with all related federal statutory provisions. Common federal statutory provisions that impact zoning are the Fair Housing Act Amendments, 42 U.S.C. 3601 et seq. (often impacting local assisted living and multifamily residential regulations), the Telecommunications Act, 42 U.S.C. 332 (impacting cell towers and other telecommunication towers), and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. 2000cc (impacting regulation of religious institutions).

State statutory provisions related to zoning in Georgia have an interesting history. The 1945 Georgia Constitution authorized the General Assembly to grant to cities and counties the authority to enact zoning and planning laws. State enabling legislation was enacted in 1957. Ga. L. 1957, p. 420. This 1957 Act was codified in Chapter 69-12 of the Georgia Code Annotated at Code Ann. 69-1201 et seq. Home Rule was adopted in 1966, strengthening the ability of local governments to zone and plan at the local level. In 1976, however, local control was taken to a new level when the Georgia Constitution was amended so as to prohibit the General Assembly from regulating the power to plan or zone. Ga. Const. 1976, Art. IX, Sec. IV, Par II. In a case out of the City of Atlanta, *Warshaw v. City of Atlanta*, 250 Ga. 535 (1983), the Georgia Supreme Court concluded that there was an irreconcilable difference between the 1957 Act and the 1976 Constitution. Since the Constitution trumps legislation, all substantive power to plan and zone was determined to lie with local governments. This law is unusual in the United States, and has resulted in diversity in zoning regulations throughout Georgia – from no zoning at all to highly regulated cities such as Atlanta.

This law also has resulted in the rule that state legislation in the zoning and planning field must be procedural only. Substantive zoning and planning is the sole province of local governments. This is why state zoning-related legislation involves procedural issues such as public notice, or employs penalty mechanisms such as refusing grants or other funding sources as a way to influence local zoning policy. There are a number of state laws that seek to regulate zoning and planning within this limited framework. These include: The Georgia Planning Act, The Zoning Procedures Law (O.C.G.A. 36-66-1); The Mobile Broadband Infrastructure Act (O.C.G.A.36-66B-1); The Conflict of Interest in Zoning Actions Law (O.C.G.A. 36-67A-1); Transfer of Development Rights (O.C.G.A. 36-66A-1); Historic Preservation, The Metro River Protection Act, Impact Fees (O.C.G.A 36-71-1); Developments of Regional Impact, Annexation, certain subdivision and plat requirements, and others.

Preemption

Although preemption and many of the following principles actually derive from the federal and state constitutions, their importance to zoning matters merits individual attention. In simple terms, preemption is the principle that federal and state laws trump local government regulations. See, for example, *Franklin County v. Fieldale Farms Corp.*, 270 Ga. 272 (1998), which follows the history of the uniformity clause - the constitutional basis for the preemption doctrine - noting that the 1983 Georgia Constitution precludes adoption of local laws when general laws exist on the same subject, and that such preemption may either be expressly stated or exist by implication. See also, *Sturm, Ruger & Co. v. City of Atlanta*, 253 Ga. App.713 (2002). Of course, preemption is complicated in practice. Identifying where a conflict between federal and local law actually exists, for example, is much more difficult than one might imagine. But the general idea is that a zoning code in Georgia must comply with federal law as well as state law, and cannot regulate in a manner contrary to those laws.

Procedural Due Process

This area of law encompasses notice, hearings, and similar considerations. It is constitutional in derivation (Fifth and Fourteenth Amendments) but also has been the subject of state laws in Georgia, such as the Zoning Procedures Law. (O.C.G.A. 36-66-1 et seq.) Many zoning ordinances regulate hearing and notice procedures in a manner that exceed the basic requirements of the Zoning Procedures Act or even the Constitutional provisions. In general, the law in Georgia is that local governments must meet constitutional requirements, follow procedures in state law, and also strictly follow their own zoning procedures. (See cases such as *Threatt v. Fulton County*, 266 Ga. 466 (1996) and *Wilson v. City of Snellville*, 256 Ga. 734 (1987)).

Equal Protection

Based on the Equal Protection Clauses of both the federal and Georgia Constitutions, the basic rule here is that a rational basis must exist for treating similar persons or properties or classes differently. There are certain so-called protected classes in which heightened scrutiny is applied. But for the routine zoning matter, the idea is that a governmental entity must be able to demonstrate a rational reason for treating similar persons or property differently, both in its ordinances and in its application of those ordinances. (See, *Rockdale County v. Burdette*, 278 Ga. 755 (2004)).

Takings

This important legal issue derives from the Fifth and Fourteenth Amendments to the federal constitution and a similar but not identical provision in the Georgia Constitution. It is among the most abused and misunderstood concepts in land use law, and opinions on what constitutes a taking vary widely. Notoriously complex, there are no real shorthand rules.

In the federal context, the law as it applies to land use is controlled, for the most part, by U.S. Supreme Court precedent. More recent precedent in this area indicates that only local regulations that deprive a property owner of all economically viable use, result in a physical taking, or severely burden a property under the 3-part rule announced in *Penn Central v. New York*, 438 U.S. 104 (1978) will violate the Fifth Amendment. (*Lingle v. Chevron*, 544 U.S. 528 (2005)). It is generally accepted that mere reduction in value alone does not violate this provision, since nearly all zoning regulations can be said to reduce value to some extent over a non-zoned condition. Few monetary federal takings cases have succeeded in Georgia, or nationally for that matter.

The law under the Georgia Constitution is similar but not identical. Most of these takings cases get into court following an adverse decision by the local governmental legislative body on a requested rezoning. In these cases, the Georgia Supreme Court has established a set of criteria under which decisions are evaluated. The sole issue in a rezoning case is whether the existing zoning classification on the parcel of property is or is not constitutional. (*City of Atlanta v. TAP*, 273 Ga. 681, 683 (2001).) The existing zoning is presumed valid. The party challenging the existing zoning of property has the burden of making two showings. First, it must prove by clear and convincing evidence that the existing zoning presents a “significant detriment” to the landowner. (*Dekalb County v. Dobson*, 267 Ga. 624 (1997).) Showing that a different zoning would make the plaintiff’s property more valuable does not evidence constitutional detriment as a matter of law.

If the plaintiff establishes significant detriment, it must next show, also through clear and convincing evidence, that the existing zoning is “insubstantially related” to the public health, safety, morality and welfare. *Id.* Consistency of the existing zoning with a county’s adopted Comprehensive Land Use Plan is the primary means of establishing a reasonable relationship to valid public interests. *TAP*, *supra*. Because of this, consistency between zoning codes and the comprehensive plan is very important. If the plaintiff meets the threshold

burden, then the governing authority may introduce evidence justifying the existing zoning as “reasonably related” to the public health, safety and welfare. The court then balances the detriment to plaintiff against the public considerations that justify the existing zoning on each parcel to determine the constitutionality of the existing zoning classification that is being challenged. *Dobson*, supra.

Vested Property Rights

This is a very important principle in zoning law. A property interest in a parcel of property or its use are said to vest when the process has reached a point at which the government may not take those rights away without payment of compensation. In many states, this point occurs upon actual physical issuance of a building permit. However, in Georgia - at least for the time being - property interests vest upon mere application of a proper building permit. (They also vest, of course, upon actual issuance of a proper and legal building permit. See, e.g., *WMM Properties v. Cobb County*, 255 Ga. 436 (1986)).

In Georgia, the use of interim controls becomes more important because of this rule on vesting. To protect the status quo, interim controls that stop new applications from being filed often are necessary in order to protect public interests. Generally, such controls are upheld if properly drafted. (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)). Recently, Atlanta used Ordinance 15-O-1298 for this purpose in the sign context. In addition, the advent of more creative zoning tools - such as the use of SAP’s in many of Atlanta’s zoning districts - leads to legal questions as to when such permitting devices, as opposed to a traditional building permits, create vested rights.

Nonconforming status is a similar but not identical concept. Generally, a use is deemed to be nonconforming when it has lawfully occurred for a period of time prior to being made unlawful by a new zoning regulation. Property interests associated with these lawful nonconformities were the genesis of nonconforming provisions in zoning codes; in Atlanta, this is Chapter 24 of the Zoning Ordinance. One interesting legal aspect of this area of law in Georgia is that while nonconformities will survive a transfer of ownership, vested rights are considered personal to the owner and may not survive a land transfer. (See, *BBC Land v. Butts County*, 281 Ga. 472 (2007)).

Regardless, while vested rights issues will arise from time to time based on the particular facts of a case, non-conformities can and should be addressed in zoning codes with particularity. The use of complex zoning tools allowing myriad uses on a single property has blurred the old rules regarding nonconformities. As a consequence, much more focus should be applied to crafting rules on nonconformities in jurisdictions, like Atlanta, that employ hybrid codes.

Vagueness

If persons of ordinary intelligence must guess at the meaning of a word or phrase in a zoning code, a vagueness claim may be around the corner. Vagueness is a due process concept requiring that ordinances be understandable and give fair warning of what is prohibited. It has particular relevance in the zoning field when applied to definitions. A good example is the recent “party house” case *Burton v. Glynn County, Ga.* 297 Ga. 544 (2015): while an occasional party or wedding event at a single family residence may be within the meaning of an “accessory use”, increasing the numbers of events and mechanizing the use of a home for parties goes beyond the common meaning of that phrase. Therefore, the definition of single family residential in the Glynn County code survived a due process vagueness claim.

LEGAL ASSESSMENT

The following identifies some of the sections of the Atlanta Zoning Ordinance that would benefit from revision from a legal perspective.

Sign Provisions

Sign regulations present very difficult legal challenges for local governments. Despite this difficulty, most cities in the United States now recognize that sign regulations are among the most important regulatory tools for enhancing aesthetic appeal and increasing public safety. The City’s sign ordinance, codified at Chapter 28A of Part 16, has done fairly well over time considering the challenges of effectively regulating and enforcing signs in a rapidly developing business environment. The sign code also has recently been amended to

better accommodate *Reed v. Town of Gilbert*, 2015 WL 2473374 (2015), a U.S. Supreme Court decision that made regulating signs based on sign content more difficult and has jurisdictions all over the country scrambling to interpret its complex – some might even say convoluted – holdings.

One difficulty with the city's current sign ordinance is that it addresses sign regulations sequentially based on all of the many zoning districts that have been added to the zoning code over time. It also follows a format that was designed to help reduce sign clutter through an on-site/off-site system. Though previously upheld in federal courts in this Circuit, this type of sign regulation structure should be re-thought after *Reed* and other recent cases, as that type of structure may present legal issues that are no longer worth the legal battle to uphold. The current amendments will address the *Reed* issue but do not really address the structural awkwardness of the sign code in general. While not necessarily a legal problem itself, the unduly complex structural nature of the sign code would benefit from a major rewrite.

Sign controls could be similar in many districts and become much more streamlined, focused on core concerns based on public safety and aesthetics such as number of signs, their size, lighting, height, moving parts, portability, improved graphics and similar non-content concerns that would not be subject to the strict scrutiny review addressed in *Reed*. In addition, the enforcement difficulties in the sign code could be somewhat alleviated if the code provisions were simpler and more measurable. This does not necessarily mean there would be more signs – policy decisions could dictate whether certain types of signs would continue to be permitted and, if so, in what number. The complexity of such an undertaking usually requires that the effort be outsourced by cities and counties, but given the importance of good sign regulations to the visual appeal and safety of a city, the effort is important to consider.

Telecommunications Provisions

Currently, the city's telecommunications regulations are contained in Section 16-25.002(3), which is the section of the zoning code dealing with criteria for Special Permits. There is little doubt that these provisions should be removed from Special Permit criteria and placed in a separate code section or chapter that systemically regulates these towers and communications.

Additionally, the regulations themselves should be bolstered and updated. Amendments to the federal Telecommunications Act of 1996, particularly 42 U.S.C. 332(c), and the Georgia Mobile Broadband Infrastructure Act, O.C.G.A.36-66B-1, have resulted in numerous new federal and state imposed provisions, particularly related to colocations and so-called “shot clock” rules within which certain decisions must be made. The City’s telecommunications ordinance should be systemically updated to bring it into closer alignment with these federal and state amendments.

Definitions

As noted above, the City clearly needs a new updated set of definitions. The definitions are often unclear, very difficult to find, out of alphabetical order, and contain substantive and procedural regulatory materials that do not belong in definitions. In addition to rewriting the current definition chapter now located at 16-29.001 et seq., the numerous definitional provisions scattered throughout the zoning code need to be consolidated into one section of the code to the greatest extent possible. In areas of federal and state regulation, such as assisted living regulations and telecommunications, the definitions must mirror those regulations.

A large part of this exercise regarding improved definitions should center around the definitions of permitted uses. Many use definitions are out of date - such as millinery shops. Others are duplicative and cause legal confusion - such as service stations, gas stations, and convenience stores. New uses often include multiple categories that need to be reflected in the code. For instance, a clay studio may also sell clay products, conduct classes, provide work stations, sell coffee, allow use of kilns, and so forth. New creative multiple-use retail establishments need to be better identified and defined so that they are allowed where acceptable to the community in which they locate.

An added note on religious institutions may be warranted. Although First Amendment and RLUIPA protections are extremely important, definitions pertaining to protected institutions should also heed the fact that some such institutions may be engaged in activities that are excellent for the community but not actually protected by those laws. Day care facilities, athletic fields and meditation centers are good examples of activities that may fall outside First Amendment control in terms of the degree to which regulations may be applied. In addition, these definitions often tie into distance requirements for alcohol related uses. Therefore, how a

religious institution is defined should be carefully reviewed to ensure that it does not violate federal law, does not exempt those uses that are clearly outside of federal and state protection, and does not unduly restrict other businesses when they are otherwise acceptable from a public policy point of view.

Enforcement of the zoning code

One of the primary legal problems in zoning matters in general stems from a lack of aggressive and coordinated zoning enforcement. This not only applies to the code text, but also to conditions that have been applied to a zoning district by City Council. Over time, indecision and lack of enforcement only creates more woes. Usually, these issues are manifested by equal protection challenges, the argument being that a lack of enforcement on similar problems over time eviscerates the ability to enforce the new problem at hand. In addition, in areas such as sign controls, lack of aggressive enforcement can result in nonconformities that may appear lawful but that are in fact illegal and therefore not legally protected. Allowing such uses over time only worsens the condition.

Enforcement funding and efficiency is outside the scope of this assessment. But it is mentioned here because when enforcement is not properly supported by staff and budget, or crosses over departmental lines in an inconsistent manner, many legal issues ensue. It is the belief among many practitioners that if a zoning regulation or a zoning condition either cannot or will not be enforced in the real world, the jurisdiction is better off without the regulation in the first place. The ability to effectively enforce a regulation should come first when fashioning meaningful zoning reforms - not last.

TDR's

Transfer of Development Rights is authorized by state law and has been used successfully in Atlanta for many years. However, the provisions in the Zoning Code suffer from several secondary problems that should be addressed.

The first problem is that these provisions are scattered throughout various sections of the code. There is a central provision located at section 16-28.023, but there also are additional restrictions buried in specific district locations, such as section 16-35.007(1)(l) (MR District regulations) and 16-18P.007(1)(f) (SPI 16 District

regulations), to name just two examples. The disparate sections should be consolidated, and where differences in TDR allowances are appropriate, they should be more clearly identified.

Another problem is that the mechanisms now in place for TDRs are extremely complex and in some instances not achievable. For instance, section 16-28.023(b) has a provision requiring that executed affidavits be provided at the time of application. In the transactional world, however, these affidavits can not be produced until the SUP has actually been adopted by City Council. Another difficulty is that caps on the transferred development rights, if any, are unclear, as is the application of transferred density to density bonuses. A final problem concerns the extent to which a TDR can allow a receiving parcel to exceed the CDP density cap. This assessment takes the position that density transfers via TDRs should not be permitted to allow the receiving parcel to exceed a CDP density cap. Such backdoor changes to the CDP should instead be achieved, if at all, by amendment to the CDP following public notice and policy debate.

The City's TDR program should be reviewed carefully in light of the new zoning districts and densities that now exist throughout Atlanta, particularly if those districts are changed or revised. The program should be directed to areas where its core purpose - preserving historic buildings or sensitive land - are needed. It should be simplified and edited to make the process more focused and easier to accomplish. Finally, the results of these transactions should be tracked carefully, not only on the city's files but on the zoning maps so that transferred densities can be more easily identified and incorporated in the city's master planning process.

Coordination with Other Related Codes

The biggest offender here is probably the current disconnect between the subdivision ordinance codified as Part 15 of the Code, and the Zoning Ordinance at Part 16. This has resulted in many difficulties. One prime example is the ability of some property owners over time to manipulate the size or shape of a lot under Part 15 so as to avoid the implications of the zoning code related to transitional yards and height planes. Creating a lot solely for the purpose of avoiding an important zoning regulatory tool such as a transitional yard is a practice that should be unlawful, as it subverts the intent of the City Council when creating these zoning protections in the first place. Another example is the current inability of the subdivision code to accommodate some of the more recent zoning districts that may require greater flexibility in order to succeed. Street design, block sizes and lot layout restrictions are examples of subdivision regulations that have not caught up with

newer zoning tools and are accordingly not in sync. These types of problems persist because the two codes are not sufficiently integrated, and this lack of coordination has resulted in legal difficulties that will continue until corrected. It is recommended that the two codes either be unified, or at the very least closely reviewed in tandem so as to remove the inconsistencies that now exist.

Although technically limited in scope to the zoning code, this legal assessment has revealed that many other codes should be simultaneously revamped should the zoning code be updated in a systemic way. The secondary legal problems identified above are of particular concern here. The Office of Buildings, particularly in the areas of zoning enforcement and coordination with Planning reviews such as SAP's, clearly should be a part of future review. Current time delays alone would warrant such integration, although substantive issues also exist. Whether due to staffing issues or the current complexity of the reviews, it is not unusual for SAP and other administrative decisions to exceed the time periods specified in the ordinance. A related issue is the repeated use of multiple redlined comments, sometimes involving areas of a site plan under consideration that already has been reviewed and implicitly approved. These kinds of review compliance issues can raise serious legal problems that are easily corrected by adjustments to the regulations so that what is reviewed is much more clear, realistic review periods that are strictly enforced, and adequate staffing.

Another example of needed regulatory integration is with the Watershed Department. Far too often, competing regulations and detached review processes result in delays and inconsistency between zoning approval and development approval. Site Development, by way of example, utilizes a set of regulations that on many occasions may allow for progressive green infrastructure options; but because the review is out of sync with the zoning review, such benefits are lost in the zoning processes and, to make matters worse, often result in inconsistencies during the development phase of a project. A final good example is the lack of good parking, distance and definitional coordination between the alcohol code and the zoning code. Some of these inconsistencies have been corrected over time on an ad hoc basis, but a redraft of the zoning code must do a much better job of coordinating these 2 important codes.

From a legal perspective, a unified code would help solve many of these issues. It would force the drafters to review all of these related codes and coordinate the processes they use. Recognizing, however, that such an undertaking may not be the policy direction that is chosen, close regulatory review and better coordination

between departments at much earlier stages of development including rezoning and site plan amendments – and unification of the subdivision code and the zoning code – would appear to be warranted at a minimum. Any redrafting effort of the zoning code must direct the drafters to coordinate processes that exist between related codes. Part of that effort will be simple hard work on the part of the drafters; but the other part may be a need to revisit the processes themselves as well as the structural setup of the various Departments involved so that future coordination and time savings for the public are realized. When so-called “one-stop shops” work it is because the underlying codes are drafted in a way that makes streamlined review possible. In addition, the communication between departments that is required to make this kind of smooth development review happen must be mandated in the structure of the new code.

Historic Preservation

Given that the City was losing historic building fabric at a disturbing rate prior to its adoption, the Historic Preservation Program in Atlanta has been, for the most part, very successful. It bucked the trend nationally in several distinctive ways by protecting resources through a zoning process rather than through a separate overlay and by creating a panel mechanism for review of demolitions. See, 8 PLR 1018 (1989 Annual). While some of the legislative processes required to designate districts, in particular, have been bumpy, once designated, buildings have for the most part been protected and been able to enjoy various forms of tax incentives and other benefits, with a few very notable exceptions.

Despite its successful track record, it is a good time to consider review of the preservation program and its regulatory structure. Suggestions can be made to restructure and possibly amend some of the provisions relating to the preservation program that are now contained in Part 6. These include: review of the AUDC’s review and comment authority over a wide range of city projects, which review often does not have the force of law and cannot be enforced; coordinating or even integrating the Part 6 provisions with the Charter provisions and Chapter 20 of Part 16 so that readers are not required to search different Parts of the Code; and improving consistency between these the Part 6 provisions and current or improved AUDC staff practices.

To a certain extent, the structural differences that exist within different designated districts also should be evaluated so that better consistency is achieved and formatting more closely resembles that found in other zoning districts. AUDC staff already has begun this process as Districts are updated but that work should be a part of future code revisions so that it is consistent for all designated districts. Definitions, both those within

the actual definition section of Chapter 20 (Section 20.002) and those embedded in various districts, should be reviewed for accuracy, completeness, and consistency. Requirements for Certificates of Appropriateness, particularly Types 1 and 2, should also be reviewed so that they are streamlined and consistent. In some district regulations, the requirements for Type 1 and Type 2 CA's vary considerably. Consideration should be given as to whether these types of certificates should even be required in all districts; eliminating some minor review may reduce the burden on the Commission without sacrificing protection of historic resources.

Finally, it is noted that Conservation Districts have not been used with any frequency. There is only one such district thus far and review is non-binding. Consideration should be given to the possible creation of another design-related district - perhaps one not necessarily based on historic preservation principles but rather on specified design principles such as height, garage locations, setback flexibility, and so forth - that could achieve certain neighborhood design goals without being subject to the certificate process under Chapter 20. If such a district were located outside the preservation code and replaced the Conservation Districts, meaningful but streamlined overlay design districts could be created that did not add to the very busy AUDC workload.

Planned Developments

Some legal confusion has arisen over time through uneven application of the PD district requirements. (Chapter 19 of Part 16.) Street dedications, plat issues, infrastructure dedications and ownership, and density questions top the list of these issues, and others exist as well. Policy direction has been provided in order to clarify some of these ongoing issues, but application of policy directives is inferior to sound regulatory requirements and these directives have, at times, evolved based on personnel changes.

There is a two part fix to this problem. The first is to develop regulations that fix past inconsistencies and issues. If the existence of correctly dedicated public streets or public infrastructure is unclear on past projects, they should be identified and clarified consistently through corrective legislation that treats all projects with existing problems similarly. The second part of the fix would be to overhaul the PD district regulations so that they are much more clear as to when or even if infrastructure can be private, what density limits will apply, and when they can be used. As a core legal matter, it seems unwise to continue to allow the use of PD districts as a means of avoiding subdivision and street layout issues. (See section III.6. above.) The preferred solution from

a legal point of view is to correct those underlying discrepancies in the subdivision code that push developers to the PD regulations in the first instance. These include outdated street size dimensions, inconsistencies in lot layout requirements, inconsistent treatment of alleys and sidewalks, inconsistent or outdated bonding requirements, and other technical considerations.

Rezoning and SUP Conditions

Zoning conditions are lawful in Georgia when they are clear, and when they serve to ameliorate negative impacts of the zoning action on surrounding properties. *Cross v. Hall County*, 238 Ga. 709 (1977). Contract zoning, in contrast, is not lawful as it violates the legislative nature of the rezoning process and invites improper motives.

The core problem in this area of the zoning code is that written conditions are often complex and designed at the neighborhood or NPU level. Often, conditions perceived by the neighborhood or NPU as needed to allow recommended acceptance of a particular rezoning or SUP are not acceptable to the Office of Planning. This, in turn, creates confusion and inconsistencies that often appear late in the process and may even require Councilmember involvement to rectify. In addition, the development community may perceive the pressure to agree to some conditions unfair as it is outside the actual legislative process and sometimes requires more documentation than is actually required by the code. Enforcement of such conditions can become very difficult. This problem in recent years has resulted in private agreements between certain neighborhoods or NPU's and applicants that exist outside the regulatory structure of the zoning code and are privately enforced. This private exchange tends to favor those neighborhoods that can afford the legal costs associated with developing and enforcing these private agreements.

A related issue is the need to monitor the "nexus" between conditions applied to various types of applications and the actual legal standards that apply to that application. The U.S. Supreme Court refers to this legal issue as a requirement that there be a "rough proportionality" between the condition and impact of the proposed development. (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)) If the condition imposed has nothing to do with the impact of the proposed development, or drastically exceeds the scope of legitimate, related review, there may be a legal problem. This is a Fifth Amendment Taking issue as viewed by the Supreme Court. This legal concern also should apply to the scope of review by the city and reviewing bodies. Reviewing bodies ought

not to use a variance application, for example, as an opportunity to review tangential issues – such as materials used in construction - that have little or nothing to do with the variance requested. Nor should additional materials be required of applicants with regard to such unrelated issues – such as a traffic study required of an applicant requesting a height variance. While as a legal matter the ability of the city to control or monitor this type of activity by outside review bodies may be limited, it should at a minimum be a part of any training received and perhaps be made a part of the procedures section of the comprehensive new code, as such activity can have important constitutional dimensions.

The underlying legal problem seems to be that the regulations are not doing a sufficient job of protecting the public interests on any given development project. There are too many loose ends and missing pieces and inconsistencies in the regulations themselves. These regulatory failures force neighborhoods to make up the protection themselves on an ad hoc basis through conditions, not all of which will find their way into the actual rezoning legislation, often because the conditions are marginal legally, poorly-defined, or incapable of enforcement. New regulations will go a long way towards correcting this problem. In SPI12, for instance, the regulations tend to be detailed, which in turn reduces the need for rezonings in the first place and reduces the need for complex conditions when rezonings or SUPs do appear. This was achieved by studying the conditions that predated those regulations and attempting to ensure the new regulations addressed those legitimate neighborhood concerns that previously required a condition. A similar thought process should be used when drafting the new zoning code, the goal being to eliminate the need for individual conditions whenever possible. In addition, there needs to be restrictions on the use of conditions that are needed in the future so that they are consistently and fairly applied and enforced.

A parallel legal issue is and will continue to be the nonconforming nature of many of these old conditions. The current Chapter on nonconformities (Chapter 24 in Part 16) is not up to this task. It will need to be revised so as to deal more efficiently with these nonconformities and find ways to allow certain changes or expansions to nonconformities that do not harm the public good. The complexity of modern zoning codes often makes the use of old nonconforming formulas obsolete. When the new code is created, it will clearly need to address this issue of nonconformities in new ways that reflects these changes.

Reducing Duplicative Provisions

This issue was mentioned in the summary above. A review of the SPI and other quality of life districts reveals that many provisions are not only complex – they are not identical from district to district for no apparent reason. Part of this is because as new districts were created, new and perhaps better ways to address planning concerns were created. When older districts were not similarly updated, inconsistencies that do not make much sense were created. Another issue here is that many of these QOL regulations are unnecessarily repeated in each district. This creates lengthy language that is duplicative.

The solution is to remove the recurring design regulations that appear in all of these districts and consolidate them in one new location in the code. They may not all need to be located in the zoning code as many of them pertain to public rights of way and street design. During this process, the regulations to be moved need to be reviewed to make sure that if district-by-district differences do exist, they are for a very good reason. This action alone will reduce the size of the code considerably, as well as make review and permitting easier and faster.

Removing/Collapsing Districts

As new and better zoning districts were created in Atlanta over time, particularly those involving the design oriented and QOL districts, older zoning districts were not deleted. Typical examples are the SPI districts 2,3,4 and 13. The legal issue here is not necessarily a legal defect with the older districts. It has more to do with consistency in the zoning map, consistency with new and old permitted uses, definitions, and similar concerns. The earlier districts should be closely reviewed to determine if they continue to have relevance in a revised code. Some of them very well may. But those that do not should be collapsed into more appropriate districts and rezoned accordingly upon completion of the revised code. This will result in better efficiency and less duplication.

Compliance/Coordination

Section II.F. above summarized the legal test in Georgia with regard to rezoning challenges in superior court. The second portion of that legal test – consistency of the existing zoning with the public health, safety and welfare – is often demonstrated by compliance of the existing zoning with a strong Comprehensive Development Plan. *TAP*, supra.

The need to closely review and update the CDP and other plan processes cannot be overemphasized. Those legal underpinnings form the primary line of defense against challenges to the city's zoning codes, both facial challenges and those applied to a particular zoning dispute. To withstand various kinds of constitutional attacks, legislation must advance legitimate public interests. This is a basic legal requirement. The very best way to establish that link is through a vigorous planning process that identifies what those public interests are and establishes how they will be advanced in the zoning code. Textual elements, neighborhood plans, and mapping all help the courts identify connections between specific zoning regulations and public interests. They are essential tools to creating a legally sound zoning code.

Public Processes

Currently, Atlanta may lead the nation in terms of the volume of neighborhood review processes that follow attempts to rezone, seek a variance, secure a special use permit, or make other code amendments. There is DRC review in SPI and now Beltline districts, neighborhood review, sometimes including a neighborhood zoning committee, NPU committee review, NPU review, ZRB review, Zoning Committee review, and finally action by Council and the Mayor. Usually, what is required of an applicant varies depending on which NPU is involved. Many NPU's have different structures and review rules. There are few bylaw restrictions imposed by the city. The creation of this extensive NPU and neighborhood review system was intentional, as the idea was to allow for a largely independent and rigorous neighborhood review to make recommendations to the official city bodies on zoning and on other important issues.

From a legal point of view, wide discrepancies in the type of reviews neighborhood by neighborhood as well as the volume and type of information required by each non-city reviewing entity can create due process and equal protection problems to the extent that they can be attributed to City actions or policy. It is a common theme in the development community that there is now too much pre-city zoning review at the neighborhood and NPU level - that the pendulum has swung too far. Many neighborhood leaders would dispute that point of view. One legal point that is not really in dispute, however, is that the system is not even across the city and that it is confusing to the uninitiated.

Community involvement in the zoning processes should be addressed and probably modified in the new code's procedures. One thought is to have the various neighborhood reviews within each NPU identified

and computerized up front, so that when an application is filed, the neighborhood review as well as the NPU review is identified and scheduled at the onset. Limits also might be placed on the number and scope of reviews and deferrals pre-ZRB. This would make the process cleaner and serve to reduce the possibility that due process related mix-ups occur. Another thought is that neighborhood leaders should be trained and this training process institutionalized and properly funded. Neighborhoods sometimes apply criteria and standards that are not a part of the city's criteria for any given application, in part due to the complexity of the city's processes, which few fully understand. Training on these processes and the relevant criteria would help those in leadership roles and strengthen the review system.

Variations

The City's current criteria and process for variance and special exception applications (Chapter 26 of Part 16) is traditional but has been very successful over time. There is a fairly clear understanding of which board handles which application, and the methods needed to secure superior court reviews have been mostly understood by the legal community.

A couple of areas of improvement, however, should be considered. One is better direction as to the degree to which an applicant's past transgressions - such as building in the setback without knowing it violated the requirements - should be tolerated. Another is the ability to consider enlargements or changes to certain species of nonconformities. Building vertically above a nonconforming setback area - such as adding a second story to an existing nonconforming side building - is a classic example. Another idea is to address the variance and special exception criteria and update those criteria so that they are reflecting current practices as well as new code changes. All of these changes would improve the legal defensibility of the code and help it run more efficiently.

A final thought is to develop a new system of administrative variances - those determined administratively by a person based on clear criteria and metrics. Too often, very minor variances kick in the full hearing requirements at the BZA. There needs to be a mechanism for allowing these to be resolved short of a 2 or 3 month review process. If the criteria for these decisions are properly drafted in a manner that defeats claims that legislative or quasi-judicial authority has been unlawfully delegated (the primary legal issue with these administrative variances) these administrative adjustments will work and should be upheld.

It is highly recommended that an administrative appeal opportunity for those parties aggrieved by the administrative decision be installed, just as, for example, SAP permit decisions can be appealed to the BZA. One problem with administrative variances is the fear - which has proven accurate in some jurisdictions - that all development will simply be adjusted to the new metrics. So if, for instance, a setback can be administratively varied by 6 inches, a 10 foot setback will now become a 9 foot 6 inch setback in practice. This issue will need to be addressed to make a new system succeed by requiring specific criteria for such administrative review.

SUP and Rezoning Criteria

Although the SUP criteria in Chapter 25 have worked quite well over time, they can be updated and improved. It is anticipated that any new zoning code would create a section or chapter in which special uses are addressed and standards for these special uses developed. These more specific criteria would lessen the pressure that now exists on the current fairly broad SUP criteria. In addition, those criteria that are applied more broadly to each SUP application should be tightened and better directed. Currently, these criteria are somewhat ill-suited to the more recent zoning districts and uses allowed in those districts. Off-street loading areas and refuse locations are examples of criteria that are now outdated and should be eliminated or re-fined. (See, 16-25.002(3)). Since the legal defense of an SUP decision is driven largely by the record and adherence to these criteria, this is a very important legal consideration.

While a different legal review standard applies to rezoning criteria (16-27.004), they also should be refined and updated once decisions have been made in the new zoning code regarding which districts will be used and how changes to those zoning districts should be reviewed. Certain other procedures in Chapter 27 also should be updated. For example, the documents required as a part of an application should be reviewed once the criteria are updated to be sure that they reflect what is needed to review the application and do so using current technology. It should be clarified that text amendments initiated by the local government do not require posting consistent with the state Zoning Procedures Law.

Other Considerations

This analysis is not exhaustive. The city's zoning code is just too complex to capture all of its legal issues in this simple assessment. It is an ongoing process and one that will be updated as this diagnostic continues and well into the drafting process.



summary
OF RECOMMENDATIONS

Summary of Recommendations

The recommendations of this report are consolidated and summarized in this section. The broader “Big Ideas” that undergird all of this diagnostic’s recommendations are also provided here to further articulate the rationale for the findings of this report.

BIG IDEAS

Hybrid Code

- Pursue a Hybrid Zoning Code approach.
- Provide a balance of use-based and form-based regulations.
- Provide more design regulations in some areas, less in others.
- Create regulations that are more easily understood and administered than a pure form-based code.

Unified Zoning and Subdivision Ordinances

- Consolidate Parts 15 (Subdivision Ordinance) and 16 (Zoning Ordinance), which are too closely related to remain separate.
- Make necessary amendments to other City Codes.

User-Friendly Code

- Write in Plain English, not “legalese.”
- Use illustrative graphics to make requirements easier to visualize.
- Make use of tables for allowed uses and other requirements.
- Improve definitions so they are clear and leave no room for interpretation.
- Supplement code updates with website enhancements.



Place-Based Zoning

- Document existing development patterns to identify place types.
- Establish place-based zoning that can be tailored to neighborhoods, corridors, and districts.
- Recognize that some place types may be more walkable/urban and some more drivable/suburban.
- Tie place types to the updated CDP.

Fewer Districts

- Remove districts that exist in the code but are not on the zoning map.
- Consolidate SPIs.
- Reconsider whether each current district is necessary.
- Consider creating "Legacy Districts" (that remain on the zoning map but not available for rezoning) in order to reduce non-conformities and preserve existing entitlements.

Staffing

- Consider the staffing implications of every potential new regulation.
- Provide sufficient staff resources to properly administer new regulations.
- Invest in updated technology and application processing procedures.

RECOMMENDATIONS: Improving Urban Design

Urban Design Quick Fixes

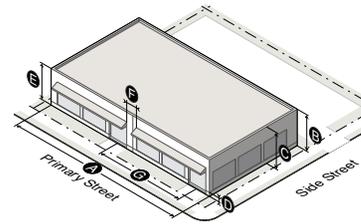
- **1.1. Building Placement.** Revise building setback regulations in Quality of Life districts to allow buildings within these districts to be located closer together -- as close as other city codes related to safety will allow, with or without windows.
- **1.18. Master Plan Provisions.** Master Planned Developments. Insert language into the Quality of Life and RG zoning districts that allow developments with numerous parcels to be "master planned" so that the full set of district regulations are applied to the entire development site instead of to every individual parcel or sub parcel.

Urban Design Future Code Changes

- **1.2. Building Types.** Utilize a basic building type approach as part of the Atlanta Zoning Ordinance update. Given a strong public sentiment to make the Zoning Ordinance easier to understand, a desire to improve the quality of the built environment in many areas, and staffing limitations, a basic building type approach represents a viable balance of these various objectives.
- **1.3. Accessory Buildings.** Include both primary buildings and accessory buildings in the building type approach. Examples of accessory buildings should include carriage houses containing garages, accessory dwelling units (where permitted), or both.
- **1.4. Missing Middle Housing.** Define Missing Middle Housing building types.
- **1.5. Architectural Styles.** Avoid architectural style requirements. As noted earlier, building types are inherently style neutral. If certain areas of the city choose to regulate style, other tools, such as historic districts are available.
- **1.6. The Role of FAR.** Determine whether to regulate density by floor area ratio (FAR). If FAR remains as a density regulating tool, it should:
 - Simplify definitions of what is counted in floor area.
 - Not differentiate between residential and nonresidential FAR.
 - Use net lot area as the basis for calculating FAR in all districts.
 - Eliminate the Land Use Intensity Table.
 - Base parking and open space requirements on place type rather than FAR.
- **1.7. Elements of Density.** Simplify what constitutes floor area. As part of this, determine if above-ground parking decks should be included, how accessory structures (such as gazebos) are treated, and how various attic and basement arrangements are treated.

I. Single-Story Shopfront

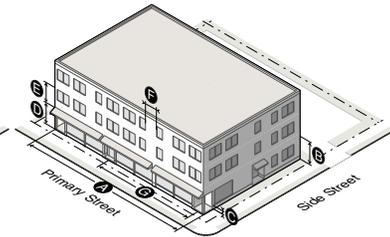
A single-story building type designed to accommodate retail or commercial activity.



| Lot | | |
|----------------------------------------|-----------------|---|
| Street-facing facade length | 200' max | A |
| Height | | |
| Building height | 1 story max | B |
| Ground story height (floor to ceiling) | 14' min | C |
| Ground floor elevation | 0' min / 2' max | D |
| Transparency | | |
| Ground story: primary/side street | 60% / 30% min | E |
| Blank wall area: primary/side street | 30' / 50' max | F |

J. Mixed Use Shopfront

A multi-story building type designed to accommodate ground floor retail, office or commercial uses with upper-story residential or office uses.

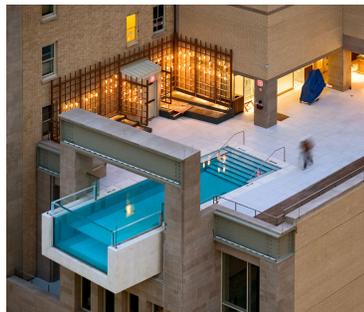


| Lot | | |
|----------------------------------------|-----------------|---|
| Street-facing facade length | 200' max | A |
| Size | | |
| Floor area per residential unit | 550 SF min | |
| Height | | |
| Ground story height (floor to ceiling) | 14' min | B |
| Ground floor elevation | 0' min / 2' max | C |
| Transparency | | |
| Ground story: primary/side street | 60% / 30% min | D |
| Upper story | 20% min | E |

- **1.8. Mixed Use.** Do not differentiate between residential and non-residential density allowances in mixed-use districts.
- **1.9. Net Lot Area.** If FAR calculations continue to be used, NLA should be utilized as the land basis for calculating density in all zoning districts.
- **1.10. Land Use Intensity Table.** Eliminate the LUI Table. Provide appropriate maximum densities in each zoning districts and assign parking and open space requirements based on context, not FAR.
- **1.11. TDRs.** Revise TDR regulations to better coordinate different TDR applications, simplifying the process, and taking into account future decisions on FARs and new district regulations.
- **1.12. Consolidated Design.** A consolidated set of urban design regulations should be created to regulate design elements within the zoning code, eliminating the need to place design regulations within individual zoning districts. This section should be comprehensive dealing with all elements of urban design including the design of sites and buildings.
- **1.13. Differentiating Areas.** Explore writing a “light” set of basic regulations containing regulations pertaining to all types of development, from residential to non-residential uses. A heightened set of design regulations is also needed which will apply to designated areas of the city such as walkable urban zones and districts. These areas of increased standards should be those parts of the city that are considered to be more pedestrian, dense, urban, compact, and/or historic.
- **1.14. Illustrative Graphics.** The design regulations of the new code should include illustrative graphics that are imbedded within the regulations to better communicate the intent of the regulations.



- **1.15. Building Types.** Design standards should be coordinated with the proper building type approach. Building types should include various types of residential, commercial, mixed-use, industrial, civic, and accessory types of structures.
- **1.16. Style Neutral.** Design standards should be style neutral, avoiding the regulation of specific architectural styles, focusing instead on the desired form of development that would be applied regardless of the style of the architecture. Areas of the city in need of more specific architectural regulation can continue to pursue the Historic Preservation district mechanisms within the code.
- **1.17. Supplemental Zones.** Replace this zoning term with “Front Yard” and standardize where it is measured from, to ensure consistency throughout the code.
- **1.19. Natural Systems.** Leverage the Atlanta city Design Project 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.
- **1.20. LUI Table.** Eliminate the LUI Table. Instead, provide specific open space requirements for all lots except single-family residential and industrial ones. These should be tied to a percentage of lot size.
- **1.21. Consolidated Approach.** Combine public space and usable open space standards into a single new requirement that applies to sites, regardless of use. Consider significantly 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, and relationship to adjacent buildings.
- **1.22. TOSR.** Eliminate TOSR, as has been done in QOL districts and several SPIs.
- **1.23. Transitional Yards.** Do not count transitional yards in open space calculations.



- **1.24. Change Of Use.** Exempt all existing buildings built before the adoption of updated Zoning Ordinances from any change-of-use related open space requirements.
- **1.25. Larger Sites.** Create new standards for larger sites (where new blocks and multiple lots will be created) that ensures the creation of consolidated new parks, plazas, squares, and similar places available for public use. 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 one in Historic Fourth Ward Park, must be embraced by the zoning update.
- **1.27. Park Zoning District.** Explore creating a “park” zoning district.
- **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. Coordination with public works and street regulations must be addressed.
- **1.29. Building Types And Design Controls.** Implement the recommendations of the Building Types and Design Controls sections of this document.
- **1.30. Place Based Districts.** Replace the current inventory of zoning districts with newly created place-based zoning districts reflecting the neighborhoods, corridors, and districts of Atlanta.
- **1.31. Typology Of Atlanta.** Establish a more thorough typology of neighborhoods, corridors, and districts that will form the basis of the new neighborhood zoning districts through the Design Atlanta project. Include in this work, an assessment of other area types that should be addressed in the new zoning code such as historic districts, and natural or environmental systems.
- **1.32. Street Network Map.** Further establish a street network map that regulates allowable building types and street frontages based on street types and not by zoning district.

RECOMMENDATIONS: Protecting Neighborhood Character

Neighborhood Character Quick Fixes

- **2.1. Accessory Structure Heights.** Revise current R district regulations to allow accessory structures in side and rear yards up to a maximum height of 42 inches.
- **2.2. Accessory Uses.** Revise current R district regulations to allow those accessory uses typically associated with residential subdivisions (club houses, playgrounds, etc.).
- **2.25. Residential Neighborhood Standards.** Create residential neighborhood standards that address the design of new construction, in a limited way, for those neighborhoods that document the need for and support of the application of this tool.
- **2.26. Historic Lot Dimensions.** Allow setbacks for new homes in R districts to match established or existing development patterns, with consideration given to allowing shorter buildings to have shallower front yard setbacks than taller buildings.

Neighborhood Character Future Code Changes

- **2.3. Duplicative Provisions.** Remove text that is repeated in multiple locations in the code.
- **2.4. District Conditioning.** Stop the practice of adding “conditions” as part of rezoning to Quality of Life districts.
- **2.5. Uniform Regulations.** Establish uniform regulations based on identified place types.
- **2.6. Broader Tailoring.** Consider replacing district tailoring with a system of defined options such as suffixes that determine things such as use and maximum building height.
- **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.** Increase staffing.

- **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 built environment.
- **2.19. Historic Districts.** Revamp review and comment.
- **2.20. Historic Districts.** Simplify staff reports.
- **2.21. Historic Districts.** Reduce AUDC membership.
- **2.22. Infill Provisions.** The new code should provide more extensive analysis of this topic and make changes that improve on the way in which infill scale issues are currently addressed.
- **2.23. "Faux Lots".** The new code should prohibit the creation of "faux lots" by more clearly applying buffers to any property within a prescribed distance from single-family residential areas, regardless of the number or size of a lot.
- **2.24. Updated Mechanisms.** As the new classification of place types emerges in the code writing process (corridors and districts), appropriate mechanisms and approaches should be identified in order to protect single-family and low-rise residential area from higher intensity development.



RECOMMENDATIONS: Creating Vibrant Corridors & Districts

Corridors and Districts Quick Fixes

- **3.1. I-Mix.** Adopt the proposed I-MIX zoning district. Additional analysis should be done to consider the feasibility of eliminating the existing LW zoning district and replacing it with the I-MIX district.

Corridors and Districts Future Code Changes

- **3.2. Industrial Districts.** Amend Industrial zoning districts to prohibit their use for the development of big box commercial centers.
- **3.3. MRC2.** Revise the allowable MRC2 residential density so that it is higher than the allowable residential density in MRC1 but still less than the allowable residential density in MRC3.
- **3.4. Require By Size And Location.** Establish a mixed-use threshold for requiring mixed uses in developments over a certain size and in certain designated areas of the city. These areas should be along designated corridors and districts that are delineated through the Design Atlanta project. The required 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. Design Atlanta.** Utilize the Design Atlanta project to scale-back the excessive commercial zoning along certain corridors and in its place provide a mixture of commercial and multi-family zoning provisions that is supported by more realistic market trends.
- **3.6. Building Types.** Create defined building types that require for the creation of ground floor commercial uses, with design standards that are based on market-driven retail and service restaurant needs. Couple this with the requirement for certain street types or certain zoning districts to have those designated building types to ensure that ground floor commercial is provided where desired.

RECOMMENDATIONS: Expanding Transportation Options

Transportation Quick Fixes

- **4.1. Bicycle Parking.** Bicycle parking should be standardized and centralized to provide clear and concise direction to parking requirements.
- **4.20. On-Street Parking.** Allow adjacent on-street parking to count toward any minimum automobile parking requirements.
- **4.21. Bicycle Parking.** Allow on-site bicycle parking spaces to count toward any minimum automobile parking requirements.
- **4.22. Older Buildings.** Eliminate parking requirements for buildings built prior to 1965. Retain the parking requirements of the liquor code regarding parking requirements for establishments serving alcohol.
- **4.23. TRANSIT ORIENTED ATLANTA.** Develop parking regulations at all MARTA stations consistent with the TRANSIT ORIENTED ATLANTA policy document. Further streamline parking regulations at all existing and proposed transit stations, including Atlanta Streetcar and high frequency bus facilities, within the city.
- **4.24. Broken Sidewalks.** Require new developments to fix existing broken sidewalks that exist along the property's street frontage(s).
- **4.25. Sidewalks.** Add sidewalk and streetscape requirements to conventional zoning districts (e.g. C, I, O-I, RLC, RG).
- **4.26. TND Street Standards.** Determine the legal status of the TND standards (Sec. 138) and consider allowing these standards to be allowed for all subdivisions.

Transportation Future Code Changes

- **4.2. Context Zones.** These new code should define context zones that guide block and street standards, land use, design, and more. At a minimum, this should include two zones types: one where walkable urbanism is desired and one where drivable suburban development is desired. Generally speaking, the former could include areas developed before World War II, transit station areas, and other high density areas in the former, while the latter could include all other areas. It is also recommended that certain zoning districts be limited to certain context zones.
- **4.3. Traditional Neighborhood Development Street Standards.** Incorporate Section 138-102.1 Negotiated Traditional Neighborhood Development street standards into Part 15: Land Subdivision Ordinance and allow them to be used in the walkable urban zones.
- **4.4. Unified Development Ordinance.** Incorporate Part 15: Land Subdivision and Section 138-102.1 into the Zoning Ordinance update process.
- **4.5. Illustrative Standards.** Create new, illustrated streets standards for all street types, including standard alley details and alternatives to cul-de-sacs for dead-end streets.
- **4.6. Context Zones.** Calibrate permitted street types, block sizes requirements, and mandatory connectivity and street stub-out requirements to context zone.
- **4.7. Public Standards For Private Streets.** Require all new streets, whether or public or private, to be built to the same public standards; this should include both the roadway itself and any infrastructure within in them. Additionally, allow all such new streets to be dedicated to the city, at the applicant's discretion, and update platting standards to reflect this.



- **4.8. Dedicated Streets.** Allow all new streets to be dedicated public streets, at the applicant’s discretion. The creation of a consistent standards for public and private streets will ensure that dedicated streets do not impose a burden on the city of Atlanta.
- **4.9. Sidewalk Standards.** Create citywide sidewalk retrofit standards that could be tied to context zone or roadway functional classification. Tying these to zoning is not recommended unless the regulations can apply uniformly to large groupings of districts. For example, one set of standards for all C, RG, MR, and MRC districts along arterials, which may be slightly wider than those for all single-family districts along arterials.
- **4.10. Alleys.** Allow new alleys to be created to help eliminate the need for driveways and curb cuts.
- **4.11. Independent Driveways.** Eliminate the requirement for a parcel to provide an independent driveway connected to a public street when on-site parking is not provided or when a public street connection can be achieved through the use of an alley or driveway easement.
- **4.12. Single-Family Driveways.** Require driveways in designated higher-density single-family districts to be 20’ or less in width.
- **4.13. Loading Standards.** Revise existing loading standards, which are now out-dated and consistently higher than needed for current uses.
- **4.14. Minimum Requirements.** Eliminate the minimum off-street parking requirements for the following:
 - Any building built before 1965, the year that the current approach to parking was codified.
 - All residential uses.
 - All nonresidential uses, except possibly bars, restaurants, nightclubs, and indoor recreation.



- **4.15. Reducing Parking.** Use the zoning update to explore the following possible ways to reduce the amount of parking provided:
 - Updating requirements and expanding areas subject to parking maximums, especially in corridors, districts, transit stations, and high frequency bus routes; and/or
 - Limiting the portion of a site that may be dedicated to parking; and/or
 - Counting the surface area of all parking (including parking lots) towards FAR, as applicable.
 - Implementing unbundled parking through customized parking maximums and requiring excess parking to be in public, park-for-hire facilities. 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.
- **4.16. Non-Conformities.** Clarify the non-conformities 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 fee the charging of fees separately.
- **4.18. Charts.** Utilize centralized charts to regulate parking for the entire city - instead of in individual districts.
- **4.19. Alcohol Code.** Analyze parking requirements in the alcohol code so that this code is better synchronized with the zoning code.

RECOMMENDATIONS: Ensuring Housing Diversity

Housing Diversity Future Code Changes

- **5.1. Permit ADUs.** ADUs should be permitted in all designated residential zoning districts of the city. Accessory dwellings are consistent with the historic building patterns of Atlanta's neighborhoods and are viable option for providing a wider range of affordable housing opportunities within the city.
- **5.2. ADU Criteria.** The following criteria should be considered for regulating the development of ADUs in the new code:
 - Properties must not be allowed to vary established regulations lot coverage, yards, heights, and floor area that are established within individual zoning districts when constructing an ADU.

- Off-street parking for ADUs should not be required.
- Permit attached and detached forms of accessory dwellings however, ADUs should be limited to only one per property.
- The property owner should be required to live on-site.
- ADUs should be positioned and designed so as to prevent, to the greatest extent possible, window and doors from being oriented towards neighboring yards.
- Shorter ADU structures should be placed closer to the lot line and taller ADU structures should be placed further away from the lot line.
- **5.3. Affordable Housing.** The new zoning code should integrate the recommendations of this ongoing initiative to the greatest extent possible.
- **5.4. Building Types.** Define Missing Middle Housing Building types during the update to the Zoning Ordinance. Types should include those historically found in Atlanta, such as duplexes and small apartment building, as well as those not traditionally found that serve current housing needs, such as townhouses, cottage housing, and live work units.
- **5.5. Integration Into Existing Districts.** Allow Missing Middle Housing types within the appropriate existing or new zoning districts. Within existing districts this will require incorporation of the recommended building types and updated lot metrics. It will also require either increases to the permitted FAR or the complete elimination of FAR as a tool for controlling bulk.
- **5.6. R5 Amendment.** Amend R5 to require duplexes to resemble a single house. Typically, this will mean that the units must be stacked vertically or horizontally within a single building mass.
- **5.7. Land Use Map.** Update the 15-Year Future Land Use Map to allow the Missing Middle Housing in every Medium Density Residential (or equivalent) classification.



RECOMMENDATIONS: Supporting Jobs & Innovation

Jobs & Innovation Quick Fixes

- **6.1. Experimental Districts.** Utilize experimental zoning districts in areas or for topics that are not yet suited to be applied to the entire city.
- **6.3. Places of Worship.** Assess and amend the Places of Worship definition, as needed, to ensure that other dissimilar uses are not categorized as a place of worship.
- **6.4. Historic Patterns.** Create a zoning solution that enables R1 through R5 setback and lot size provisions to be modified to match historic development patterns.
- **6.5. Non-Conforming Buildings.** Create a zoning solution that enables R1 through R5 zoning districts to allow non-conforming building facades to be extended horizontally or vertically, while still complying with other district calculations and controls.

Jobs & Innovation Future Code Changes

- **6.1. Experimental Districts.** Utilize experimental zoning districts in areas or for topics that are not yet suited to be applied to the entire city.
- **6.2. Modern Uses.** Explore modern land uses, business types, ways of living, and ways of getting around to ensure that the code does not create impediments to new trends. Terms that may be needed include: maker space, flex space, live-work space, micro-units, doggy day care, adult day care, cat cafes, and short-term rental (i.e. AirBNB).



RECOMMENDATIONS: User-Friendly Regulations/Processes

User-Friendly Regulations/Processes Quick Fixes

- **7.16. Bicycle Sales. Bicycle Sales and Rental.** Update the definition of vehicular sales and rental in the code to ensure that the sale and rental of bicycles is considered to be a use different from motorized vehicular sales, and is further permitted in commercial and mixed-use districts.
- **7.17. Definitions Cleanup.** Organize the definitions within the Zoning Ordinance in alphabetical order and resolve the discrepancies in various code sections for “basement”.
- **7.32. SPI Districts.** SPI districts that are no longer in use should be deleted from the Zoning Ordinance.
- **7.35. Telecommunications State Provisions.** Update cell towers regulations to more clearly reflect evolving State law provisions.

User-Friendly Regulations/Processes Future Code Changes

- **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.
- **7.2. Boards.** Enable consent agenda for zoning boards (ZRB, BZA, AUDC).
- **7.3. Code Enforcement.** Streamline and consolidate the staff dedicated to the administration and enforcement of the Zoning Ordinance to the greatest extent possible within the Office of Planning. The new Zoning Ordinance must be written with sensitivity to the capability of the Office of Planning staff to administer it.
- **7.4. CDP.** The criteria for changes to the CDP 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 reducing opportunities for making changes to the Future Land Use Map.
- **7.5. Concurrent Variances.** Do not create a concurrent variance provision in the new Zoning Ordinance.
- **7.6. Conditions.** The new Zoning Ordinance should provide clear limitations to those elements of a zoning proposal that can be conditioned and those that cannot. Site plans should continue to be required

to provide a conceptualization of a zoning proposal; however the use of site plans as a tool for applying site-specific conditions to a zoning proposal should be limited. The process for administrative amendments to adopted conditions and particular site plans should be very closely reviewed and clarified.

- **7.7. Criteria.** Review and update the legal criteria for zoning decisions. Eliminate special exceptions. Existing special exceptions should be removed or assigned as administrative variances.
- **7.8. Replace and Update.** Replace and update the definitions section of the new code. Consolidate and clarify terms related to distances and measurements within the definitions section. Create a separate but proximate section of the code that contains additional criteria necessary for certain uses.
- **7.9. Attics and Garages.** The definition for attics and garages should better articulate when these spaces count as floor area.
- **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.
- **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 code 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 or not pervious paving elements are counted as lot coverage.
- **7.18. Future Land Use Map.** Update the Future Land Use Map to correspond to the newly place types envisioned in the future Zoning Ordinance (typologies of neighborhoods, corridors, and districts). 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.
- **7.19. Impact Fees.** Consider limiting or prohibiting zoning processes from legislating the re-direction of impact fees.

- **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 nonconformity provisions in the new Zoning Ordinance 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.
- **7.22. Part 6.** The provisions of Part 6 relative to zoning and planning should be placed within the Zoning Ordinance during the redraft process. (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 as well so that they reflect the strategy recommendations made in this Diagnostic.
- **7.23. Planned Unit Densities.** Regulate allowable Planned Unit Development densities based on the development intensities established by the Future Land Use Map.
- **7.24. Planned Unit 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.
- **7.25. Single-Family in RG and MR.** Revise RG and MR districts to add lot provisions for detached single-family dwellings.
- **7.26. NPU System.** With regard to the NPU System, the following strategies should be considered as a part of the rewrite of the code:
 - Consider redrawing NPU boundaries so that there are fewer NPUs and each NPU represents roughly similar numbers of residents. Right now, populations between NPUs vary widely.
 - Require term limits for NPU officials similar to nonprofit boards and organizations as well as city Boards and Commissions.
 - Require every NPU to create a zoning committee to review zoning related matters and make recommendation to the full NPU. Require that the chair of each zoning committee be trained by the city law department in zoning law and procedures as a part of a mandatory standardized training program.
 - Require that each NPU hold only one hearing/meeting for each zoning application. If that hearing is convened by the NPU zoning committee, which seems appropriate, the full board could vote but another hearing requiring applicant presentation would be prohibited.
 - Require each NPU to establish a hearing schedule that is in sync with and approved by Planning schedules for each type of zoning application.

- Require that each zoning application be scheduled for the single NPU hearing/meeting at the time of application consistent with an established yearly schedule. Eliminate the requirement that applicants be responsible for contacting NPUs and setting up the meeting. Instead, require each NPU to have a set meeting time established and scheduled at the time of the filing of the application and adhere to that pre-released schedule. (Similar to the way in which rezoning and SUP cases are now assigned to ZRB meetings at the time of filing.) Place the burden for any change in meetings on the NPU rather than the applicant.
- Create a computerized system in which all zoning related applications are placed on line and available to everyone. Require NPUs to secure applications through the online system, or, create programming that automatically sends a copy of each application to the NPU zoning committee chair.
- Create a system in which all NPU recommendations on zoning matters are required to be transmitted by that NPU to the appropriate city reviewing agency within a specified period of time. Allow definitions and deferrals only with the joint concurrence of the NPU and the applicant. Require each NPU to communicate with the respective neighborhoods so that neighborhood review, if any, is completed prior to NPU review and within the timeline specified.
- Create a code provision that requires that all NPUs adhere to and review only the criteria applicable to the application heard. Prohibit zoning conditions that do not meet the legal criteria established by the state impact fee law and state and federal court precedent (essentially the requirement that a substantial nexus exist between the condition and the zoning permission requested and that all conditions be based on code criteria and used only to ameliorate identified negative impacts of the proposal on nearby uses of land).
- Create a requirement that text amendments that apply citywide, or that apply to multiple NPUs, be scheduled for a single or quadrant based hearing for multiple NPUs, rather than requiring every NPU to hear every text amendment.
- Tighten the bylaw requirements so that these changes are institutionalized in the bylaws of each NPU and followed. Make it clear in the city code and the bylaws that violations on a given case of the required procedures will result in the inability of the NPU to proffer a recommendation. Enforce the requirements regarding bylaws and when they must be adopted each year by each NPU.

- **7.27. DRCs. With regard to the DRC System:**
 - Consider elimination of the DRC review process entirely. Since it is anticipated that design regulations will become more widespread and consistent when the new code is drafted, tailored regulations that now require DRC review will be largely eliminated. If the DRC review process adds value or expertise that cannot be standardized or accommodated by the neighborhood and NPU review processes, allow review only in lieu of NPU review so that duplicative review processes and meetings are eliminated. As an alternative, consider DRC review only for certain categories of major projects. In any event, attempt to adhere to a “one application one hearing” rule.
 - Follow all applicable recommendations outlined in strategy recommendation 1 above applicable to NPU review. Of particular importance is the note above requiring that each DRC be aware of its limited review authority and adhere to the criteria under which it is legally empowered to review the particular application.
- **7.28. Neighborhood Review. With regard to neighborhood review processes:**
 - Work with neighborhoods to limit the number of hearings/meetings at the neighborhood level to one per application. Consider ways to make this a procedural requirement.
 - Require that all neighborhood review processes be completed prior to and within the time limit set forth by the NPU noted in 1. above, or coordinate meetings so that only one meeting is held for both organizations, with the goal of eliminating duplicative gatherings. Create a process in sync with planning requirements that automatically schedules any neighborhood review at the time of filing of the application. The goal is to allow the applicant to walk away from the filing knowing exactly what meetings are required and when and where they will be held. Allow deferrals only when they are mutually agreed upon by the neighborhood and the applicant.
 - Adhere to as many of the NPU requirements above as are applicable to neighborhood review.
- **7.29. City Procedural Requirements. With regard to city procedural requirements:**
 - Revise criteria (noted elsewhere in this diagnostic) applicable to zoning applications.
 - Revise procedural criteria so that staff reports be made public at least two (2) working days prior to any public hearing.
 - Review all other procedural ordinances in Chapter 27 procedures for maximum compliance with all
- **7.30. Sign Ordinance.** The sign ordinance will need to be completely updated to reflect the new zoning districts that will be created in the future Zoning Ordinance. It should be streamlined and restructured to

better reflect current law and make it easier to use and enforce. The non-conforming provisions related to signs, and specifically “billboards” should be revised and become more restrictive. Prohibition of all new “billboards” should be considered given the large number of such structures currently existing.

- **7.32. Special Administrative Permits.** During the process of drafting the new code, evaluate the need for new Office of Planning staff and applications to effectively administer the code, with regard to the SAP requirements.
- **7.33. SUP Transfers.** Enable for the transfer of ownership of SUPs to be performed administratively.
- **7.34. Telecommunications Best Practices.** Update the telecommunications regulations of the new code to better organize these provisions and to integrate new best practices into the code.
- **7.36. Cumulative Impact.** The cumulative effect of implementing the various other recommendations of this diagnostic report will be a simpler and user-friendly zoning code. It is essential that all of the recommendations of this work move forward in order to improve the usability of the code to the greatest extent possible.
- **7.37. Graphic Illustrations.** The new code should utilize graphic illustrations imbedded into the regulations to lessen the dependence on text to explain the regulations and to aid in the communication of the intent of the regulations.
- **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.** Create a dedicated website for the Zoning Ordinance that provides the full text of the new ordinance, but also providing simpler and abbreviated overviews of the regulations in the code in ways that are more accessible to readers.
- **7.41. Web Based Map.** Include with the new zoning website, a user-friendly mapping tool that enables users to see pertinent zoning information for all parcels.
- **7.42. Zoning Enforcement.** Reorganize the Zoning Enforcement Division in the Office of Buildings and the Office of Planning to increase consistency between Offices. Specifically, consider Zoning Ordinance interpretations to be made in Planning and consider eliminating referral certificates or placing their issuance in Planning. Also consider reorganization of zoning code enforcement officers so that they report directly to the persons identified in the reorganization and they are properly staffed.

CODE ASSESSMENT

improving
urban
design

window fenestration

building facade adjacent to sidewalk

street furniture

sidewalk

CODE ASSESSMENT

1 _ Improving Urban Design

Over the past 20 years, the majority of new districts and provisions that have been created in the Zoning Ordinance focused on elevating the standards for urban design in Atlanta. These new regulations have dealt with the placement of buildings, the relationship of the building to the street, and the appearance of the bottom-level floors of buildings. The new code must continue to regulate urban design standards throughout the city to maintain the progress that has been made and to improve upon the methods and approaches that have been in play over these past 20 years. This section highlights the ideas and improvements related to urban design that have been identified through this Diagnostic process.

BUILDING PLACEMENT IN MR & MRC DISTRICTS

In the current MR and MRC zoning districts, the side and rear yard depth requirements for residential buildings are 15 feet and 20 feet respectively. However, whenever a residential building has no windows adjacent to a yard, the yard setback may be reduced to zero feet. This setback strategy was intended as a precautionary measure to ensure that proximate buildings did not result in the creation of undesirable dwellings within the new buildings, but did not consider that the Building Code already had sufficient, more sophisticated standards addressing this, nor did it account for the fact that such setbacks were inconsistent with the existing built patterns of most neighborhoods. Since the adoption of these regulations, these setback provisions have been consistently reduced as development proposals have demonstrated an ability to build residential buildings closer together without compromising the desirability of the units.

RECOMMENDATION 1.1  **Building Placement.** Revise building setback regulations in Quality of Life districts to allow buildings within these districts to be located closer together -- as close as other city codes related to safety will allow, with or without windows. **[QUICK FIX]**

BUILDING TYPOLOGY

Prior to the advent of modern zoning in the 1920s, towns and cities were developed using a set of implicitly understood building types. Terms like detached house, duplex, rowhouse, civic building, shopfront, courtyard apartment house, etc. all once each had specific meanings that defined the building's form, frontages, and general use. Specifically absent, however, was architectural style, which is evident in the wide range of styles found in many of the nation's older cities.

The advent of conventional Euclidean zoning regulations gradually led to the replacement of building type with a purely use-based approach that gave little to no regard for the form of the building the use was in. This, along with rapid suburbanization, changing development methods, and other forces resulted in an abandonment of building type as a meaningful regulatory tool across the nation.

The recent growth of form-based means that many communities are now rediscovering the use of building types as a regulatory tool. This is true in both newly developing suburban areas that desire a specific built outcome, and even more so in existing towns and cities that wish to complement existing development patterns.

Current Practice

In many parts of Atlanta today, people are unhappy with the shape of new development. In some areas, this is limited to the parts visible from the public street, while in others it is their impact on adjacent sites. A summary of problems associated with buildings include the following observations:

- **Inconsistent Application.** As noted in greater detail in the Task A report, Atlanta's Zoning Ordinance does an inconsistent job regulating the form of new development. In some districts it contains robust regulations, while in others, they are completely lacking. This is not to say that form matters everywhere – in fact, there are many parts of the city where lot sizes are so large that it clearly does not – but there are many areas where smaller lot sizes and the proximity of different intensity zones mean that there is clearly a public benefit to considering the shape of new growth.

- **Inconsistent Administration.** In areas where form matters, the city has had mixed success addressing it. In higher density or mixed-use districts, regulations exist that begin to control building form through fenestration, massing, relationship of building to street, and a Special Administrative Permit (“SAP”) -based review process that allows form to be discussed with applicants. However, such regulations tend to vary slightly by district, making them hard to administer. They are also only expressed as text, making them difficult to understand. In other areas, especially R3 through R5 districts, no such regulations or process exist.

Options for Addressing Building Typology Issues

Building types have been used in dozens of major cities to improve the quality of new development, where appropriate, and its impact on adjacent properties. A review of peer cities finds that there is no consistent approach to using buildings types, but there are two camps of thought.

- **Basic building type regulations.** Cities like Decatur, Georgia; Cincinnati, Ohio; and Miami, Florida; use the simplest building type approach. In these codes, building types are defined and basic design elements are established that apply citywide. Examples of this for townhouses may include requirements for a front stoop or porch, window openings, and maximum elevation of the first floor. Under this approach, setbacks are determined by the basic requirements of the zoning district the building type is within.
- **Enhanced building type regulations.** Cities like Denver, Colorado; Roswell, Georgia; and Raleigh, North Carolina; utilize an enhanced approach to building type that is far more precise, but also more complicated. In these codes, different building types incorporate the elements found in the basic regulations, but also include different height and setback metrics, even within the same zoning district. An example of this might be that a mixed-use district allows a shopfront to be built to the back of the sidewalk, but requires a greater setback for detached houses or townhouses.
- **Architectural Standards.** Some building types regulations also incorporate architectural standards aimed at regulating materials, windows, building style, etc. In Georgia, these are most commonly used in historic districts, but in other parts of the county, especially California, Florida, and New England, they are also tied to specific architectural styles citywide.

National Trends --> building typology

The city of Cincinnati adopted a new zoning code in 2013 that establishes a clear set of building typologies. Each building type is regulated by a series of graphic illustrations delineating required setbacks, density, site positioning, uses, sidewalks, streetscapes, and open space provisions. *Credit: City of Cincinnati.*



A Large Multi-plex offers denser living options while still maintaining great wooded neighborhoods and green yards.



A large Multi-plex engaging a street corner



Multi-plex with classical entrance and symmetrical side wings

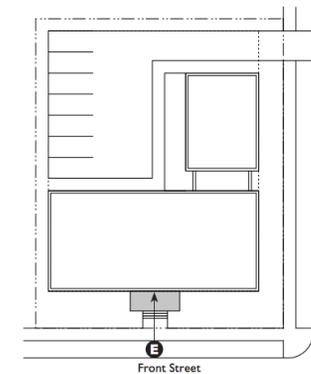
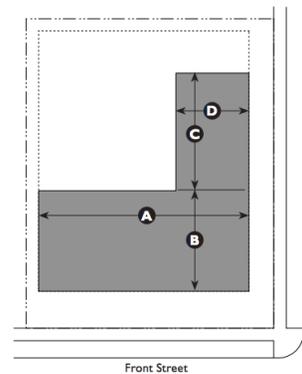
A. Description

The Multi-plex: Large Building Type is a medium-to-large-sized structure that consists of 7-18 side-by-side and/or stacked dwelling units, typically with one shared entry. This Type is appropriately scaled to fit within medium-density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

| | |
|---------------|----------------------------------------|
| T3E | T3N |
| T4N.MF | T4N.SF |
| T5MS | T5N.LS T5N.SS T5F |
| T6C | |

Key

T# Allowed **T#** Not Allowed



Key

--- ROW / Lot Line ■ Building
 Setback Line

B. Number of Units

Units per Building 7 min.; 18 max.
 Large Multi-plexes per Lot 1 max.

C. Building Size and Massing

Height

Per transect zone standards in Section 1703-2 (Specific to Transect Zones).

Main Body

Width 80' max. **A**
 Depth 75' max. **B**

Secondary Wing(s)

Width 48' max. **C**
 Depth 36' max. **D**

The footprint area of an accessory structure may not exceed the footprint area of the main body of the building.

Key

--- ROW / Lot Line ■ Frontage
 Setback Line □ Private Open Space

D. Allowed Frontage Types

Porch: Projecting 1703-4.50
 Stoop 1703-4.70

E. Pedestrian Access

Main Entrance Location Front street **E**
 Units located in the main body shall be accessed by a common entry along the front street.
 On corner lots, units in a secondary wing may enter from the side street.

F. Private Open Space

No private open space requirement.

- **Frontage requirements.** Either the basic or the enhanced building type regulations can also incorporate frontage requirements that provide additional requirements for stoops, lawns, shopfronts, etc. Among coding experts nationwide, however, there is little consensus as to whether or not doing so is necessary or advisable. Opponents of this argue that properly-crafted building types should already define permitted frontages, while supporters argue that adding such regulations provides a further degree of precision. It is of note that some cities, including Cincinnati, choose to only utilize building type regulations only in those parts of the city where design is most important. Typically this includes areas that were built prior to World War II and major activity centers. In other areas, building type are not used.



“Frontage” refers to the way that a building engages the street. It includes the façade of the building and, in many cases, the front yard or supplemental zone. Examples of frontages include shopfronts, stoops, porches, forecourts, etc. Credit: Canvas Planning Group.

Recommended Building Typology Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 1.2 ➤ **Building Types.** Utilize a basic building type approach as part of the Atlanta Zoning Ordinance update. Given a strong public sentiment to make the Zoning Ordinance easier to understand, a desire to improve the quality of the built environment in many areas, and staffing limitations, a basic building type approach represents a viable balance of these various objectives.

RECOMMENDATION 1.3 ➤ **Accessory Buildings.** Include both primary buildings and accessory buildings in the building type approach. Examples of accessory buildings should include carriage houses containing garages, accessory dwelling units (where permitted), or both.

RECOMMENDATION 1.4 ➤ **Missing Middle Housing.** Define Missing Middle Housing building types. (See Missing Middle Housing on page 199)

RECOMMENDATION 1.5

Architectural Styles. Avoid architectural style requirements. As noted earlier, building types are inherently style neutral. If certain areas of the city choose to regulate style, other tools, such as historic districts are available.

DENSITY CONTROLS

One of the purposes of zoning is to control density - the amount of development allowed on a given piece of land. Density is important because it impacts public infrastructure, transportation facilities, retail viability, adjacent properties, and more. For this reason, regulating density is a key citywide planning tool.

While thinking about land use in terms of density works well on the scale of the city, it can have drawbacks when applied to an individual site. For one thing, density alone usually tells very little about what a development actually looks like or how it functions. This is especially true at higher densities, where the urban design has a profound impact on the ability of density to serve a city's needs.

Another challenge with density as a measure of land use is that it is a largely abstract concept. Few people can correctly identify the density of a neighborhood or site just by looking at it. Most people are much more likely to understand and respond to building height, massing, setbacks, lot coverage, and overall design.

Despite these shortcomings, the use of density controls on a site has merit. Tying a site's development rights to density can provide easy-to-understand information on how much development the site can accommodate; this makes it easy to determine the site's carrying capacity and economic value. In cities with lots of real estate activity, this ease of use can be of real value.

Because of the value of density as a macro-level city planning tool and its varied utility on a specific site, cities have used a variety of zoning tools to regulate it. Some of these have made density alone the only focus of regulations, while others have focused on the look and feel of development first, and density second, if at all.

Current Practice

Atlanta's Zoning Ordinance incorporates density controls in all zoning districts in two primary ways:

- **Floor Area Ratio (FAR)**, numbers establishing how much residential and nonresidential floor area is allowed on a site. When these numbers are multiplied by the site's total square feet, the amount of applicable building floor area allowed is established. FAR is used in every district, including single-family residential ones. Parking decks and certain interior areas are not counted as FAR in Atlanta, as is done in other cities.
- **Minimum Single-Family/Duplex Lot Sizes**, a number that establishes the minimum amount of land required for one (1), and sometimes two (2), dwelling units.

Both of these tools control density, but neither provides certainty about the form of development. For this reason, all of the city's zoning districts also incorporate setback and lot coverage standards to provide greater control of bulk. Most also incorporate maximum building height standards, and transitional height planes further restrict height in some areas.

Because FAR has been the city's primary tool for controlling density for several decades, it is ingrained in all aspects of land development, especially in commercial, multifamily, and mixed-use areas. However, the current use of FAR is not without its drawbacks, and stakeholder interviews actually suggest that it is one of the more complicated pieces of the Zoning Ordinance. Specific problems with the current approach are as follows:

- **The Definition of Floor Area.** Atlanta lacks an easy-to-understand definition for floor area. Special problems include:
 - Not all interior spaces count towards floor area. Excluded areas can include structured parking, special purpose rooms, etc. These exclusions, especially parking decks, mean that a building's bulk may be much higher than its FAR suggests.
 - Not all spaces are counted equally, including attics and basements.

- Accessory building floor area is unclear, especially gazebos, storage sheds, and similar enclosed or partially-enclosed unconditioned spaces.

As a result of the varying requirements, determining floor area can require complicated calculations that are challenging for those who are not architects, attorneys, or city planners.

- **Different Residential and Non-Residential FARs.** The Zoning Ordinance provides different residential and non-residential FARs in most commercial and mixed-use districts, with the nonresidential FARs often higher. This makes it difficult to assess the on-the-ground impacts of development because bulk can vary widely, depending on the development program. It can also make it difficult to convert existing buildings from non-residential to residential use without a zoning change when there is insufficient permitted residential FAR. The result of both of these is that developers of new or converted residential buildings often must rezone to a district that allows significantly more non-residential FAR than is actually needed.
- **The Definition of Lot Area.** The Zoning Ordinance multiplies the permitted FAR by different lot basis to determine the maximum permitted development floor area. Non-residential uses are multiplied by Net Lot Area (NLA), the parcel, while residential uses are multiplied by Gross Land Area, the parcel plus one-half adjacent streets and permanent open spaces, up to 50 feet. This is often confusing to applicants, and use of GLA has been made optional in newer zoning districts.
- **The Land Use Intensity Table.** The Zoning Ordinance ties FAR to additional requirements for most multi-family residential uses. This is done through the Land Use Intensity (“LUI”) Table, which establishes a sliding scale of requirements that vary by FAR. This is generally viewed as user unfriendly in that it requires a somewhat cumbersome process to first identify a development’s FAR before being able to determine parking and open space requirements.
- **The Use of Transfer Development Rights.** The Zoning Ordinance uses transfer development rights (“TDRs”) to encourage the preservation of historic buildings and the creation of new open spaces. It does so by allowing floor area to be transferred from one site to another in order to increase the permitted density on the receiving site. As noted on page 092 of the Task A report, this process is complicated and has Comprehensive Development Plan (“CDP”) implications.

In addition to these technical challenges, a reliance on FAR as the primary measure of land use is also not without its challenges. A project's FAR has become, arguably, the most important metric under consideration when a zoning change is requested, which immediately frames public discourse in terms of density, not design. In an effort to resist anything that could open the door for inappropriate development, neighborhoods with high growth pressure almost always oppose increasing FAR above what is supported by the CDP, even when a proposed project otherwise matches the height, massing, and design of nearby buildings (which are themselves, often higher density than current zoning would allow; please see Missing Middle Housing for more details).

Options for Addressing Density Controls Issues

Cities across the county regulate bulk and density in several direct or indirect ways. Direct ways focus on prescribing an amount of development allowed on a site using numbers, while indirect ways focus on the form of the development and allow the resulting density to emerge from that. Ways of directly regulating density include the minimum lot size and FAR approach used in Atlanta, as well as:

- **Residential Units per Acre**, a number establishing how many units are allowed on a site. When this number is multiplied by the site's acreage, the number of residential units allowed is established.
- **Lot Area Per Residential Unit**, a number based on the above but calculated by dividing the lot area by a number to determine how many units are allowed.
- **Buildings Units per Acre**, a number establishing how many buildings units are allowed on a site. Buildings units may be used for residential or non-residential uses according to a fixed ratio (e.g. one (1) building unit = one (1) residential unit, or three (3) hotel rooms, or 2,500 sf non-residential floor area). When this number is multiplied by the site's acreage, the number of building units allowed is established.

Cities that use FAR also do so somewhat differently than Atlanta. Some techniques include:

- **Use of a Single Lot Basis.** None of the city regulations reviewed as part of this effort use both GLA and NLA. NLA is the standard.
- **Use of a Single FAR for all uses.** Most city regulations use FAR to establish an overall maximum permitted floor area, and allow use provisions to determine the allocation of specific uses. Atlanta is rare in its use of residential and non-residential FAR.
- **Use of Different FARs for Single-Use and Mixed-Use Projects.** Seattle encourages mixed-use development by providing a higher FAR for projects that contain residential and non-residential uses. It allows the specific mix to vary, provided minimums are met.
- **Use of Minimum FARs.** In addition to maximum FARs, some cities required minimum FARs in areas with significant transit investment.
- **Counting Parking Deck Floor Area.** In Atlanta, parking decks never count towards a building's floor area, regardless of their size. Some cities, such as Washington, DC, and Pasadena, CA, recognize that parking decks can have a major bulk impact, count above-ground parking decks towards floor area. Pasadena also requires that above-ground parking decks not exceed 75% of the floor area of the non-parking area they serve.
- **Exempting Desired Activities.** It is possible to not count publicly-desired activities or uses towards FAR. For example, some cities exempt designated historic buildings in order to encourage their preservation. Others exempt things like affordable housing or ground floor retail.

| FAR CHART: TYPE OF DEVELOPMENT | HEIGHT LIMIT | | | | | |
|--------------------------------------------|--------------|------|------|-----|------|------|
| | 30' | 40' | 65' | 85' | 125' | 160' |
| | MAXIMUM FAR | | | | | |
| Residential-only or nonresidential-only | 2.25 | 3 | 4.25 | 4.5 | 5 | 5 |
| Single use within mixed-use development | n/a | n/a | 4.25 | 4.5 | 5 | 5 |
| Mix of residential and nonresidential uses | 2.5 | 3.25 | 4.75 | 6 | 6 | 7 |

Allowable densities vary depending on the mixture of uses provided within a development in Seattle. Credit: City of Seattle.

Ways to indirectly regulate density include:

- **Lot or Site Metrics**, which refers to the combined ability of building height, lot coverage, and setback limitations to indirectly control density.
- **Building Types**, which uses form and building types (See Building Typology on page 015) to indirectly control density.
- **Independent Height Standards**, which assign maximum heights to specific areas of the city, instead of by zoning district. The 1928 Zoning Ordinance used this approach and Seattle currently does; changes in height require the same process as zoning change.

As a practical matter, it is not uncommon for cities to incorporate multiple approaches in different areas or districts. For example, in Denver, most of the city is regulated indirectly through the use of building types. However, in certain districts, FAR is utilized. The idea behind this strategy is that, in neighborhoods and mid-rise settings, building form (especially height) is a better indicator of the quality of development than FAR, while in higher intensity areas, FAR provides greater design flexibility for taller buildings.

Recommended Density Controls Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 1.6  **The Role of FAR.** Determine the role of FARs in zoning update. Due to the complexity of the issue, the possible alternatives, and their potential impacts, an appropriate strategy cannot be recommended at this time. The consultant hired to rewrite the Zoning Ordinance should facilitate an outreach effort to explore the use of FAR and other density tools. Questions to be considered should include:

- Is it better to primarily regulate development by height and lot coverage, rather than density? Many Atlanta neighborhoods were originally built under such an approach.
- Are there areas where the design flexibility offered by FAR is a better tool than alternatives? Examples may include Downtown or Midtown, where FAR and a lack of height limits allows a variety of building sizes that a purely height-based approach may not.

- Are there areas where FAR is not an appropriate tool? This may be applicable in low-rise areas where height, building types, and lot coverage tools are sufficient to regulate form.
- What happens to TDRs and density bonuses if FAR is no longer used? Are there other incentives that can encourage historic preservation and the creation of open space?

It is of note that the recommended use of building types can work with or without the use of FAR. However, if FAR is maintained and building types are used, the ratios will need to be increased for some building types, especially Missing Middle Housing, in order to match traditional development patterns; all current LUI Table sectors are insufficient.

If the zoning update consultant and city officials determine that the use of FAR should continue, the following are recommended:

RECOMMENDATION 1.7 ➤ **Elements of Density.** Simplify what constitutes floor area. As part of this, determine if above-ground parking decks should be included, how accessory structures (such as gazebos) are treated, and how various attic and basement arrangements are treated.

RECOMMENDATION 1.8 ➤ **Mixed Use.** Do not differentiate between residential and nonresidential density allowances in mixed-use districts.

RECOMMENDATION 1.9 ➤ **Net Lot Area.** If FAR calculations continue to be used, NLA should be utilized as the land basis for calculating density in all zoning districts.

RECOMMENDATION 1.10 ➤ **Land Use Intensity Table.** Eliminate the LUI Table. Provide appropriate maximum densities in each zoning district and assign parking and open space based on context, not FAR.

RECOMMENDATION 1.11 ➤ **TDRs.** Revise TDR regulations to better coordinate different TDR applications, simplifying the process, and taking into account future decisions on FARs and new district regulations (see TDRs on page 85-86).

DESIGN CONTROLS

The 1982 Zoning Ordinance was written as a conventional code with the primary focus of regulating the “function” of development through regulations for allowable uses, required setbacks, minimum parking ratios, maximum densities, and maximum heights. Beginning in the 1990’s, many Atlanta neighborhoods began asking for more than this basic template of regulations from the zoning process, placing an increased interest in the “form” or design of development.

This increased demand for control of design eventually gave way to the creation of entirely new zoning districts that integrated a standard set of design regulations for designated areas of the city. This approach has gained momentum through today, resulting in multiple specialized districts that integrate the same set of shared urban design standards in each district.

Because of this strategy, the quality of development throughout the city has improved dramatically and Atlanta has become a model throughout the region for its innovative approach to regulating urban design through zoning.

Current Practice

Issues associated with the regulation of building design in Atlanta include the following observations:

- **Varying Typologies.** Encompassing 135 square miles of varying terrain, Atlanta is made up of a wide range of differing contexts. From auto-oriented suburban-styled commercial corridors and residential subdivisions at the fringes to walkable, compact commercial and mixed-use districts along Peachtree Street, the individual places and neighborhoods that make up the city are diverse. Some of the design standards that have been created over the last 20 years are not appropriate for certain areas of the city that are less dense and less “urban”.
- **Repetitive Regulations.** In the current zoning code, design regulations are placed in the text of individual district regulations. The city’s design standards have become a basic “template” of design regulations that have been “copied and pasted” into the many SPI, NC, Quality of Life, and BeltLine zoning districts created over the past 20 years. As a result, the “size” of the zoning code has increased substantially over this period of time with the duplicative nature of the design standards adding to this trend.

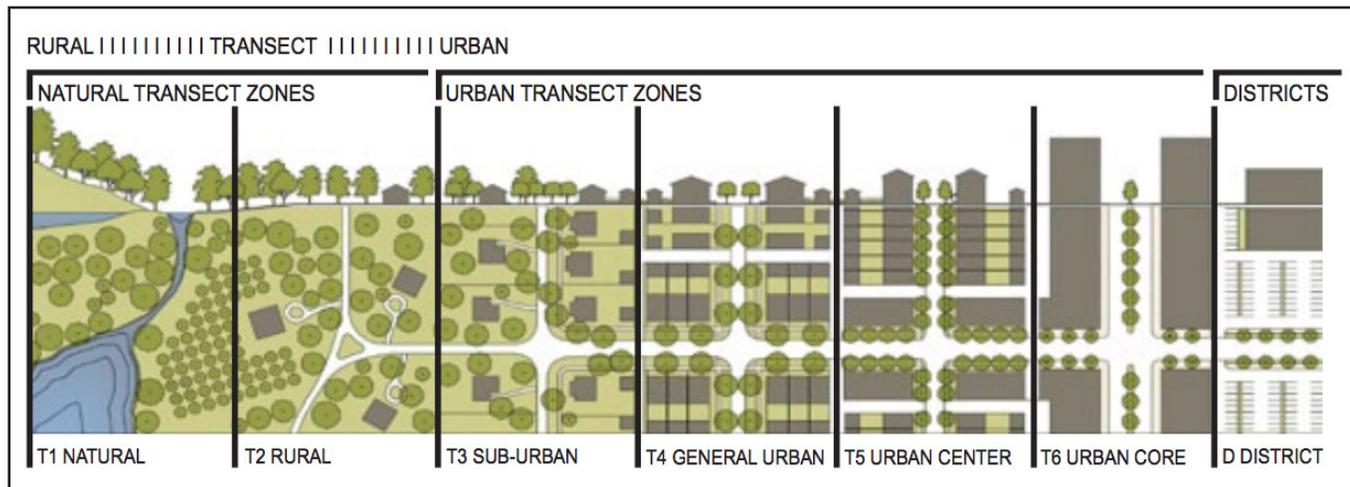
- **Slight Variations.** Over time, some design regulations have been adjusted when written for specific districts resulting in provisions that vary slightly, but consistently, from district to district. These changes have frustrated the ability of the city to interpret and enforce the design regulations of the individual districts due to the lack of a consistent set of provisions.
- **Amendment Difficulties.** The placement of design regulations within each individual zoning district further complicates the process of amending and updating these provisions. To consistently amend an item in the current code format, every individual zoning district containing that design regulation must be revised. This approach is time-consuming and poses too great a risk that some section of the code will be overlooked when an amendment is necessary.
- **Wordiness.** The current code relies exclusively on text to regulate zoning, including the newer design regulations that have been established in more recent zoning districts. Many of the urban design regulations within the current code are lengthy in an attempt to fully communicate the concept inherent in the regulation. As a result, the urban design regulations can be “wordy” making it difficult to understand exactly what is being required or to consider how the regulation apply to differing sites and contexts.

Options for Addressing Design Controls Issues

Options for addressing design controls in the new zoning code include:

- **Consolidated Regulations.** A centralized set of urban design regulations could be established that would apply to designated areas of the city that are more dense, historically compact, and designed more for pedestrians than drivers. These standards would reside in a consolidated section of the code and could be removed from the individual zoning district regulations. All other areas of the city could have no additional design regulations.
- **Heightened Regulations.** Similar to the above approach, a heightened set of urban design regulations could be created and applied to select areas of the city. However, in this scenario, the remaining areas of the city would be treated with their own set of “lighter” design standards that could elevate the quality of design but to a lesser degree compared to what the more compact and dense locations could receive. This approach is a true form-based approach, with urban design regulations being applied to the entirety of the city. (See Building Typology on page 120)

- **SmartCode.** Cities like Miami, Florida have adopted the SmartCode as a method for better integrating urban design regulations into the zoning code. This unified land development code unifies zoning, subdivision regulations, and urban design regulations into a single policy document. The SmartCode establishes zones intended to capture the full range of character areas that exist or could exist within a community, including both rural and urban types of places. This form-based code is a national template that is intended to be calibrated to fit within the local context of each applicable community. (See page 29 for a summary of The Transect).
- **Graphic Illustrations.** Urban design regulations can utilize graphic illustrations to better communicate the application of the standards. By utilizing visual images, a new code can better communicate complicated concepts while also reducing the total length of the code.



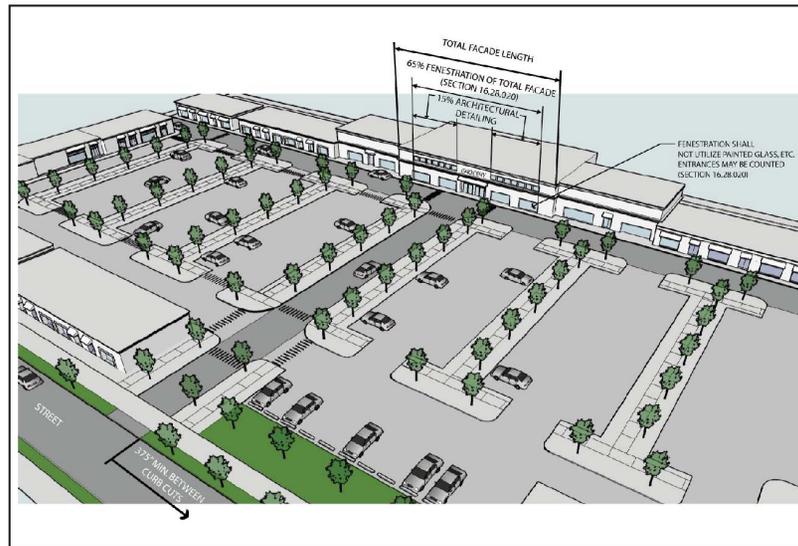
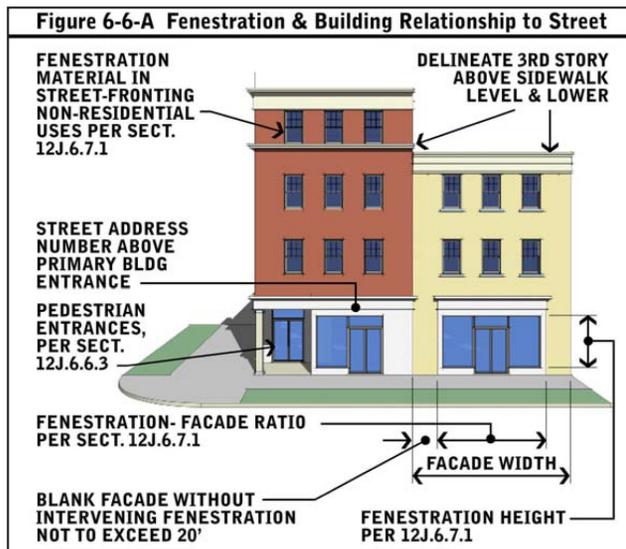
The SmartCode establishes zones or transects as a way of regulating a diversity of development patterns within a community. Credit: City of Cincinnati.

Recommended Design Controls Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 1.12 **Consolidated Design.** A consolidated set of urban design regulations should be created to regulate design elements within the zoning code, eliminating the need to place design regulations within individual zoning districts. This section should be comprehensive dealing with all elements of urban design including the design of sites and buildings.

RECOMMENDATION 1.13 **Differentiating Areas.** Explore writing a “light” set of basic regulations containing regulations pertaining to all types of development, from residential to non-residential uses. A heightened set of design regulations is also needed which will apply to designated areas of the city such as walkable urban zones and districts. These areas of increased standards should be those parts of the city that are considered to be more pedestrian, dense, urban, compact, and/or historic.



The new Atlanta Zoning Ordinance should integrate graphic illustrations to ensure that key regulations are communicating clearly, simply, and successfully. Credit: Canvas Planning Group.

RECOMMENDATION 1.14 ➤ **Illustrative Graphics.** The design regulations of the new code should include illustrative graphics that are imbedded within the regulations to better communicate the intent of the regulations.

RECOMMENDATION 1.15 ➤ **Building Types.** Design standards should be coordinated with the proper building type approach (See Building Typology on page 015). Building types should include various types of residential, commercial, mixed-use, industrial, civic, and accessory types of structures.

RECOMMENDATION 1.16 ➤ **Style Neutral.** Design standards should be style neutral, avoiding the regulation of specific architectural styles, focusing instead on the desired form of development that would be applied regardless of the style of the architecture. Areas of the city in need of more specific architectural regulation can continue to pursue the Historic Preservation district mechanisms within the code.

RECOMMENDATION 1.17 ➤ **Supplemental Zones.** Replace this zoning term with “Front Yard” and standardize where it is measured from, to ensure consistency throughout the code.

MASTER PLAN PROVISIONS

Currently, the provisions of the MR and MRC zoning district regulations such as density, setbacks, open space, and parking are applied entirely to individual parcels which creates conflicts for projects encompassing multiple parcels that wish to apply the zoning regulations to the entirety of the project. Zoning proposals involving multiple parcels should be permitted flexibility to allocate these based on the entirety of the project site as opposed to each individual parcel.

RECOMMENDATION 1.18 ➤ **Master Planned Developments.** Insert language into the Quality of Life and RG zoning districts that allow developments with numerous parcels to be “master planned” so that the full set of district regulations are applied to the entire development site instead of to every individual parcel or sub parcel. **[QUICK FIX]**

NATURAL SYSTEMS

Atlanta is commonly known as a “city in the Woodland” because of its lush tree canopy. The city is also home to many waterways in the form of rivers, creeks, and streams. Most of this natural environment is inaccessible to the public however as the city’s development has been oriented away from or in place of these natural features. Future planning and development should protect, integrate, and enhance natural systems to the greatest extent possible.

RECOMMENDATION 1.19 ➤ **Natural Systems.** Leverage the Atlanta city Design Project 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.

OPEN SPACE

When the use of zoning began to spread across the county in the late 1920s, following the creation of national and state enabling legislation, many of the specific purposes used to justify this new power related to the provision of adequate open space. The 1926 A Standard State Zoning Enabling Act, specifically states among its purposes as being created to, “Provide adequate light and air,” and, “To facilitate the adequate provision of...parks and other public requirements.” These same purposes are incorporated almost verbatim in the purposes of the Zoning Ordinance.

Despite the role of open space as a foundation of zoning powers, today the meaning of the term can vary widely. However, at its most general, open



The Atlanta zoning code requires multi-family and some commercial developments to provide open spaces. The new code must continue yet refine this approach. Credit: Canvas Planning Group.

space usually refers to areas that are open to the sky above, regardless of whether or not they are on the ground or on top of a building. This may include undeveloped land, landscaped areas, and other spaces improved for pedestrian enjoyment and aesthetic appeal, as well as parking lots, loading areas, stormwater facilities, and similar uses.

While this broad definition of “open space” may be appropriate in some places, especially rural areas, it is often insufficient to serve the overall needs of towns, cities, and high growth areas. In these places, there is often a public interest in providing a narrower definition that excludes parking lots, loading areas, stormwater facilities, and similar uses that are not available for pedestrian enjoyment or aesthetic appeal. In recognition to this, most cities have refined the definition of “open space” or provided more specific terminology, such as “green space,” “amenity space,” “public space,” etc. Often, these focus heavily on the design of the resulting open space and their relationship to the surrounding context.

Current Practice

Atlanta’s Zoning Ordinance incorporates open space controls in several different ways, including Total Open Space, Usable Open Space, and Public Space. Total Open Space requirements (“TOSR”), which includes the area of uncovered open space plus half the total area of covered open space. Total open space applies to multifamily projects or multifamily portions of mixed-use projects. Usable Open Space, which includes the part of total open space appropriately improved and located for outdoor living space for residents and for aesthetic appeal. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency actions. Usable open space applies to multifamily projects or multifamily portions of mixed-use projects. Public Space, which includes exterior and interior spaces appropriately improved for pedestrian amenity or for aesthetic appeal. Public space must be accessible to the public and located at ground level. Public space applies to certain nonresidential projects or nonresidential portions of certain mixed-use projects.

There are several challenges associated with this current approach to regulating open space. Specific problems with the current approach are as follows:

- **The Relationship to Use.** Linking open space requirements to the use of the building or project may work well for single-use projects, but it makes providing open space on mixed-use projects more complicated, especially those where residential and nonresidential uses are roughly proportional. The use provisions also create challenges when an existing building changes use, especially from nonresidential to residential.
- **The Land Use Intensity Table.** Residential open space requirements are linked to a project's FAR through the LUI Table (see Density Controls on page 020). The metrics in said table were specifically created to encourage late 1970s auto-oriented garden apartment complexes, not for traditional urban townhouses, apartment buildings, or Missing Middle Housing. As a result, the amount of all open space required is higher than appropriate.
- **TOSR.** The LUI Table also requires total open space, which allows for development such as parking lots to count as open space. As noted above, this seeks to create a specific type of auto-oriented garden apartment complex that is no longer appropriate in most of Atlanta. For this reason, TOSR requirements have already been eliminated in several newer zoning districts (e.g. MRC, MR).
- **Complexity.** The use of the LUI Table and the methods of calculating what types of open space satisfy its open space requirements are one of the most challenging elements of the entire Zoning Ordinance. It is designed to force applicants to prepare extremely tedious calculations of parking lot islands, walkways, landscaped areas, etc. that can be used to satisfy the requirements.
- **The Built Outcome.** The LUI Table and the public space requirements result in the creation of a relatively high amount of open space, but do nothing to ensure the quality of said open space.
- **Larger Sites.** Open space requirements in most zoning districts do not differentiate between an infill building on one lot and a large site (such as Atlantic Station), that incorporates many new lots. When subdivision is proposed, there is no provision for creating large parks or open spaces that may serve several new city blocks because most zoning districts calculate open space requirements on the basis of the lot.

- **Scattered Open Spaces.** As noted above, in most zoning districts, open space calculations occur on the scale of the lot. This encourages the creation of piecemeal open spaces that are less useable than large, consolidated ones. In Midtown, efforts were made in SPI 16 to encourage a system of open space transfers, but this has not been effective.
- **Park Zoning.** It is also of note that the city lacks a specific zoning district for parks. Instead, parks are usually zoned based on the surrounding zoning. While this is not a problem for parks owned by the city, the city is seeing an increasing number of parks owned by a private (usually non-profit) entity. In these cases, special events, signs, accessory buildings, etc. within these parks are subject to the surrounding zoning, which may or may not suit them. The lack of park zoning also means that there is a poor relationship between the city's 15-Year Future Land Use Map and park space.

Options for Addressing Open Space Issues

There are many ways to regulate open space differently than Atlanta currently practices. Generally speaking, these approaches aim to reduce the actual amount of open space required, in order to better match traditional urban patterns; but, they greatly increase the quality and usability of said spaces. Options include:

- **Unlinking Open Space From Density And Use.** Generally speaking, this involves creating standards that apply based on the percentage of the lot size, regardless of use or density. In Roswell, Georgia, the city's form-based code requires the creation of separate Landscape Open Space and Outdoor Amenity Space on every lot; the sum of these never exceeds 20% of the lot.
- **Tying Residential Open Space To Number Of Units.** Many cities with specific residential open space requirements establish a set amount of open space per dwelling unit. In Downtown Denver, 30 square feet of open space is required per dwelling unit, although the city lacks specific citywide requirements.
- **Use Conversions.** Cities may also choose to exempt conversions of existing buildings from any additional open space requirements. This can be a major boon to the preservation of existing buildings.
- **Lot Specifics.** As noted earlier, Atlanta's definition of open space, especially useable open space, is quite

broad. It would be possible to refine what constitutes open space to ensure a higher quality on a lot-by-lot basis. Reducing the required amount to account for this higher quality would be necessary.

- **Large Sites.** In order to ensure the creation of consolidated parks and plazas, it is also possible to create specific open space requirements for large sites, which may or may not preclude any additional lot requirements. In Denver any development greater than 10 acres in size, or expected to be developed in phases, must dedicate 10% of the site area to parks and open spaces; in Miami, it is nine (9) acres and five percent (5%). Five percent is also used for large sites in Doraville, Georgia, including the planned redevelopment of the former General Motors Assembly.

Recommended Open Space Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 1.20 ➤ **LUI Table.** Eliminate the LUI Table. Instead, provide specific open space requirements for all lots except single-family residential and industrial ones. These should be tied to a percentage of lot size.

RECOMMENDATION 1.21 ➤ **Consolidated Approach.** As part of the above, combine public space and usable open space standards into a single new requirement that applies to sites, regardless of use. Consider significantly 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, and relationship to adjacent buildings.

RECOMMENDATION 1.22 ➤ **TOSR.** Eliminate TOSR, as has been done in QOL districts and several SPIs.

RECOMMENDATION 1.23 ➤ **Transitional Yards.** Do not count transitional yards in open space calculations.

RECOMMENDATION 1.24 ➤ **Change Of Use.** Exempt all existing buildings built before the adoption of updated Zoning Ordinances from any change-of-use related open space requirements.

RECOMMENDATION 1.25 ➤ **Larger Sites.** Create new standards for larger sites (where new blocks and multiple lots will be created) that ensures the creation of consolidated new parks, plazas, squares, and similar places available for public use. 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.

RECOMMENDATION 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 one in Historic Fourth Ward Park, must be embraced by the zoning update.

RECOMMENDATION 1.27 ➤ **Park Zoning District.** Explore creating a “park” zoning district.

OUTDOOR DINING

Outdoor dining provisions are currently regulated through the Zoning Ordinance and the public works code that guides the placement of items within the public right-of-way. Often times, these separate codes are in conflict with each other as it relates to where outdoor dining can be located, serving to frustrate and complicate the creation of outdoor dining elements - which have become increasingly popular in many of Atlanta’s neighborhoods to clarify and where appropriate encourage outdoor dining.

RECOMMENDATION 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. Coordination with public works and street regulations must be addressed.

PLACE-BASED ZONING

The conventional approach to zoning establishes districts based strictly on a predominant set of land uses. In this way, conventional zoning districts control the locations and the intensities of uses throughout the city. Industrial areas contain I1 and I2 zoning districts, residential neighborhoods have R1 through R5 zoning districts, multi-family areas have RG zoning districts, and commercial areas of the city have C1 through C3 zoning districts.

Unfortunately, this approach to zoning is ineffective at creating places of cohesive character – the kinds of places that Atlanta residents want their communities to be. Place based regulations focus more on the type of place being created and have corresponding zoning mechanisms to bring that vision to life.

There is also a desire to have zoning districts that better match the diversity of uses and building types that make up many of Atlanta’s unique neighborhoods. The conventional zoning districts are largely monolithic, prohibiting the mixing of uses and building types that characterize these other popular areas of the city.

A new place-based approach to zoning is needed in Atlanta that will better match the neighborhoods, corridors, and districts that make this city so unique.

Current Practice

- **Use-Based Zoning.** Atlanta’s conventional zoning code regulate only uses and their intensities. There is no awareness of a broader sense of place being created through development within the zoning district.
- **Inconsistent Development Patterns.** Zoning within a neighborhood, a corridor, or a district, the current pattern of zoning district designations can vary greatly, each district with its own respective set of regulations pertaining to heights, densities, uses, setbacks, parking, and open space.

This patchwork of zoning districts can lead to an inconsistency in development patterns within individual place types such as neighborhoods, corridors, and districts.

- **An Incongruous Code.** Over the past 30 years, the city has created many new zoning districts that are place-based zoning tools in the form of the SPI and NC zoning districts. These districts have grown in number and now represent a large portion of the zoning code. The current zoning code contains multiple older, more traditional use-based districts, and multiple newer place-based districts. All of these various types of zoning districts living within the same zoning code has made the code feel disjointed and incongruous.

Options for Addressing Place-Based Zoning Issues

Options for addressing the issues posed by Atlanta’s current use-based Zoning Ordinance include the following:

- **SmartCode.** The SmartCode approach to changing the zoning code is an option that could be pursued. In this scenario, the place types that would be regulated through the code would be the “T zones” of Natural Zone, Rural Zone, Sub-Urban Zone, General Urban Zone, Urban Center Zone, and Urban Core Zone.
- **Place Based Zoning.** Create Atlanta-specific place-based districts that reflect the neighborhood, corridors, and district contexts of the city. This approach should be preceded by a thorough documentation of the more specific types of neighborhoods, corridors, and districts that are in the city today or that are desired for the future. This delineation of more specific place types would form the foundation of the creation of the new district types.
- **Street Designations.** While new place-based zoning districts are needed, there are still certain aspects of development that correspond more strongly to the type of street the development fronts on than the type of zoning district that the development is in. Regulations pertaining to sidewalks, streetscapes, and front yard setbacks are examples of development conditions that are more appropriately associated with the adjoining street type than with the overlying zoning district.

Recommended Place-Based Zoning Strategy

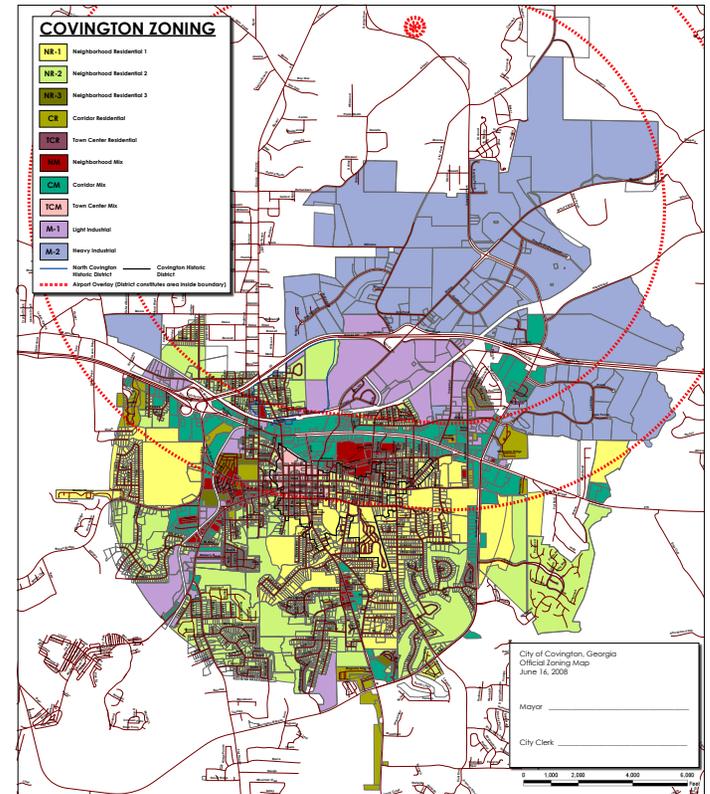
The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 1.29 ➤ **Building Types And Design Controls.** Implement the recommendations of the Building Types and Design Controls sections of this document. (See Building Typology on page 120 and Design Controls on page 131)

RECOMMENDATION 1.30 ➤ **Place Based Districts.** Replace the current inventory of zoning districts with newly created place-based zoning districts reflecting the neighborhoods, corridors, and districts of Atlanta.

RECOMMENDATION 1.31 ➤ **Typology Of Atlanta.** Establish a more thorough typology of neighborhoods, corridors, and districts that will form the basis of the new neighborhood zoning districts through the Design Atlanta project. Include in this work, an assessment of other area types that should be addressed in the new zoning code such as historic districts, and natural or environmental systems.

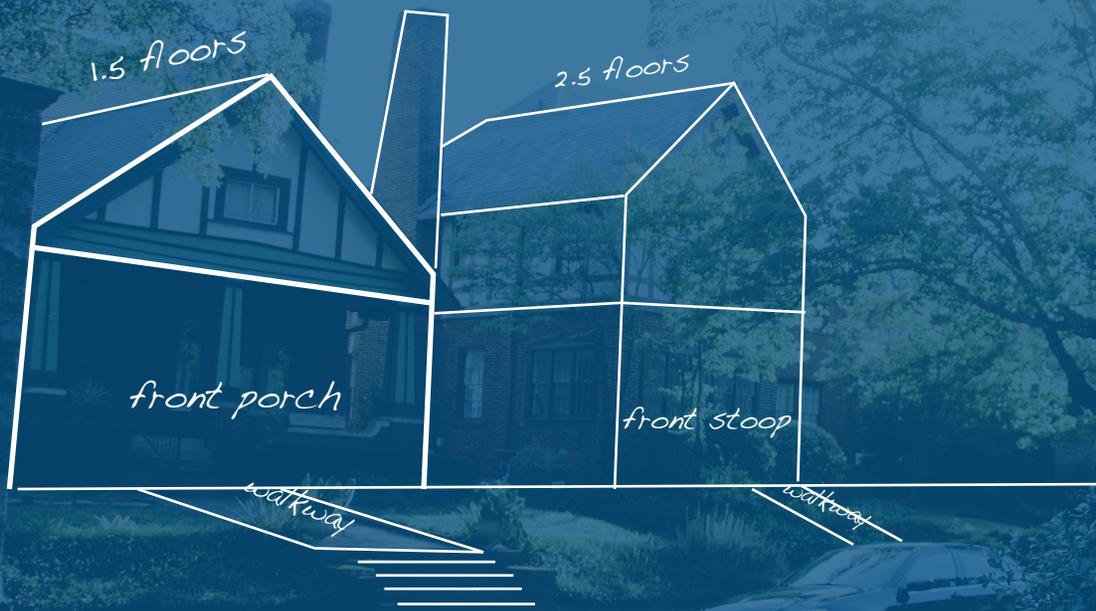
RECOMMENDATION 1.32 ➤ **Street Network Map.** Further establish a street network map that regulates allowable building types and street frontages based on street types and not by zoning district.



The city of Covington, Georgia has replaced their older conventional zoning districts with the new place-based zoning districts of neighborhoods, corridors, centers, and districts. Credit: City of Covington.

CODE ASSESSMENT

protecting neighborhood
character



CODE ASSESSMENT

2 _ Protecting Neighborhood Character

Atlanta is made up of a large number of established residential neighborhoods, providing housing for many of the city's residents. Each of these neighborhoods has a unique identity comprised of its respective history, geography, resources, and people. Many of these neighborhoods have worked with the city of Atlanta over the past 20 years to create zoning-specific tools to preserve and enhance their neighborhood identity such as Neighborhood Commercial (NC) zoning districts, Special Public Interest (SPI) zoning districts, and Historic Preservation districts. This section presents a series of recommended approaches to these various tools that have served to protect the character of many of Atlanta's neighborhoods.

ACCESSORY STRUCTURES & USES IN R DISTRICTS

Current regulations limit the height of accessory structures to 36 inches within required side and rear yards or setbacks. This height limit has become problematic, as more modern air conditioning devices are typically 42 inches in height. Applicants are now required to seek a variance to install these taller devices, an application that is consistently granted. Additionally, several accessory uses that are commonly associated with residential subdivisions, such as clubhouses and playgrounds, are not among the accessory uses permitted within R1 through R5 districts.

RECOMMENDATION 2.1  **Accessory Structure Heights.** Revise current R district regulations to allow accessory structures in side and rear yards up to a maximum height of 42 inches. **[QUICK FIX]**

RECOMMENDATION 2.2  **Accessory Uses.** Revise current R district regulations to allow those accessory uses typically associated with residential subdivisions (club houses, playgrounds, etc.). **[QUICK FIX]**

DISTRICT TAILORING

The 1982 Zoning Ordinance in Atlanta was a solid product that reflected best practices in the late 70's and early 80's. Changes in Atlanta since that time, as well as advances in the legal framework that allowed more flexibility based on aesthetics and design, resulted in a series of regulations, particularly in the last 20 years, that tailored regulations to specific areas of the city. This "designer district" trend has been most commonly achieved through the Special Public Interest (SPI) districts, the Neighborhood Commercial (NC) districts, and the Historic Preservation districts. As time went on, new districts were created to provide individualized zoning solutions for more and more areas of the city.

These districts have done an excellent job of creating nuanced regulations tailored to the design, needs, and interests of the particular neighborhood or district involved. In some instances, the ability to specify regulations in this manner has allowed tough zoning problems to be solved in very creative ways. On a less tangible level, they also have allowed many residents to feel a sense of individual achievement and pride in the neighborhoods involved.

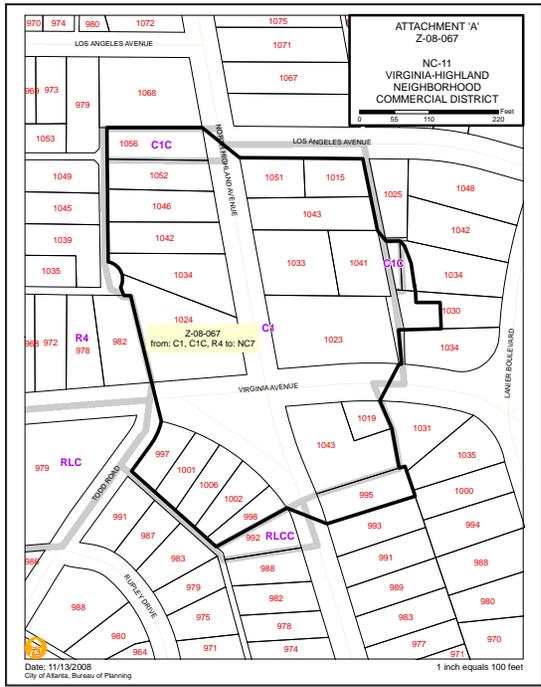
However, this trend has created a situation in which large numbers of districts contain many regulations that are fairly similar but not identical. It also has created the need for huge numbers of SAPs and Certificates of Appropriateness ("CAs") in historic districts that can no longer be effectively reviewed. The staff time and expertise required to review these permits has overwhelmed the administrative abilities of the two Offices - Planning and Buildings - charged with reviewing the development in these districts. There is a need to consider a better balance here - these complex districts need to be simplified in a way that continues to provide individualized neighborhood and district protection in a less cumbersome manner.

Current Practice

Atlanta now has 16 individual SPI districts, 11 NC districts, and 17 Landmark/Historic districts. Many of these districts have multiple subareas. For instance, SPI 11 has a whopping 12 subareas, all of which have different regulations. Atlanta also has a wide variety of QOL districts, a series of Planned Development (PD) districts,

and some districts upon which additional regulations have been adopted as “conditions”. This degree of individual district regulation has resulted in at least five areas of problems:

- **Similar But Different.** The districts have too many regulations that are similar but not quite identical. Compare, for instance, 18A.011 (Relationship of building to street in SPI 1) to 18-K.011 (Relationship of building to street in SPI 11). This makes review of SAPs and permits very challenging because these slight nuances between districts are overlooked or forgotten, particular when the differences are not substantially important.
- **Duplicative Regulations.** The districts have too many duplicative regulations that cover the same ground. This point is similar to the previously articulated point but would be expanded to include regulations in various SPIs that are in fact the same in many districts and result in duplicative statements that increase the complexity of the code as well as its bulk.
- **Revision Difficulties.** The SPI, NC and preservation regulations have evolved and, in many cases, improved over time. Regulations imposed more recently on given topics often are an improvement over earlier efforts, but the new regulations do not automatically update the old. Former “mistakes” have been corrected in more recent regulations but not in the older regulations. Plan reviewers often are well aware of these better versions of the code and are tempted to apply them to the older versions even when they are not actually applicable.
- **Misapplication Of Conditions.** The creation of text conditions in QOL districts has made enforcement nearly impossible and conflicts inevitable. There are some MRC districts - such as the MRC3-C district surrounding Turner Field - in which an entire set of text regulations have been



The Virginia-Highland NC11 zoning district is an example of the ways that neighborhoods have utilized zoning controls to protect local character. Credit: City of Atlanta.

created and imposed in the district-wide legislation. These “conditions” are not really conditions because they do not ameliorate the negative impact of a specific rezoning or SUP – they instead change the text of the MRC regulations over the entire district to which it is mapped. If the MR regulations do not work for a district, they should either be changed for all districts, or, not used for that district at all. Using the MRC text but then changing it in material ways as applied to an entire district-wide area creates confusion at an unacceptable level.

- **Administrative Limitations.** There may be too many districts to effectively administer given budget realities. As areas of the city progress and evolve, simply adding new SPIs or NC’s is not an effective solution. There are too many districts now to properly administer given the budget of this Department. This report’s emphasis on new regulatory thinking, such as template “corridor” districts and more universally applied design regulations, will hopefully reduce the need for new SPIs or NC’s and, in fact, could result in elimination of some of the existing districts in favor of application of more generalized districts that utilize more sophisticated design requirements across the board.

Options for Addressing District Tailoring Issues

Options for addressing issues related to district tailoring in the zoning code include the following:

- **Continued Tailoring.** Tailoring of districts could continue in a manner similar to that now observed but it clearly would require that the staff of Planning and Buildings be perhaps doubled in order to adequately handle the tailored regulations into the future.
- **Consolidated Regulations.** Create a consolidated set of design regulations based on contexts that apply more uniformly throughout the city or in common areas of the city. Seek to eliminate or collapse outdated or unneeded zoning districts so that the end result is fewer districts with consolidated design regulations based on context.
- **Limited Tailoring.** Continue to enable district tailoring but limit the options of elements that can be tailored to a list of essential elements such as sidewalks, heights, parking minimums, parking maximums, and so forth.

Recommended District Tailoring Strategy

Continuing the current practice of creating new SPI or NC districts as new needs arise in particular neighborhoods or districts is not sustainable. It is too confusing and the staff would need to be doubled to keep up with demand. On the other hand, just cutting out some districts may sound appealing but will result in poor regulatory protection for Atlanta's very unique areas. There were excellent reasons for creating these districts in the first place and they should not be ignored. By way of example, one cannot look at the remarkable success of Midtown and pretend the SPI 16 regulations had no impact on that success: those regulations, and others like them throughout Atlanta, have made that progress possible. They should not be thrown out or gutted in the name of simplicity.

The better option appears to be a two-pronged strategy in which current regulations are carefully reviewed and edited to make them far more streamlined or even eliminated when appropriate. The process of writing a new code should include a careful review of the regulations in these tailored districts and elimination of near-identical provisions as well as duplicative provisions. These provisions should be taken out of the districts and re-located to another area of the code, and simply cross-referenced in each district rather than repeated endlessly. The next prong should be consideration in the new code of better, more generally applicable design provisions that apply to all districts of a similar context – such as corridors or urban neighborhoods – making continued application of at least some of these tailored districts obsolete.

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 2.3  **Duplicative Provisions.** Pull out all duplicative provisions that appear in multiple SPI, NC, and other similarly impacted districts and create a unified set of these regulations elsewhere in the code that will apply to all of these districts. For example, the “Relationship of Buildings to Street” sections of the SPI districts (see, e.g., 16-18A.011) could be analyzed, and a revised regulation created that works for all or nearly all SPI districts and then placed in another section of the code. Each SPI district would then simply reference that other code section. If there is a particular metric that is both important and unique to a district, that revision might be placed in the individual SPI regulations. But otherwise, many of these regulations are similar and can be made uniform and removed from individual districts with a simple cross-reference without hurting the district in any way. This will reduce the code by many pages very rapidly, and make it far easier to read and apply.

RECOMMENDATION 2.4 ➤ **District Conditioning.** Stop the practice of adding “conditions” to the text of QOL districts. Conditions – such as site plans – imposed as a part of the rezoning process for a particular parcel of land is addressed elsewhere in this report. The point here relates to those situations in which the actual district text is changed during the adoption of the zoning maps for entire QOL districts, such as the Turner Field area MRC3-C zoning. This area-wide MRC district piles text “conditions” on the usual MRC text. You will only know what these “conditions” are when you pull the actual text of the district-wide rezoning. The result is confusing, hard to understand, and creates difficult conflicts between the regulations. Better practice is to adhere to the MRC regulations. If they do not work, the entire MRC district text should be revised or updated. The answer is not to create individualized MRC districts that contain text changes to the MR district that can only be found in the legislation itself and are not codified.

RECOMMENDATION 2.5 ➤ **Uniform Regulations.** Consider uniform district regulations in the new code based on contexts such as corridors or urban neighborhoods. This point is discussed in more detail elsewhere in this report. It is important here because once the process of drafting the new zoning code is complete, it is the expectation of this report’s authors that many of the current zoning districts, perhaps including some SPI, NC, and Quality of Life (QOL) districts, will be replaced, eliminated, or substantially revised/streamlined. When these district changes occur, it is important that the design regulations that accompany them be made uniform to the maximum extent possible based on the appropriate context involved, and then consolidated in one section of the new code.

RECOMMENDATION 2.6 ➤ **Broader Tailoring.** Consider an option in which district tailoring is reduced in general, and replaced with a system of defined options such as suffixes to districts that refine specific metrics such as height. Miami and Roswell utilize a similar system in which basic specified options are allowed in certain districts through the use of suffixes placed at the end of the district depending on whether they would apply in that district. In this manner, certain alterations can be made to the name of the district using a simple system in a table that allows for defined options.

CR-MX-O-5
[PLACE TYPE]-[DISTRICT]-[USE]-[HEIGHT]

By utilizing a series of suffixes and numbers, zoning designations can reflect a broader range of options and controls.

HISTORIC DISTRICTS

During the years prior to the adoption of Atlanta’s Historic Preservation Ordinance, the city was losing historic resources at an alarming rate. A preservation ordinance was in place in Atlanta, but it was very limited and did not sufficiently identify or protect the bulk of the city’s important historic resources.

Recognizing the problem, the Young administration initiated a major mediated process involving key stakeholders and organized roundtable presentations from recognized experts in various related fields for over nine months. An Executive Summary formed the basis for an Interim Development Control Ordinance which was in place for a period of one year while a new code was drafted. The Historic Preservation Ordinance (“HPO”) was finally adopted in 1989. (See, 8 Preservation Law Reporter 1018 (1989 Annual).)

Given the nature of development in Atlanta, and the rate at which historic resources were disappearing in the 80s, the HPO can only be described as a major success. In the judgment of the team, the core regulatory process set out in the HPO (Chapter 20 of Part 16) is generally acceptable and has been upheld by the courts over time. It has features unique to Atlanta that have worked very well and have served as models for other jurisdictions. However, the HPO is now some 27 years old. It has several serious problems, identified in the next section, which would benefit from focused change. The goal of this change would be to use the city’s limited preservation resources in a more streamlined and strategic way, so that the most important historic resources are identified and protected and the program’s important core mission achieves greater public support.

Current Practice

Several key legal aspects of the HPO are important to understanding this analysis and recommendations for change, including the following observations:

- **Inherent Complexity.** Atlanta’s HPO does not follow the state law template for historic preservation ordinances. (See, exemption provision at O.C.G.A. 44-10-43 for local governments that had preservation laws in place prior to 1980.) Instead, Atlanta uses Chapter 20 of its zoning code to regulate historic resources and actually rezones historic properties following a complex nomination and designation process. This process has allowed superior flexibility in the regulation of these resources, but has produced a degree of complexity that has outpaced the city’s budgeted administrative capabilities. It also has resulted in district regulations that are inconsistent and that do not follow the other non-preservation zoning district templates contained elsewhere in the Zoning Ordinance.
- **Burdensome Processes.** Decisions regarding whether or not Certificates of Appropriateness (“CA”) (permits needed to take action on a designated resource) will be issued are made by the Atlanta Urban Design Commission (“AUDC”). These decisions are quasi-judicial in nature and are not appealed to the City Council but rather appealed directly to Superior Court. This has had the desired effect of de-politicizing these decisions, but has resulted in notice and decision-making processes required by other state laws that are overly burdensome and at times counterproductive to a positive public perception of the regulations.
- **Staff Implications.** The growing complexity of the HPO and the degree of detail contained in some of its requirements has created staffing concerns that must be addressed. Nearly all changes, sometimes even simple ones, require applications and staff review. So much staff time is spent preparing for and running the AUDC meetings that other staffing needs, such as identifying new resources for protection, public outreach, meeting with applicants, assisting with economic development, and so forth, are not able to be adequately pursued. The combined result is an overburdened system that is understaffed, too complex, often misunderstood by the public, and unable to continue to effectively inventory and protect many of the city’s historic resources.

Options for Addressing Historic Preservation Issues

Because the city’s preservation program is exempted from the state enabling statute, its legal structure is restricted only by the general principles of law that effect all zoning regulations in general. Therefore,

options for addressing problems abound. Reference to peer cities in Georgia is not particularly instructive, as the vast majority must follow the enabling state law. At the national level, the debate over whether or not preservation programs should use zoning processes instead of stand-alone preservation regulations is largely extinct - some jurisdictions nationally use zoning and some do not, and the benefits of each is almost entirely local in nature and depends on the law applicable in each state.

The option of defaulting to the state enabling statute can be immediately eliminated. It would be foolish and unnecessarily time consuming to replace a highly functional preservation program with another tool that provides lesser protection and equal or even greater regulatory effort. In addition, one main "flaw" in the state statute - that all CAs are appealed to the City Council - would open the door to requiring the Council to hear appeals on any of the 580 CAs reviewed each year by the AUDC and staff. (In 2015, AUDC staff reviewed 580 CAs and design reviews - a remarkable number particularly considering the very small staff.) The state model also does not utilize the Type 4 CA (demolition) criteria and economic review panel created in Atlanta - procedures that have been successful and are now emulated in many jurisdictions nationally.

The best option would appear to be a thorough review of the preservation program with an eye toward streamlining procedures while protecting the core mission of the program. Chapter 20 should be simplified and more coordinated. The focus should be on protecting more resources - not continuing the use of regulatory minutia that accomplishes too little actual protection while sapping staff resources.

Recommended Historic Preservation Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 2.7  **Redraft Terminology.** Redraft the "Building", "Structure" and "Site" terminology in Chapter 20 so that it is more streamlined and not able to be misconstrued. Recommend use of one word - perhaps "property" - and redefine it in a way that meets the goals of the regulations while eliminating other terms. For example, "Landmark Property" might replace "Landmark Building or Site." This nomenclature change might also help by including the settings of Landmark Buildings - surrounding property often has an enormous impact on the resource to be protected. In addition, the possibility of

replacing the “Type 1, 2, 3, and 4” nomenclature with more descriptive terms should be considered. For instance, a “Type 3 CA for major renovations” could be replaced with “A CA for Major Renovations”. This would make the process more descriptive and easier for the public to interpret. Pay attention to Charter requirements as well as Part 6 when drafting these definitions, in addition to Chapter 20.

RECOMMENDATION 2.8  **Edit District Regulations.** Conduct an analysis of each set of district regulations and edit so that a standard template is used, as similar as possible to the template used for the city’s zoning districts. Consistency of definitions, certificates, and other regulatory matters consistent with these recommended strategies should be achieved to the maximum extent possible without sacrificing core preservation concerns.

RECOMMENDATION 2.9  **Eliminate Conservation Districts.** Brookwood Hills is the only Conservation District in the city. Conservation districts utilize a review and comment structure that provides little actual protection for important resources while burdening applicants and staff with application and review materials. In an effort to streamline resources and provide more meaningful protection of resources, this district should be eliminated. The recommendation regarding new Residential Design districts discussed elsewhere in this report should be considered for Brookwood Hills as a replacement district if Landmark or Historic district Designation is not desired by the neighborhood. Protection – even if somewhat limited – should not end for Brookwood Hills; the CD designation should be transitioned and probably replaced with one of the recommended alternatives. This would require extensive consultation with the neighborhood.

RECOMMENDATION 2.10  **Eliminate/Replace Historic Building/Site Category.** Currently, seven properties are designated as “Historic Buildings or Sites”. There are, in contrast, 54 Landmark Buildings/Sites. The main distinction between Historic and Landmark protection is the ability to demolish Historic properties without securing a Type 4 CA. See, 16-20.007(c), which allows demolition of a Historic Site/Building without a CA if a replacement building is proposed. This replacement building theory is not effective in practice – it is too easily skirted, primarily because of the small footprint requirement for the replacement structure. The core mission of a preservation program is to protect important historic resources from demolition. Historic Buildings are not currently protected in this manner and yet are very important historic resources. If a building is worth designating, it should be protected from demolition. In addition, the paperwork and permitting

associated with historic versus landmark buildings is duplicative and time-consuming. Since the Historic Building category does not provide core protection, and increases the code's complexity for no compelling reason, it should be eliminated. Current Historic Buildings/Sites should be evaluated for Landmark status and re-designated to that category if they meet the criteria.

RECOMMENDATION 2.11 ➤ **Redraft Definitions.** The definitions in Chapter 20 are outdated and, to a significant degree, have been effectively altered within many of the individual districts. One example is the definition of demolition, which is modified in many district regulations to allow for insignificant partial demolitions without a full-blown CA process. The definitions should be redrafted, after careful review of each district, so that differences are reconciled and a clean set of definitions are used and not repeated in each district regulation. (The team would caution future editors to pay close attention to the Charter definitional terms of art in this regard, such as "historic areas", which are used for important legal reasons that should be reviewed before altering.)

RECOMMENDATION 2.12 ➤ **Update CA Criteria.** Over time, the criteria for CAs have evolved and it is now not entirely consistent across districts. In addition, the criteria for Type 4 demolitions could be revised, particularly with regard to better identification of how a nonprofit's mission translates into economic detriment. The criteria for review of all type of CAs should be updated and made consistent throughout Chapter 20 including the individual districts.

RECOMMENDATION 2.13 ➤ **Dedicated Enforcement Position.** Enforcement of preservation regulations is a national problem. In Atlanta it is perhaps the most often repeated public comment. Code enforcement personnel rarely understand preservation regulations and are often not motivated to correct deficiencies compared to other code problems elsewhere. Partly this is an educational deficiency. Training should be improved and a dedicated staff member should be created to solely enforce the regulations of Chapter 20. It was stated elsewhere in this Report and bears repeating here - if a regulation is important enough to become law, it should be consistently enforced, and the resources to do so prioritized.

RECOMMENDATION 2.14 ➤ **Fee Review.** One problem identified in this diagnostic has been repeated situations in which changes are made by owners or real estate speculators to protected properties knowing the changes are unlawful, because the odds of getting “caught” are low (see recommendations 2.13 above) and the fees for those violations, even if one is caught, are so low they are deemed worth the risk. This should be stopped. Fees should be dramatically increased in such situations so that the penalty serves as an effective deterrent, not a small cost of doing business. Even more draconian measures, such as a loss of business licenses or cases made against professional licensing boards, also should be considered. The end result should be the public perception that violators will be caught and penalized in a meaningful way.

RECOMMENDATION 2.15 ➤ **Increase Staffing.** As of 2015, the city has 10,220 properties, including properties within designated districts, under historic protection. For comparison purposes, 3,799 properties were under protection in 1999. That’s a nearly threefold increase in 16 years. In 2015, 580 applications were reviewed by the AUDC staff, which currently consists of three (3) persons. This of course does not include the multitude of other administrative duties and interactions with the public. In addition, many forget that this staff reviews all covered changes to properties once they are under protection – not just new developments such as rezonings or special use permits; the review requirements and volume accordingly are far more intensive than a typical zoning office workload. For a function as critical as preservation, current staffing levels within the AUDC office are not adequate to maintain this case load. Among other things, the low staffing level combined with the number of applications being handled leaves no time for the AUDC’s mission of advancing preservation interests through public outreach, inventory and designation of new historic resources, public education of economic incentives, coordination with state and nonprofit agencies, and so forth. The recommendations in this report may help with staff workloads, but even if all of them were implemented, this agency is understaffed and requires more resources.

RECOMMENDATION 2.16 ➤ **Eliminate Type 1 CAs.** Type 1 CAs for ordinary repair and maintenance are time consuming when used and create unnecessary public perceptions of governmental overreach. There is inconsistency between the main provisions of Chapter 20 regarding Type 1 CAs and individual districts. Special consideration, however, should be given to continuing the requirement for “replacement in kind” regardless of the type of work done when certain resources are repaired or changed. Perhaps replacement in kind should be allowed without permitting but an application requesting something other than in kind

replacement would require a Type 2 CA unless waived for a particular district. (The difficult issue of enforcing such a provision, however, would have to be addressed for this to work, perhaps through an enhanced penalty provision. See recommendations 2.14 above.) In any event, the CA process should be streamlined so that Type 1 is eliminated.

RECOMMENDATION 2.17 ► **Revamp Administrative Versus AUDC Review Power.** The introductory provisions of Chapter 20 provide for Type 2 CA review by the AUDC. However most district regulations allow staff review. Section 16G.005(b) is a typical example. It is recommended that the decision-making responsibility for all CAs be re-evaluated and made consistent throughout all designated districts. It is further recommended, as a part of that review, that Type 2 CAs be administrative only and decided by staff. With regard to Type 3 and 4 CAs, it is recommended that the AUDC review only major alterations/ additions, demolitions, and new construction. The remaining CAs should be considered for staff review and decision only, with an appeal opportunity to the AUDC for aggrieved parties. The end result would be to allow faster staff decisions on more applications, thus allowing the AUDC to focus only on the major issues that are fact intensive. This would benefit the Commission, the staff and the public.

Finally, it should be clarified that an administrative finding by the Office of Buildings or Housing that a building is “unfit” or “unsafe” does not obviate the requirement for all required CAs if that building is designated or is within a designated Landmark or Historic District. There currently is a disconnect between these regulations that needs to be corrected.

RECOMMENDATION 2.18 ► **Match Setbacks With Built Environment.** This is a recommendation in another provision of this Report as applied to undesignated districts and neighborhoods. Often, the regulations for setbacks, frontage and lot size for a district do not match what currently is built in that district. The correction made for this in the new zoning code should also be applied to the LD and HD districts so that the rule is consistent throughout the city unless there is a very good reason for individual inconsistencies. The current Chapter 20 compatibility formula - “no smaller than the smallest and no larger than the largest” - has proven remarkably simple and effective, and should be considered in the redraft as a standard measurement tool.

RECOMMENDATION 2.19 ➤ **Revamp Review And Comment.** The concept, embedded in Code Section 6-4043(e), of advisory review and comment on most city projects results in a huge time investment by all involved. In 2015, 87 such reviews were conducted. Many involve long hearings when the end result is a mere recommendation, sometimes made after the contract for the project is already awarded, that can be – and sometimes is – ignored. A new threshold should be established for determining when these review and comments will be required. Perhaps the cutoff should be related to the size of the capital investment or the type of resource being altered. In any event, even taking into consideration the original mission of the AUDC to “raise the expectation for quality in the built environment”, these reviews should be restricted because the time and resources that they require do not correlate to the benefit received given the AUDC’s limited resources. A related recommendation is to require that city projects that involve property located within a Landmark or Historic District to receive a CA. That way, all parties would pay closer attention to the review and the effort would be rewarded by something more than a mere recommendation.)

RECOMMENDATION 2.20 ➤ **Simplify Staff Reports.** Staff reports, though of high quality, tend to be too long. They often include lengthy cut-and-paste citations from the code, perhaps for ease of reference by the AUDC members. The result is that staff reports are difficult to read and take too much staff time to prepare. This practice should be streamlined so that codes are cited in staff reports but only quoted when absolutely necessary. AUDC members have copies of the relevant code provisions at all meetings (currently provided in notebook form by staff) and should be responsible for knowing what they contain. AUDC members should not rely on staff to provide that level of detail in every report. In addition, staff reports should be made public and available at least two (2) business days prior to any hearing. This is a problem with other reviewing bodies, such as the Zoning Review Board (“ZRB”), as well. Applicants and the public should have an opportunity to review staff reports at least several days prior to a hearing.

RECOMMENDATION 2.21 ➤ **AUDC Membership.** One excellent aspect to Atlanta’s preservation program is that the Commission is comprised of professionals in certain required, related fields. The problem is that the size of the Commission – 11 members – makes appointments difficult and effects quorum requirements. Quorum requirements are often difficult to meet and meetings are being cancelled due to a lack of quorum. In 2015, a record number of meetings (four) were cancelled due to a lack of quorum. One recommended solution is to reduce the size of the Commission to perhaps nine (9) or even seven (7)

members, keeping in mind that this would require an adjustment in the professions represented. A review of the size of the Commission, how they are appointed, the mix of professionals, their credentials, and the quorum size should be undertaken. The goal should be maximizing the professional review qualities and training of the Commission, ensuring that appointments are timely made and an appropriate quorum size is determined. Recent revisions to the AUDC's Rules are a step in the right direction but the larger membership issues should be reviewed more closely. In addition, the operation of the meetings - such as the current consent agenda provision - should be reviewed as a part of the membership review process.

INFILL PROVISIONS

In 2007, a series of "Residential Scale" regulations were adopted to address new housing construction. These provisions were drafted in response to a growing concern in many neighborhoods that new housing was not fitting in with their existing character. It is now close to 10 years since the adoption of these carefully crafted controls, and, as such, it is time to analyze the results. The new zoning code should consider what is working, what is not, what could be done better, and perhaps what more is needed to be done.

RECOMMENDATION 2.22  **Infill Provisions.** The new code should provide more extensive analysis of this topic and make changes that improve on the way in which infill scale issues are currently addressed.

NEIGHBORHOOD BUFFERING

There have been rezoning and permit/subdivision applications in Atlanta that have proposed to create what is known as "faux lots" for the purposes of removing the application of certain buffering regulations within the Zoning Ordinance. This practice is an "end run" around legitimate public concerns and should end. Additionally, the city's transitional height and yard provisions fail to appreciate the varying conditions of single-family and non-residential adjacencies that exist in Atlanta and the new code should address this.

RECOMMENDATION 2.23 ➤ **“Faux Lots”.** The new code should prohibit the creation of “faux lots” by more clearly applying buffers to any property within a prescribed distance from single-family residential areas, regardless of the number or size of a lot.

RECOMMENDATION 2.24 ➤ **Updated Mechanisms.** As the new classification of place types emerges in the code writing process (corridors and districts), appropriate mechanisms and approaches should be identified in order to protect single-family and low-rise residential area from higher intensity development.

RESIDENTIAL NEIGHBORHOOD STANDARDS

Designating an area as a historic district is the only zoning mechanism available to neighborhood’s wishing to enact more stringent controls on new housing compared to what is allowed in the R zoning districts. There are an increasing number of neighborhoods that have not achieved consensus regarding the pursuit of a full-fledged historic district but that would instead prefer a “lighter” approach to achieving a more limited scope of controls aimed at preventing the construction of new homes that do not fit into the established character of the neighborhood.

RECOMMENDATION 2.25 ➤ **Residential Neighborhood Standards.** Create residential neighborhood standards that address the design of new construction, in a limited way, for those neighborhoods that document the need for and support of the application of this tool. **[QUICK FIX]**

RECOMMENDATION 2.26 ➤ **Historic Lot Dimensions.** Allow setbacks for new homes in R districts to match established or existing development patterns, with consideration given to allowing shorter buildings to have shallower front yard setbacks than taller buildings. **[QUICK FIX]**

residential

offices

ground floor retail

ground floor retail

sidewalks

bicycles

cars

CODE ASSESSMENT

creating vibrant
corridors & districts

CODE ASSESSMENT

3 _ Creating Vibrant Corridors & Districts

While the future zoning code will focus on the preservation of Atlanta's neighborhoods, the majority of the city's corridors and districts will continue to transform from low-density auto-oriented areas into higher-density walkable place types. The majority of new zoning districts created in the city over the last 20 years have been exactly these types of districts - SPI districts, NC districts, mixed use districts, and multi-family districts. This section pinpoints the strategic recommendations that are going to be needed for corridors and districts in the new code update process.

I-MIX DISTRICT

Atlanta is in need of a zoning district that can facilitate the integration of residential uses within the fabric of the city's industrial districts without displacing the businesses and jobs associated with these crucial areas. The Live Work (LW) zoning district was created in 2003 to address this issue, however this district is not preferable for city staff due to its inability to prevent wholly residential development and is undesirable to developers because of its low residential density allowance. The Atlanta BeltLine has drafted a new district designed to finally fill this need - the Industrial-Mixed Use (I-MIX) district.

RECOMMENDATION 3.1  **I-Mix.** Adopt the proposed I-MIX zoning district. Additional analysis should be done to consider the feasibility of eliminating the existing LW zoning district and replacing it with the I-MIX district. **[QUICK FIX]**

INDUSTRIAL DISTRICTS

Atlanta’s industrial districts serve as vital employment centers providing close proximity to a wide range of well-paying jobs and it is a priority for the city of Atlanta to retain these districts. There are a number of uses that are currently allowed in the city’s industrial zoning districts that do not support this vision of retaining jobs within the city. Big box commercial developments and hotels are examples of uses that are currently allowed by-right in industrial districts that do not match the city’s vision for the future of these industrial areas, especially given the different transportation impacts of retail and industrial uses.

INDUSTRIAL DISTRICTS RECOMMENDATIONS

RECOMMENDATION 3.2  **Industrial Districts.** Amend Industrial zoning districts to prohibit their use for the development of big box commercial centers.

MRC2 DENSITY

The MRC zoning districts (MRC1, MRC2, and MRC3) are the city’s preferred zoning districts for ensuring the development of quality mixed use development. Written to match the uses and densities allowed within the conventional C zoning districts (C1, C2, and C3), the existing MRC residential densities mimic the C

| MRC ZONING | RESIDENTIAL DENSITY | NON-RESIDENTIAL DENSITY | TOTAL DENSITY |
|------------|---------------------|-------------------------|---------------|
| MRC1 | .696 FAR | 1.0 FAR | 1.696 FAR |
| MRC2 | .696 FAR | 2.0 FAR | 2.696 FAR |
| MRC3 | 3.2 FAR | 4.0 FAR | 7.2 FAR |

The MRC2 zoning district functions more as a low-density mixed use district instead of the mid-density mixed use district that is needed in the city of Atlanta. Credit: City of Atlanta. Credit: City of Atlanta.

FAR - Floor Area Ratio

district residential densities. The persistent problem with the MRC districts is that the residential density allowance in MRC2 (.696 FAR) is the same residential density allowance in MRC1 (.696 FAR) resulting in the need for developments to request MRC3 to gain the necessary residential density (3.2 FAR) for larger multi-family projects. The MRC3 allowable densities (3.2 FAR for residential and 4.0 for non-residential) is typically in excess of what is needed for the average mixed use, multi-family development. MRC2 should be revised to be a true mid-range residential density option in the city's zoning toolkit.

RECOMMENDATION 3.3 ➤ **MRC2.** Revise the allowable MRC2 residential density so that it is higher than the allowable residential density in MRC1 but still less than the allowable residential density in MRC3.

MIXED USES

The Atlanta Comprehensive Development Plan contains numerous policies advocating for mixed-use developments along commercial corridors and within major employment and activity centers. Mixed use developments are those that combine residential and non-residential uses within a single development or building. Recent planning initiatives have embraced mixed-use development patterns as a way of adding additional and often times more affordable housing opportunities in highly desirable areas and to reduce vehicular traffic by placing residences in close proximity to offices, restaurants, and goods and services. Prior to 1950 and the widespread reach of the automobile, American development patterns were predominantly mixed-use as residents needed to live in close proximity to goods and services and public transportation. Suburban development patterns emerged in the 1960s, separating residential and non-residential uses into distant areas of the community. Most conventional zoning codes were written to facilitate suburban development patterns and are typically ill-suited to provide for the mixed-use development patterns desired today.



The national trend of increased mixed-use development is firmly established in Atlanta. Credit: Jamestown Properties.

Current Practice

Issues related to mixed-use development in Atlanta include the following observations:

- **Not Required In Commercial Districts.** Many of Atlanta’s commercial zoning districts allow for mixed-use development with offices, retailers, and residences all permitted. However, mixed-use developments are not required – they are only permitted. With so many community plans and policies advocating for mixed-use development and the benefits associated with them, the fact that mixed-use development is allowed but not ensured is problematic.
- **Not Required In Multi-Family Districts.** Existing conventional multi-family residential districts do not allow for true mixed-use development, resulting in developments that are wholly residential.

- **Ground Floor Activation.** Certain newer zoning districts require ground floor commercial accommodations along certain streets as a mechanism to ensuring ground floor retail uses within larger developments, yet often times these spaces are placed at the wrong locations or are poorly designed and are ill-suited to accommodate vibrant retailers.
- **Over-Supply Of Commercial.** There are portions of Atlanta - particularly commercial corridors - that have multiple miles of commercial zoning in place today. These corridors permit far more commercial development than the market can support and as a result are severely underdeveloped, aging, low-density, under-utilized, blighted parts of the community.

Options for Addressing Mixed Use Issues

Options for addressing the issues related to mixed-use development including the following approaches:

- **Determined By Size.** In order to ensure that mixed-use policies are implemented, the zoning code could require for all developments over a certain size to provide a mixture of different uses, such as residential and non-residential uses. In this scenario, it would be necessary to define the threshold that would have to be met to trigger the mixed-use requirement, as well as the amount and location of the mixed-use elements that would be required.
- **Determined By Location.** The idea of requiring a threshold for providing mixed uses may not be suitable for all areas of the city and instead may be more appropriate for larger developments only in certain areas. These “target” mixed-use areas could be in locations identified as Mixed Use in the Future Land Use Plan or in areas designated as mixed-use corridors and districts in the Design Atlanta project.
- **Commercial “Pruning”.** The Design Atlanta project could provide for the “pruning” of the city’s blighted commercial corridors, focusing on calibrating the permitted uses along these thoroughfares to ensure a mixture of uses and densities that are in synch with market conditions.

- **Building Types.** The provisions for requiring “ground floor” retail in mixed-use buildings or along designated thoroughfares could be achieved through the utilization of defined building types (see Urban Design focus) that properly delineate the specifications necessary to ensure the successful implementation of this goal.

Recommended Mixed Use Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 3.4 ➤ **Require By Size And Location.** Establish a mixed-use threshold for requiring mixed uses in developments over a certain size and in certain designated areas of the city. These areas should be along designated corridors and districts that are delineated through the Design Atlanta project. The required 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.

RECOMMENDATION 3.5 ➤ **Design Atlanta.** Utilize the Design Atlanta project to scale-back the excessive commercial zoning along certain corridors and in its place provide a mixture of commercial and multi-family zoning provisions that is supported by more realistic market trends.

RECOMMENDATION 3.6 ➤ **Building Types.** Create defined building types that require for the creation of ground floor commercial uses, with design standards that are based on market-driven retail and service restaurant needs. Couple this with the requirement for certain street types or certain zoning districts to have those designated building types to ensure that ground floor commercial is provided where desired. (See Building Typology on page 120)

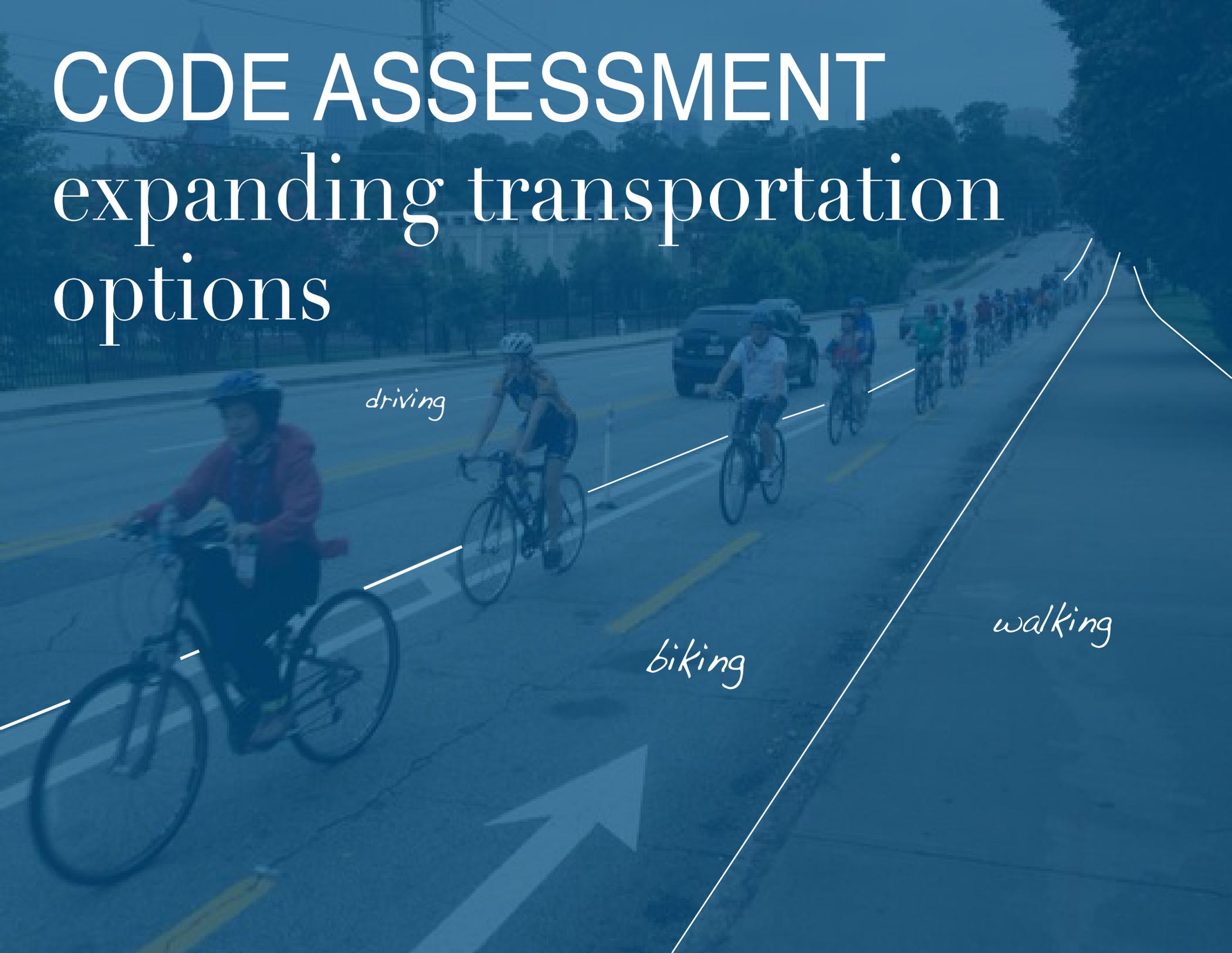
CODE ASSESSMENT

expanding transportation options

driving

biking

walking



CODE ASSESSMENT

4 _ Expanding Transportation Options

The Zoning Ordinance is not the primary tool for shaping city transportation policy, but it does have a role to play. Through zoning, many elements related to transportation are regulated such as minimum or maximum parking requirements, transit supportive land use patterns, and requirements for new sidewalks. The transportation related provisions that have been incorporated into the Zoning Ordinance over the last 20 years have paid tremendous dividends and must be further integrated into the new code. The following topics are those that are critical for the future of the Zoning Ordinance.

BICYCLE PARKING

Requirements for bicycle parking are scattered across many different sections of the Zoning Ordinance as part of individual zoning district regulations and general requirements. Some of these regulations are the same and other are different. The Zoning Ordinance should have streamlined and unified bicycle parking regulations that apply for the whole city.

RECOMMENDATION 4.1 **Bicycle Parking.** Bicycle parking should be standardized and centralized to provide clear and concise direction to parking requirements.
[QUICK FIX]



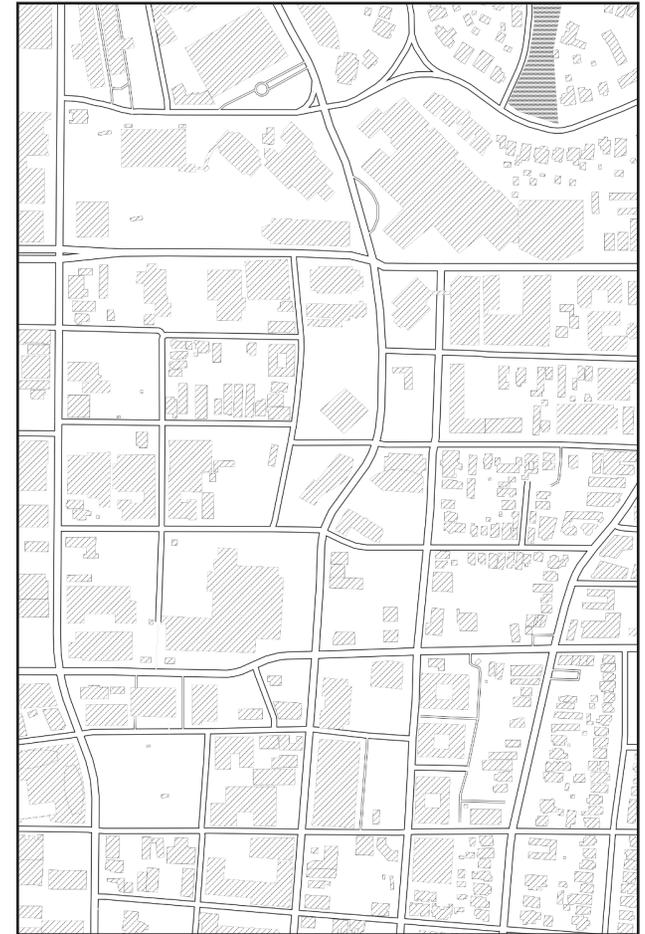
Bicycle parking regulations should be updated and consolidated into a centralized section of the current zoning code. Credit: David Baker Architects.

BLOCKS AND STREETS

The form and function of cities is shaped by many physical elements, including topography, water bodies, the placement of parks and open spaces, railroads, and more. While many of these are natural factors that come with a city's chosen site, others are shaped directly by people.

The layout of blocks and streets is arguably the most enduring of the man made elements shaping Atlanta today. This can be easily seen by comparing any historic map of the city to its current layout. While things like buildings and land use change over time, the blocks and streets that organize them often endure for centuries, providing a long-term framework for urban growth and change.

Blocks and streets are also extremely important because they determine how easy it is to move around in a city and how that movement occurs. Cities with small blocks and interconnected streets support walking, bicycling and transit use far more than those with large blocks and discontinuous streets. Block sizes also influence traffic operations and street design. Small blocks usually provide more route options and distribute traffic better than large ones, which means that the streets around them can serve both drivers and non-drivers better than one where large blocks force all traffic onto one or two major corridors.



Blocks and streets are the historical building blocks of all cities - including Atlanta. Credit: Canvas Planning Group.

Current Practice

Issues related to blocks and streets in Atlanta include the following observations:

- **Varying Regulations.** In Atlanta the layout of blocks and streets is regulated in two main places in the code of Ordinances: Part 15 – Land Subdivision Ordinance and Part 16 – Zoning Ordinance. The former applies everywhere in the city, while the latter only applies in specific zoning districts or overlays. As a result, the degree to which block and street layout is regulated varies widely, depending on whether or not a site is subject to the additional regulations of the Zoning Ordinance. The applicability of just the Land Subdivision Ordinance or both the Land Subdivision and Zoning Ordinances is important to the layout of blocks and streets because of the types of regulations within them.
- **Subdivision Ordinance.** The Land Subdivision Ordinance lacks specific regulations about the size and layout of blocks or street connectivity. Part 15-08.005: Blocks simply states, “The lengths, widths and shapes of blocks shall be designed so as to... assure access, circulation, and safety of pedestrian and vehicular traffic.” While this regulation does not preclude the creation of a thoughtful block structure, it also does not require one. The result of this is great uncertainty, which can be especially problematic in areas where a specific outcome is identified by city policies or plans; typically this includes transit station areas, mixed-use activity centers, around major public investments, such as the Atlanta BeltLine, and in other areas where compact development patterns require small, interconnected blocks.
- **Lacking Context.** The Land Subdivision Ordinance also fails to provide a wide range of new street types calibrated to their context. The ordinance includes just six permitted streets: arterial, major collector, residential collector, residential collector with bicycle lane, residential access, and residential subcollector. Implicit in each is a cross section that has little bearing to land use context. This is especially true when new streets are built within Atlanta’s older neighborhoods; the new streets are often much wider and higher speed than the existing street pattern in the neighborhood.
- **Private Streets.** In response to the Subdivision Ordinance’s lack of context-sensitive street design, some applicants chose to construct private streets that are not dedicated to the city. Others, especially in PD-

districts, are given no choice but to build them. While creating private streets allows for greater design flexibility, it can also create long-term problems, especially when they are not constructed to the same engineering standards as public streets. Invariably, when such private streets require repaving or maintenance in the future, political pressure to dedicate these streets arises.

- **Traditional Neighborhood Developments Standards.** Recognizing the shortcomings of the Land Subdivision Ordinance to create public streets that support walkable land use patterns, Ordinance 02-O-0602 was approved by City Council in 2002 to create an alternate set of regulations for “Negotiated Traditional Neighborhood Developments.” This ordinance amended Section 138 – Streets, Sidewalks, and Other Public Spaces to create standards for new public streets that were narrower and more walkable than customarily allowed, but only within master planned projects over eight (8) acres in size. The standards were utilized in the Glenwood Park project and a few others, but their use has been limited. This is likely due to the fact that they are in a separate part of the Code of Ordinances from other street requirements.
- **Zoning Requirements.** Because the Land Subdivision Ordinance is silent on block size or street connectivity, those parts of Atlanta that do regulate these items do so through zoning regulations. The most common tool used is the Quality of Life (“QOL”) zoning districts (e.g. MRC, MR, LW, and NC). These districts incorporate maximum block size and street design regulations, but are by no means perfect. For one thing, private driveways through parking lots can be used to satisfy the requirement. For another, they include a somewhat cumbersome maximum block size methodology that requires sites with more than 600 feet of frontage to be divided into blocks of no more than 400 feet in length but does not actually require the blocks to be surrounded by streets on all sides; this results in many dead-end streets. Finally, there are no specific requirements for sub streets or connectivity to adjacent sites, both of which are necessary to provide a truly interconnected city.

Block and street regulations similar to those found in the QOL zoning districts are also found in some Special Public Interest districts (“SPIs”), as well as the BeltLine overlay district. The latter is unique, however, in that it excludes specific block size requirements and instead requires conformance with the BeltLine Street Framework Plan, a map that shows locations of mandatory new streets. In SPIs, QOL districts, the BeltLine overlay, and PD districts newly created streets may be privately owned, thereby somewhat

negating their long-term ability to shape the city because private streets are much easier to close and redevelop.

Options for Addressing Blocks and Street Issues

Many communities have found ways to better align their zoning and development regulations in a way that predictably supports community planning and accessibility goals. Options can include:

- **Unified Codes.** Cities like Cincinnati, Ohio; Miami, Florida, Raleigh, North Carolina, and Roswell and Decatur, Georgia, have determined that creating a single, internally consistent set of regulations that link zoning and subdivision is an ideal approach for ensuring that blocks and streets are laid out in a manner consistent with local policy.
- **Context-Based Approach.** Cities like Miami, Florida; and Cincinnati, Ohio; avoid a one-size-fits all approach to block and street design by creating regulations that vary by context. Generally, this means that blocks may be larger (and streets wider) in the less intense or more auto-oriented parts of the city, but must be smaller (and streets narrower) in more walkable areas. Such a context-based approach is also currently proposed in the draft Move Atlanta street design manual.
- **Street Sections.** In addition to linking block and street requirements to context, the cities noted above also provide a variety of new streets sections. Often, these include everything from major arterials whose primary role is moving vehicles to extremely narrow, low-speed streets and woonerfs where vehicular use is a secondary consideration. Even alleys are typically defined.
- **Regulating Block Sizes.** Virtually every major city that regulates block size does so using both block face and perimeter. Regulating perimeter ensures that blocks are defined by streets on all sides, or can be crafted to ensure that stub streets to adjacent sites are provided where this is not feasible.
- **Driveways.** As part of regulating block face and perimeter, cities have found it necessary to ensure that the streets that define these blocks are truly streets and not glorified driveways. To avoid this, they typi-

National Trends --> blocks and streets

The city of Decatur recently adopted a new Unified Development Ordinance that combines the zoning and subdivision regulations into a single code.

As part of this unified code, street construction standards are provided that stipulate the allocation of the right-of-way including requirements for sidewalks and street planting zones. Street types further are matched to designated land use and density classifications.

Credit: City of Decatur

E. Urban Mixed Use/High Density Residential: Parallel Parking



| Width | |
|--------------------------------------|--------------|
| A Right-of-way width (min) | 65' |
| B Back-of-curb to back-of-curb (min) | 37' |
| Streetscape | |
| C Sidewalk (min) | 8' |
| D Planting area (min) | 6' |
| E Curb and gutter | 2' |
| Travelway | |
| F Parallel parking | 8' |
| G Travel lane | 10' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate |
| Tree spacing | 40' o.c. avg |
| Parking type | Parallel |

F. Urban Mixed Use/High Density Residential: Angled Parking



| Width | |
|--------------------------------------|--------------|
| A Right-of-way width (min) | 90' |
| B Back-of-curb to back-of-curb (min) | 61' |
| Streetscape | |
| C Sidewalk (min) | 8.5' |
| D Planting area (min) | 6' |
| E Curb and gutter | 2' |
| Travelway | |
| F 60° angled parking | 18' |
| G Travel lane | 12' |
| General | |
| Walkway type | Sidewalk |
| Planting type | Tree grate |
| Tree spacing | 40' o.c. avg |
| Parking type | 60° angled |

cally must be designed according to public standards, regardless of status. In some cities with these standards, including Doraville, Georgia; and Miami, Florida; administrative relief is available to relax street standards through what are otherwise large parking lots; in others this requires a formal variance.

- **Public Standards For Private Streets.** Many cities have found that private streets and the infrastructure underneath them eventually create political pressure to dedicate them as public streets, especially when they require significant repairs. To avoid this, places like Decatur and Roswell, Georgia, have enacted laws requiring that all streets, whether public or private, and the infrastructure within them, be designed to identical engineering and infrastructure standards.
- **Street Connectivity.** As part of the review of block and street regulations in peer communities, it was noted that virtually every reviewed code, except Atlanta’s, requires stub streets to be constructed when a development abuts another site that is likely to redevelop. Additionally, requirements typically exist to tie into any existing stub streets on the adjacent site.



Many cities require private streets to be built to public street specifications to better enable long term redevelopment and to ensure that future street dedications are equipped with the necessary engineering and infrastructure standards. Credit: TSW.

Recommended Blocks and Streets Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 4.2 **Context Zones.** The new code should define context zones that guide block and street standards, land use, design, and more. At a minimum, this should include two zones types: one where walkable urbanism is desired and one where drivable suburban development is desired. Generally speaking, the former could include areas developed before World War II, transit station areas, and other high density areas in the former, while the latter could include all other areas. It is also recommended that certain zoning districts be limited to certain context zones.

RECOMMENDATION 4.3 **Traditional Neighborhood Development Street Standards.** Incorporate Section 138-102.1 Negotiated Traditional Neighborhood Development street standards into Part 15: Land Subdivision Ordinance and allow them to be used in the walkable urban zones.

RECOMMENDATION 4.4 **Unified Development Ordinance.** Incorporate Part 15: Land Subdivision and Section 138-102.1 into the Zoning Ordinance update process.

RECOMMENDATION 4.5 **Illustrative Standards.** Create new, illustrated streets standards for all street types, including standard alley details and alternatives to cul-de-sacs for dead-end streets.

RECOMMENDATION 4.6 **Context Zones.** Calibrate permitted street types, block sizes requirements, and mandatory connectivity and street stub-out requirements to context zone.

RECOMMENDATION 4.7 **Public Standards For Private Streets.** Require all new streets, whether or public or private, to be built to the same public standards; this should include both the roadway itself and any infrastructure within in them. Additionally, allow all such new streets to be dedicated to the city, at the applicant's discretion, and update platting standards to reflect this.

RECOMMENDATION 4.8 ➤ **Dedicated Streets.** Allow all new streets to be dedicated public streets, at the applicant’s discretion. The creation of a consistent standards for public and private streets will ensure that dedicated streets do not impose a burden on the city of Atlanta.

RECOMMENDATION 4.9 ➤ **Sidewalk Standards.** Create citywide sidewalk retrofit standards that could be tied to context zone or roadway functional classification. Tying these to zoning is not recommended unless the regulations can apply uniformly to large groupings of districts. For example, one set of standards for all C, RG, MR, and MRC districts along arterials, which may be slightly wider than those for all single-family districts along arterials.

RECOMMENDATION 4.10 ➤ **Alleys.** Allow new alleys to be created to help eliminate the need for driveways and curb cuts.

RECOMMENDATION 4.11 ➤ **Independent Driveways.** Eliminate the requirement for a parcel to provide an independent driveway connected to a public street when on-site parking is not provided or when a public street connection can be achieved through the use of an alley or driveway easement.

RECOMMENDATION 4.12 ➤ **Single-Family Driveways.** Require driveways in designated higher-density single-family districts to be 20’ or less in width.

LOADING STANDARDS

The current loading requirements are the same standards that were written for the 1982 Zoning Ordinance. Today these standards are consistently varied, as modern development no longer has the loading needs that previous uses did.

RECOMMENDATION 4.13 ➤ **Loading Standards.** Revise existing loading standards, which are now out-dated and consistently higher than needed for current uses.

PARKING

Of all the items regulated by Atlanta's Zoning Ordinance, parking is most intrinsically linked to the state of the city today. Seemingly innocuous requirements impact how people move around Atlanta, its density and design, housing affordability, economic development, historic preservation, public health, environmental quality, the city's overall quality-of-life, and more. In turn, these impact how parking is provided, as do economics, constraints placed on developers by their lenders and tenants, neighborhood concerns, and the general inertia of residents used to free or low-cost, convenient parking.

A city's approach to parking speaks volumes about the type of place that it is and desires to become. One of the best indicators of drivable suburban development patterns is the presence of free or cheap, ample, and convenient off-street parking. Conversely, vibrant and walkable urban neighborhoods around the nation all tend to share one thing in common - it's hard to find a parking spot - because parking is balanced against a variety of other needs. Atlanta's current Zoning Ordinance incorporates this drivable suburban approach in most parts of the city and a walkable urban one in a few.

Despite the current approach, the fact remains that much of the city was developed in a walkable urban model before the widespread use of the automobile, at a time when streetcars and walking were the city's main form of transportation. These development patterns can still be seen today within a roughly three-mile radius of Downtown Atlanta, just slightly larger than the extent of the Atlanta BeltLine. Here, thousands of buildings with little or no off-street parking exist and function, as they have for roughly a century.

Even after automobile use became widespread, Atlanta did not regulate parking for several decades but rather left it up to business owners and developers to provide an amount that they felt was adequate. A 1941 ordinance granted the city the power to require parking spaces for all new buildings, but specific parking ratios were absent until the 1960 supplement to the 1954 Zoning Ordinance. Parking requirements did not reach something resembling their current form until 1965.

Today, the vast majority of the city is operating under 50 year old parking requirements, that were applied retroactivity in areas built before they existed, and that do not necessarily support the CDP's vision for the kind of place Atlanta wants to become. For these reasons, any effort to update the Zoning Ordinance must carefully consider revisions to current parking requirements to meet current and future needs.

Current Practice

The Zoning Ordinance addresses the amount of parking on a site in several different ways. These include:

- Minimum Parking Ratios, which apply to most, but not all, zoning districts.
- Maximum Parking Ratios, which apply in certain SPI districts and the BeltLine overlay.
- Shared Parking, which is permitted by administrative approval in certain QOL districts, SPIs, and the Belt-Line overlay, but typically requires Board of Zoning Adjustment ("BZA") approval via Special Exception.
- Change of Use Provisions, which requires any change of use to meet 100% of the new use's applicable parking requirement or seek relief through the BZA or shared parking arrangements, as applicable.
- Tandem Spaces, which may not be used to satisfy any minimum requirements.
- On-Street Parking, which may not be used to satisfy any minimum parking requirements.
- The Parking Limitation District, which applies in Downtown and requires all new parking decks to seek City Council approval.

Additionally, Chapter 10 of the city code, Alcoholic Beverages, contains minimum parking ratios that apply citywide, regardless of the zoning district. These are required through the licensing process.

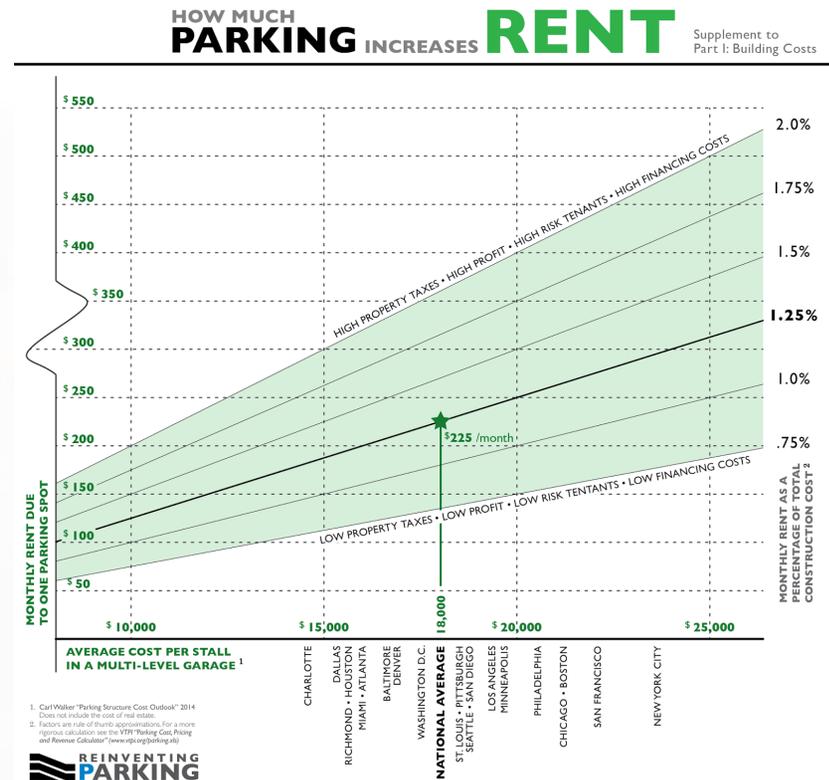
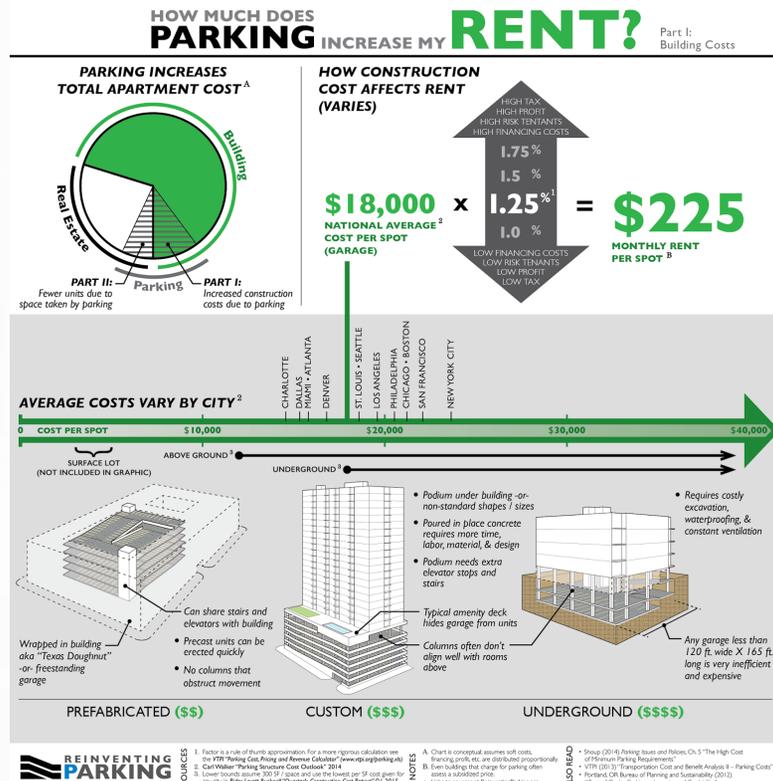
Despite Atlanta’s reputation as an automobile oriented city, many of these current parking requirements are relatively low. For example, Downtown Atlanta has never had any minimum required parking requirement, so it is theoretically possible to build a building with zero off-street parking. Additionally, the multifamily residential parking requirements contained in the LUI Table allow relatively low ratios. The SPI process has also enabled the provision of lower ratios around many MARTA rail stations.

There are, however, many challenges associated with this current approach to parking. Specific problems are as follows:

- **Minimum Off-Street Parking Requirements.** Government-imposed minimum off-street parking requirements are increasingly viewed by major American cities as bad public policy for the reasons set forth in the beginning of this section. In Atlanta this is especially true given the region’s multi-billion dollar investment in MARTA, its historic walkable land use patterns, growing bicycle infrastructure, summertime air pollution, stormwater runoff, increasing affordability concerns, and more. By requiring relatively high ratios of parking, especially for non-residential uses, the Zoning Ordinance directly conflicts with dozens of other stated city goals and policies.
- **Retail And Service Minimum Ratios.** In addition to the general problems with having any off-street parking requirements at all, the retail and service parking ratios used in most non-SPI zoning districts are high. In fact, the typical minimum requirement of one space per 200 sf of floor area exceeds the ratios provided at many automobile oriented suburban locations. This discourages the creation of neighborhood-oriented retail uses.
- **The Land Use Intensity Table.** Residential parking requirements, like open space requirements are linked to a project’s FAR through the LUI Table. Required parking ratios vary widely, from 2.1 spaces per unit at the lowest FAR to 0.42 space at the highest. While the latter is progressive, the former is not.
- **Residential Maximum Ratios.** In those districts and overlays where the city has imposed residential parking caps, the ratios are typically so high that they do not truly encourage multifamily developers to make any efforts to reduce provided parking. Instead, developers build at a typical ratio of one (1) space per

National Trends --> PARKING COSTS

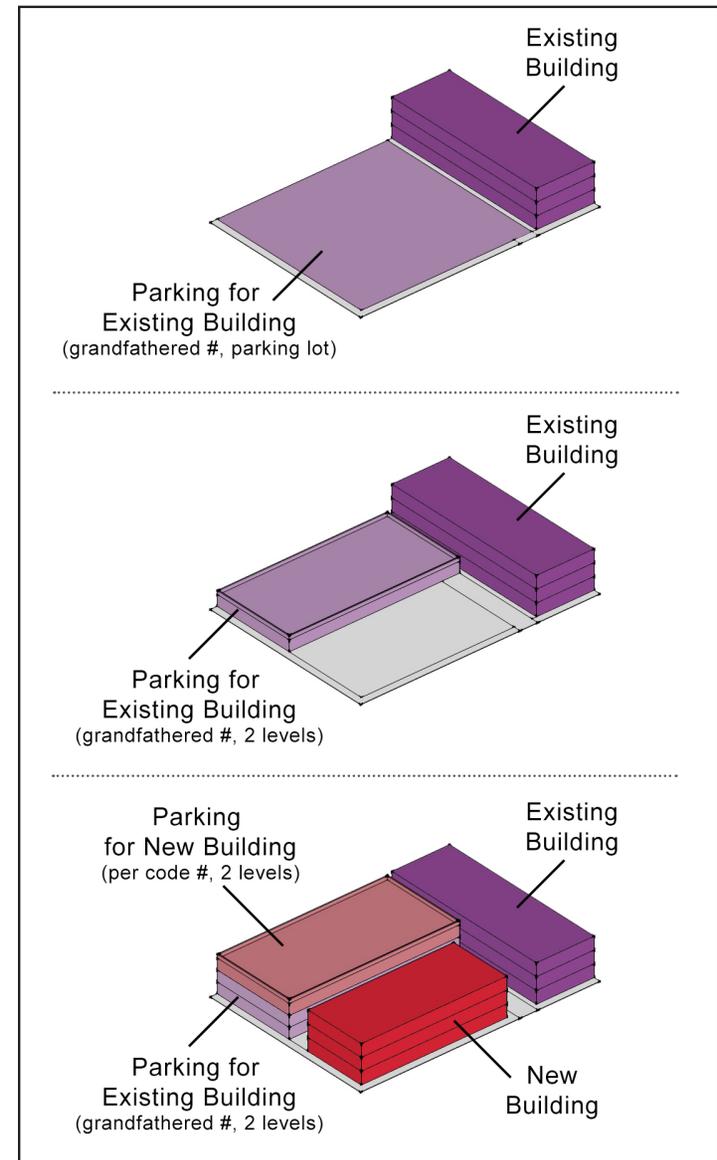
Zoning Ordinances typically require minimum numbers of parking spaces for new development. However, recent trends in urban development reveal a lessening in the market demand for parking. In addition, parking facilities increase the cost of development, frustrating affordable housing efforts and thwarting projects that would otherwise be feasible. *Credit: Seth Goodman.*



bedroom in most projects in Atlanta, regardless of whether a cap exists or not. This suggests that the residential cap may be set too high in certain areas.

- **Housing Affordability.** The default multifamily setting of one (1) space per bedroom noted above also has a significant negative effect on affordability. Because developers have no incentives to provide fewer parking spaces, they typically build the cost of said parking space into their lease and sale rates, regardless of whether the person actually uses the space or not. As shown in the National Trends on Parking on the previous page, this adds significant costs, not to mention the cost of car ownership, the impacts on urban viability, and wasted space.
- **The Relationship To Use.** Linking parking requirements to the use of the building ignores the fact that urban buildings often transcend the particular use they are built for.
- **Discouraging On-Street Parking.** On-street parking is the most efficient form of parking that can be built. Unlike off-street spaces, on-street spaces do not require drive aisles to access them, are implicitly shared, and can calm traffic and buffer pedestrians from moving cars. Equally important, providing on-street parking can support a walkable city by providing yet another reason for businesses to merchandize their stores to the public sidewalk, rather than to the parking lot. Unfortunately, the current Zoning Ordinance does not allow on-street spaces to count towards a use's parking requirements, nor does the city currently permit angled parking, 90 degree parking, or other high yield on-street arrangements on public streets.
- **Minimum Parking Ratio Nonconformities.** As noted earlier, Atlanta did not adopt its current minimum parking requirements until 1965. This means that most buildings built before then are non-conforming with regard to required parking standards. This is not a problem for buildings that have not changed use, however, any use change triggers 100% compliance with the new, higher ratios. Relief can only be provided through time-consuming Special Exceptions, shared parking, or off-site parking arrangements. In most cases, the path of least resistance is to simply demolish existing buildings to build new, especially on the city's commercial corridors.

- **Maximum Parking Ratio Nonconformities.** Non-conformities also present a problem in districts where maximum parking ratios have been implemented and existing uses and buildings exceed the maximum permitted ratio.
- **Maximum Parking Ratio Special Exceptions.** In those areas where the city has maximum parking ratios, there are no clear procedures for seeking special exceptions to exceed this ratio.
- **Nonconforming Accessory Parking.** One final problem with nonconforming parking (either below the minimum or above the maximum) is that the code could be clearer about what is actually grandfathered: the physical spaces or the ratio? Most interpretations suggest that the ratio is, but the Zoning Ordinance should clarify this. Doing so is important where non-conforming accessory parking spaces occupy surface parking lots and developers seek to move those spaces into a parking deck, keeping the building they serve, while freeing up land for incremental redevelopment into new buildings.
- **No By-right Off-Site Or Shared Parking.** In most parts of the city, providing off-site or shared parking requires an extensive public process, the shortcomings of which are cited in other parts of this Report.
- **Off-Site Or Shared Parking Enforcement.** When off-site or shared parking have been approved, it then becomes challenging to monitor and enforce. In neighborhood commercial areas, multiple businesses often utilize the



Moving non-conforming parking spaces into decks could spur new development. Credit: TSW.

offsite or shared parking of a single institutional use, such as a religious institution or school, yet the city has no single official record of who is using what, nor the staff to monitor compliance.

- **Poor Definitions.** The Zoning Ordinance uses the term “park for hire” to describe where parking is a principle use and patrons are charged a fee; “surface parking lot” when the principal use is a lot with or without a fee, and “parking facility” for all of the above plus parking decks. These are then listed as permitted uses in various districts. However, because the terms are relatively new, they are not applied equally and some districts that otherwise prohibit surface parking lots do allow them when they are free or serve an off-site use.
- **No Tandem Parking.** As noted earlier, tandem parking may not be used to satisfy parking requirements.
- **Compact Spaces.** The city only allows 25% of parking spaces to be compact, despite the fact that small car ownership rates are much higher.
- **The Impacts On Small Businesses.** Seeking relief from many of the challenges noted above are time consuming and complicated. While large developers and chain stores can afford to hire zoning specialists, parking relief is typically a real barrier for small businesses. This is especially a problem in the city’s pre-automotive neighborhood commercial districts, where historic storefronts often sit vacant due to fear of seeking parking relief.

Options for Addressing Parking Issues

There are many ways to regulate parking differently than Atlanta currently practices. Generally speaking, these approaches aim to ensure that the amount of parking provided truly reflects market demands, while at the same time creating incentives for alternative transportation and sustainable economic development.

As noted above, one of the major problems with Atlanta’s Zoning Ordinance is that the parking requirements have a disproportionate negative impact on buildings and areas that were built before any minimum requirements existed. This is especially true for a change of use. Options for dealing with these non-conformities include:

- **Context-Based Requirements.** This involves identifying areas of the city that were developed before parking ratios were enacted, and then creating no or reduced parking requirements for these areas. Cities incorporating these approaches include Denver and Cincinnati.
- **Date Exemptions.** Some cities also exempt buildings constructed before parking requirements existed from any minimum requirements. In Roswell, Georgia, this applies to buildings constructed before 1959, while Denver exempts buildings built before 1967.
- **Change Of Use Exemptions.** Many cities, including New Orleans and Denver, allow grandfathered parking reductions to run with the building or tenant space, not the use. Thus, when a change of use occurs from a use with a lower parking requirement to one with a higher requirement, the applicant is only responsible for providing the difference between what would have been required for the old use (even if it wasn't actually provided) and what is required for the new. This differs from Atlanta, where changes of uses are required to provide 100% of the new parking requirement.

Additionally, cities also use a variety of options for regulating the number of parking spaces provided with new development. Many of these focus on providing relief from parking minimums, while others seek to limit the amount of parking provided and make more efficient use of parking. These include:

- **By-Right Off-Site And Shared Parking.** Atlanta already allows staff approval of off-site and shared parking in certain SPIs, the QOL zoning districts, and the BeltLine overlay. Some cities allow off-site parking city-wide within a certain distance, including Phoenix, AZ, (300 feet), Roswell, GA, (800 feet), and Denver, CO (1,500 feet).
- **Parking Exemptions.** Some cities also completely exempt small uses and buildings from any parking requirements. In Seattle, no parking is required for the first 1,500 square feet of each business establishment in commercial zones, and the first 2,500 square feet in other zones. Such regulation serves to encourage small businesses and the preservation of a fine-grained mix of small businesses in the city. Seattle has a similar exemption for houses on lots under 3,000 sf or 30 feet in width.

- **Unbundled Parking.** “Unbundling” parking is a tool that separates the price of parking from the price of renting or buying real estate and makes buying or renting said parking optional. It is an option for people who do not own cars to not pay for parking they do not use, while subsequently making car owners aware of the true cost of car ownership. Pricing and unbundling parking has also been shown to reduce the demand for parking by shifting trips to other modes or encouraging telecommuting in dozens of cities.

Implementing unbundled parking is usually a voluntary effort on the part of developer and property owners. In fact, Georgia law prohibits zoning from restricting contractual arrangements between developers and their customers. However, there are two de facto ways to require unbundled parking. The first involves setting a low ratio for parking that is accessory to a principal use; parking may be provided on above only as public park-for-hire spaces. The second option is to require a Conditional Use Permit for the additional parking, as explained below.

- **Citywide Parking Maximums.** As noted above, many developers in Atlanta must build larger amounts of parking in the city in order to satisfy the perceived requirements of lenders and retail tenants, yet often these requirements are arbitrary and based on the needs of the overall metropolitan region, not specific market needs in the city. To address this, the city has already implemented parking maximums in several areas. These could be expanded using one of the following options:
 - Maximum ratios, wherein the amount of permitted parking is limited according to a ratio, similar to the current approach in several Atlanta SPIS.
 - Maximum amounts, wherein all uses are limited certain number of spaces, regardless of size. In Seattle no accessory commercial use in a residential zone may provide more than 10 spaces, regardless of location.
- **District Parking Maximums.** Parking maximums can also be applied to a specific geographic area, as follows:
 - In areas with premium transit, similar to the current approach used within certain SPIs around MARTA rail stations. Some cities have expanded this to also apply to high-frequency bus routes, as well.

- In higher density areas (with or without transit), in recognition that well-designed high density development can, in fact, reduce vehicular trips.

It is of note that these maximums can take the form of ratios of actual caps in the number of parking spaces. Portland, OR, has a very specific approach to this based on no net increase in the total number of parking spaces in the greater downtown area. Under this scenario, developers may redevelop a parking lot or auto-oriented building, but may build no more spaces in the new development than already exist.

- **Criteria for Exceeding Parking Maximums.** Where parking maximums exist, many cities establish criteria for exceeding these maximums, since the usual criteria are not applicable. Some cities apply these to variances/special exceptions heard by an appeals body, while others only make relief available through a use permit (See National Trends > Parking Caps on next page).
- **Alternative Compliance Options.** Some cities allow developers to reduce the required amount of off-street parking by allowing alternative compliance options, such as incentives for bicycle parking, transit, car-sharing, etc. Under the models, developers who implement certain facilities in their projects are given a by-right reduction in the number of required spaces.
- **Other Parking Restriction Tools.** Where a concern exists about the physical layout of parking, not just the ratio or amount, tools also exist to address this. For example:
 - In Washington, DC, any above ground parking counts towards a building's maximum permitted floor area. This encourages the parking to be buried.
 - In Seattle, no use may provide more than 145 surface parking spaces anywhere in the city.
 - In certain mixed-use districts in Seattle, off-street accessory surface parking lots may not occupy more than 30% of the lot.

National Trends --> PARKING CAPS

SAN FRANCISCO, CALIFORNIA

City of San Francisco Criteria for Exceeding Maximum Parking Ratios through Conditional Use Permit. In considering any application for a conditional use for parking for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall apply the following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

- Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;
- Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.
- The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;
- In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and
- Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

Recommended Parking Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 4.14 ➤ **Minimum Requirements.** Eliminate the minimum off-street parking requirements for the following:

- Any building built before 1965, the year that the current approach to parking was codified.
- All residential uses.
- All nonresidential uses, except possibly bars, restaurants, nightclubs, and indoor recreation.
- Note that all parking requirement change must be coordinated with the Alcohol Beverage Ordinance.

RECOMMENDATION 4.15 ➤ **Reducing Parking.** Use the zoning update to explore the following possible ways to reduce the amount of parking provided:

- Updating requirements and expanding areas subject to parking maximums, especially in corridors, districts, transit stations, and high frequency bus routes; and/or
- Limiting the portion of a site that may be dedicated to parking; and/or
- Counting the surface area of all parking (including parking lots) towards FAR, as applicable.
- Implementing unbundled parking through customized parking maximums and requiring excess parking to be in public, park-for-hire facilities. 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.

RECOMMENDATION 4.16 ➤ **Non-Conformities.** Clarify the non-conformities text that exempts the number of existing parking spaces on a site from all parking requirements.

RECOMMENDATION 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.

RECOMMENDATION 4.18 ➤ **Charts.** Utilize centralized charts to regulate parking for the entire city - instead of in individual districts.

RECOMMENDATION 4.19 ➤ **Alcohol Code.** Analyze parking requirements in the alcohol code so that this code is better synchronized with the zoning code.

RECOMMENDATION 4.20 ➤ **On-Street Parking.** Allow adjacent on-street parking to count toward any minimum automobile parking requirements. **[QUICK FIX]**

RECOMMENDATION 4.21 ➤ **Bicycle Parking.** Allow on-site bicycle parking spaces to count toward any minimum automobile parking requirements. **[QUICK FIX]**

RECOMMENDATION 4.22 ➤ **Older Buildings.** Eliminate parking requirements for buildings built prior to 1965. Retain the parking requirements of the liquor code regarding parking requirements for establishments serving alcohol. **[QUICK FIX]**

RECOMMENDATION 4.23 ➤ **TRANSIT ORIENTED ATLANTA.** Develop parking regulations at all MARTA stations consistent with the TRANSIT ORIENTED ATLANTA policy document. Further streamline parking regulations at all existing and proposed transit stations, including Atlanta Streetcar and high frequency bus facilities, within the city. **[QUICK FIX]**

SIDEWALK STANDARDS IN CONVENTIONAL DISTRICTS

All of the city zoning districts created over the last 20 years have mandated the construction of sidewalks and streetscapes as part of new development. Unfortunately, many areas of the city still have the older, more conventional, zoning districts that do not require sidewalks and streetscapes. These districts must be updated to include these critical pedestrian infrastructure regulations.

RECOMMENDATION 4.24 Broken Sidewalks. Require new developments to fix existing broken sidewalks that exist along the property's street frontage(s). **[QUICK FIX]**

RECOMMENDATION 4.25 Sidewalks. Add sidewalk and streetscape requirements to conventional zoning districts (e.g. C, I, O-I, RLC, RG). **[QUICK FIX]**

TND STREET STANDARDS

In conjunction with local developers and architects, the city has developed Traditional Neighborhood Development (TND) Street Standards to facilitate the creation of new neighborhoods having narrower streets that are more consistent with the dimensions of the streets in established/historic neighborhoods of Atlanta. These standards are helpful for enabling slower and safer streets in newly building subdivisions and neighborhoods.

RECOMMENDATION 4.26 TND Street Standards. Determine the legal status of the TND standards (Sec. 138) and consider allowing these standards to be allowed for all subdivisions. **[QUICK FIX]**



Sidewalks should be required in every zoning district of the zoning code. Credit: Canvas Planning Group.



CODE ASSESSMENT

ensuring housing diversity

CODE ASSESSMENT

5 _ Ensuring Housing Diversity

The Atlanta Comprehensive Development Plan provides a clear and compelling vision for increased housing diversity in the city of Atlanta. The realization of this policy is essential to ensuring that Atlanta continues to be a city for residents of all ages, incomes, and stages of life. The following topics are essential to the implementation of this vital housing goal.

ACCESSORY DWELLING UNITS

Today's American cities are experiencing a population resurgence due to the increased demand for urban housing opportunities. As part of this dynamic growth pattern, many cities are considering various strategies for adding new housing opportunities to the established infrastructure of the city.

One method that several cities are pursuing for adding housing opportunity without requiring major land use changes is the accessory dwelling unit ("ADU"). These types of units are smaller dwellings located either within the primary residence or detached but adjacent to a primary residence and containing individual kitchens, bedrooms, and bathrooms areas.



Many cities are changing their zoning codes to allow and even incentivize the construction of accessory dwelling units. Credit: accessorydwellings.org.

ADUs were commonly included in historic housing developments prior to the 1950s, but today are only allowed in a single-family neighborhood through the R5 zoning district (R5 permits a second unit on a single-family lot, but not a true ADU, which are often smaller than R5 allows).

Many cities are revising their zoning codes to allow ADUs as part of an increased effort to provide affordable housing options. When smaller accessory dwellings are allowed in predominantly single-family detached areas it results in increased opportunity for people of various ages, occupations, and stages of life to reside within the area.

Current Practice

Issues associated with ADUs in Atlanta include the following:

- **Historical Allowance.** Although ADUs were historically permitted to be built in neighborhoods throughout the city, the 1982 Zoning Ordinance prohibited more than one dwelling unit on a single-family zoned property. All previously existing ADUs were made to be non-conforming, a situation that persists to this day. These units continue to be permitted where they existed before their prohibition, yet new ADUs are prohibited in all of Atlanta’s conventional zoning districts.
- **Increased Desirability.** The continued use of the city’s non-conforming ADUs point to the demand that these dwelling options represent and reflect the economic value that these units provide to the owners of these multi-unit properties.
- **Illegal Conversions.** In another sign of the increasing desirability of ADUs, property owners have been known to illegally convert permitted accessory structures into dwellings by bypassing the permitting system in hopes of not being caught.
- **ADU Concerns.** While we do not know what led to the prohibition of accessory dwellings in the drafting of the current code, we do know that concern over these types of units still exist today. Some express concern over the lack of privacy that is perceived to result from a dwelling unit being located within

such close proximity to a neighboring dwelling unit. Similarly there are those that fear accessory dwelling structures could be built in such a way that they would permanently obstruct light and air onto their property. Others fear that these types of units will cause greater traffic congestion in the area or will result in the loss of precious on-street parking.

Options for Addressing Accessory Dwelling Unit Issues

ADUs have been prohibited for decades yet they continue to be used as legal non-conforming uses and as illegal conversions. Given the continued presence of these units and the various economic and social benefits they afford both residents and property owners, the new zoning code of the city should provide a more nuanced approach to the regulation of these unit types. Options include:

- **Allow ADUs.** A simple revision for ADUs is to allow this use as of right within accessory structures in all R zoning districts. The regulations limiting lot coverage, setbacks, floor area ratio (“FAR”), and height would continue to apply to ADUs, just as they do for all accessory structures.
- **Prohibit Variances.** Accessory dwellings could be permitted in R zoning districts with strict enforcement of all applicable criteria so as to limit the negative impacts of such uses.
- **Required Parking.** ADUs could be required to have a dedicated off-street parking space to alleviate concerns about where residents with cars will park their vehicles.
- **Prohibit Parking.** In response to concerns about increased traffic, ADUs could be prohibited from providing additional off-street parking spaces as a strategy for discouraging increased traffic.
- **On-site Owner.** Some cities require the owner of the property to reside on-site in order for an ADU to be allowed.
- **Style.** ADUs can be further regulated to require that the accessory structure match the architectural style of the primary dwelling.

National Trends --> ADUs

VANCOUVER, BRITISH COLUMBIA

- Approximately 1/3 of all single-family properties contain an ADU.
- Parking is not required for ADUs.
- The property owner is not required to live on-site.
- Single-family properties are allowed to have both attached and detached units at the same time.
- ADUs are granted significant flexibility in terms of their size, height, and placement on the lot.

AUSTIN, TEXAS

- Maximum size of ADUs is 1,100 square feet or 0.15 FAR, whichever is smaller.
- Can be located within 10 feet of other structures.
- Individual driveways are not required.
- A minimum of one (1) parking space is required for the ADU, except for in designated activity districts.
- Limit short-term rental use to a maximum of 30 days per year.

DECATUR, GEORGIA

- Only one (1) ADU may be created per principal dwelling unit.
- The property owner must occupy the principal dwelling unit or the ADU as their permanent residence for at least eight (8) months of the year, and at no time receive rent for the owner-occupied unit;
- An ADU may be developed in or adjacent to either an existing or new principal dwelling.
- ADUs must be no more than 800 square feet of floor area and no less than 300 square feet.
- ADUs cannot exceed 40% of the floor area of the principal dwelling, nor have more than two (2) bedrooms or two (2) occupants.

- **Attached and Detached.** ADUs can be built as a detached accessory structures located to the side or rear of the primary structure. These units can also be built as attached dwellings located within the same structure as the primary dwelling.
- **Occupancy Limits.** The number of non-related individuals that live with an accessory dwelling can be further restricted from what would normally be allowed in a primary residence.

Recommended Accessory Dwelling Unit Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 5.1 ➤ **Permit ADUs.** ADUs should be permitted in designated residential zoning districts of the city. Accessory dwellings are consistent with the historic building patterns of Atlanta's neighborhoods and are viable option for providing a wider range of affordable housing opportunities within the city.

RECOMMENDATION 5.2 ➤ **ADU Criteria.** The following criteria should be considered for regulating the development of ADUs in the new code:

- Properties must not be allowed to vary established regulations lot coverage, yards, heights, and floor area that are established within individual zoning districts when constructing an ADU.
- Off-street parking for ADUs should not be required.
- Permit attached and detached forms of accessory dwellings however, ADUs should be limited to only one per property.
- The property owner should be required to live on-site.
- ADUs should be positioned and designed so as to prevent, to the greatest extent possible, windows and doors from being oriented towards neighboring yards.
- Shorter ADU structures should be placed closer to the lot line and taller ADU structures should be placed further away from the lot line.

AFFORDABLE HOUSING

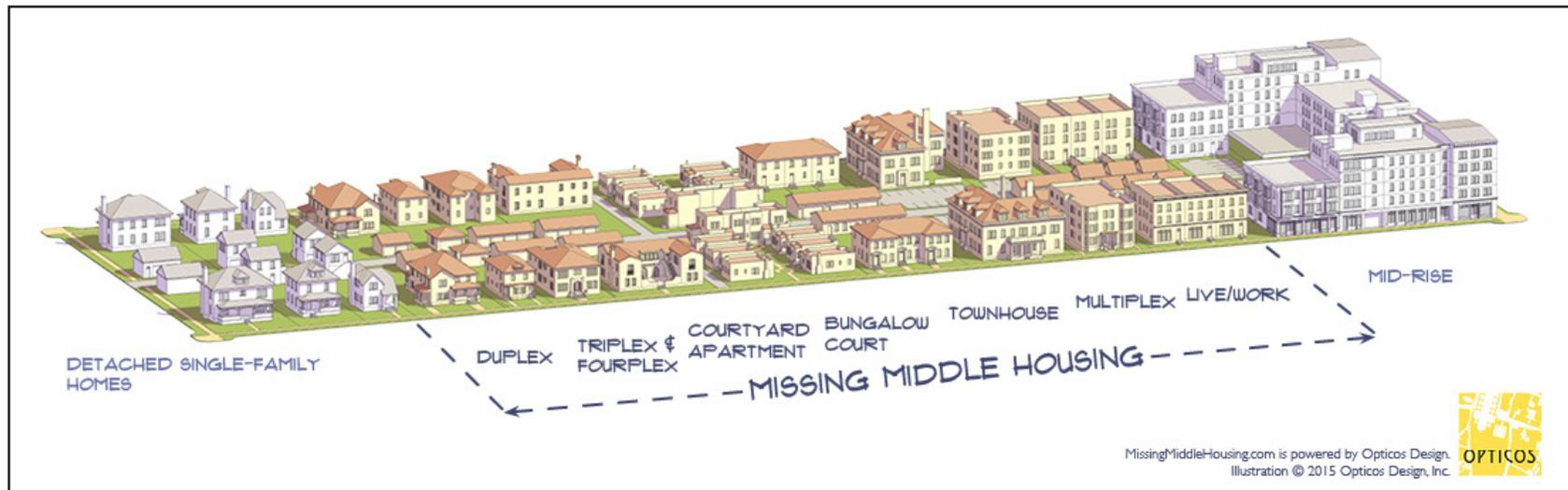
A process for identifying an affordable housing strategy for the city of Atlanta is currently underway by several entities working outside the context of this Diagnostic. This process is essential for Atlanta's stakeholders and leaders to develop an informed approach to affordable housing in the city.

RECOMMENDATION 5.3  **Affordable Housing.** The new zoning code should integrate the recommendations of this ongoing initiative to the greatest extent possible.

MISSING MIDDLE HOUSING

Historically, many neighborhoods in cities like Atlanta were developed with a spectrum of housing types that included everything from single-family detached houses on one end to large multifamily buildings on the other. Between these two extremes was a middle range of housing type that allowed cities to provide diverse housing options in a variety of neighborhood types. These included duplexes, townhouses, courtyard houses, live-work units, small multifamily buildings, etc., which were designed to be compatible with single-family detached houses. Since World War II, construction of many of these housing types has stopped in many places, giving rise to the term "Missing Middle Housing."

Properly designed Missing Middle Housing has many benefits that are still important to cities and neighborhoods today. For one thing, because they are typically compatible with single-family houses, they can allow neighborhoods to accommodate more housing choices, including options for aging residents, without sacrificing their neighborhood character. This, in turn, provides a modest increase in density, which can support transit ridership and neighborhood commercial uses. Equally important, because the buildings are relatively small (when compared to a conventional 250-unit apartment building), they can allow a broader range of people who become investors in neighborhoods.



The discontinued development of many forms of smaller housing types is commonly referred to as “Missing Middle Housing”. This trend has emerged in Atlanta as it has throughout the rest of the nation. Credit: Opticos Design Inc.

Most neighborhoods in Atlanta that were built before World War II included some types of Missing Middle Housing. Typically, the most intense of these occurred near streetcar lines, often in conjunction with small commercial blocks; examples of this include portions along Greenwood Avenue in Virginia-Highland, Lawton Street in West End, Carol Street in Cabbagetown, and Joseph E. Boone Boulevard in the English Avenue neighborhood. Duplexes were often extremely common in Atlanta; in fact, the 1929 Zoning Ordinance permitted duplexes in any residential district. (Please see the Appendix for examples of Missing Middle Housing in Atlanta.)

Finally, design is extremely important to properly execute Missing Middle Housing types, especially when they are inserted into existing neighborhoods. Choosing the appropriate type, if any, allowed in a specific neighborhood is important, but even more important is its design. Successful Missing Middle Housing must reinforce the existing patterns of a neighborhood, not detract from it. They must be somewhat compatible with the building width, height, setback, and frontage patterns of the single-family detached houses nearby; in some cases, they should be virtually indistinguishable.

Current Practice

Issues related to achieving Missing Middle Housing in Atlanta include the following observations:

- **Nonconformities.** Despite the potential benefits of building new Missing Middle Housing, where appropriate, it is extremely challenging to do so today in Atlanta. This is even true in neighborhoods that already contain many such housing types. In fact, the majority of Missing Middle Housing buildings in the city are legal non-conforming uses and structures.
- **FAR Challenges.** By far the greatest hindrance to Missing Middle Housing in Atlanta is the Zoning Ordinance's use of FAR as the only measure of density (see Density Controls on page 020). Traditional Missing Middle Housing types often have FARs far in excess of what the Atlanta 15-Year Future Land Use Map establishes as appropriate for Low and Medium Density Residential Areas (which happen to correspond with most historic examples of the housing types). This is because these buildings were built at a time when building height and design were the primary tools of controlling development, not FAR. To replicate these buildings would require a 15-Year Future Land Use Plan classification and zoning designation in excess of what many neighborhoods would support.
- **Metrics.** Residential General (RG), which was the city's only multifamily district until relatively recently, has front and side setbacks that are much larger than those found in many neighborhoods with historic Missing Middle Housing. They also lack building height or any design regulations that would ensure proper, compatible application of the housing types. Some QOL districts, such as MR and MRC, do generally support the housing types, but even they are not perfect. This is especially true for a provision in some QOL districts requiring 20-foot side setbacks when windows are provided. The result of this is that any builder wishing to build contextual Missing Middle Housing would have to seek approval of several zoning variances.
- **Parking.** Closely related to lot metrics is the issue of parking. Because Missing Middle Housing should be located in areas that are walkable and served by bus and rail transit, it is also best when required on-site parking ratios are reduced. In Atlanta, this means that the required ratios found in the Land Use Intensity

(LUI) Table, which often exceed one (1) space per unit, are higher than ideal for the Missing Middle Housing types, especially when they are inserted into existing neighborhoods, where large parking lots and decks are almost always out of character.

- **Design Predictability.** The final challenge is one of design predictability. Missing Middle Housing must be carefully executed to function correctly and in a way palatable to neighbors. Although Atlanta does make room for new Missing Middle Housing in some districts, it does not specifically call out or customize any design details. Instead, the code primarily controls residential buildings through use, using three use categories: single-family, two-family and multi-family housing. This approach provides no building forms standards to ensure contextual Missing Middle Housing. As a result, the city has seen two-family dwellings (i.e. duplexes), which were traditionally designed to resemble a single-family house, constructed in a way that resembles two houses attached by an appendage, and a wide variety of potential multifamily building forms. It is the latter, which many neighborhoods rightly see as a risk because it is so open-ended and unpredictable.

Options for Addressing Missing Middle Issues

Many cities have found that new Missing Middle Housing can play an important role in their future, and have created tools to promote well-designed new housing. These can include:

- **Form-based Regulations.** All cities that have successfully promoted Missing Middle Housing in their codes have done so by incorporating form-based standards that define the various Missing Middle Housing types. This can include a general standard that applies citywide, as in the case in Decatur, Georgia, or specific form-based Missing Middle standards that slightly vary by zoning district.
- **Utilize Existing Zoning Districts.** This approach identifies areas where Missing Middle Housing, such as duplexes and small multifamily buildings, exists today and specifically updates the existing zoning district regulations to include the building types present or desired. Generally this can take two forms: converting an existing multifamily district into one that requires Missing Middle Housing, or adding certain Missing Middle Housing types to an existing single-family district. The former tends to be a relatively simple exercise, providing that no significant down-zoning occurs, while the latter can be more challeng-

ing, especially if it opens up formerly single-family zoned land to other uses; distance requirements or limitations on the number of such Missing Middle buildings per block can help to eliminate any concerns about significant changing neighborhoods. However, unless this approach incorporates some minimal elements of design (therefore making it implicitly form-based), it can result in very inconsistent development.

- **Creating New Missing Middle Zoning District(s).** In Decatur, an entirely new zoning district called RM-22 was created to allow Missing Middle Housing. In order to avoid the challenges of proactive rezoning, the city did not rezone any land to this district when its new Unified Development Ordinance was adopted. Rather, it made them available for rezoning in most areas of the city, including existing neighborhoods.

Recommended Missing Middle Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 5.4 ➤ **Building Types.** Define Missing Middle Housing Building types during the update to the Zoning Ordinance. Types should include those historically found in Atlanta, such as duplexes and small apartment building, as well as those not traditionally found that serve current housing needs, such as townhouses, cottage housing, and live work units. (See Building Typology on page 120)

RECOMMENDATION 5.5 ➤ **Integration Into Existing Districts.** Allow Missing Middle Housing types within the appropriate existing or new zoning districts. Within existing districts this will require incorporation of the recommended building types and updated lot metrics. It will also require either increases to the permitted FAR or the complete elimination of FAR as a tool for controlling bulk.

The allowance for new building types within these districts will also require consideration of current nonresidential permissions in MR. With the exception of live work units, Missing Middle Housing types historically exclude commercial uses. It will be necessary to define a strategy for dealing with the current five percent (5%) non-residential allowance. Failure to do so could create resistance to supportive rezonings out of concerns over allowing commercial encroachment into residential areas. One solution may be to

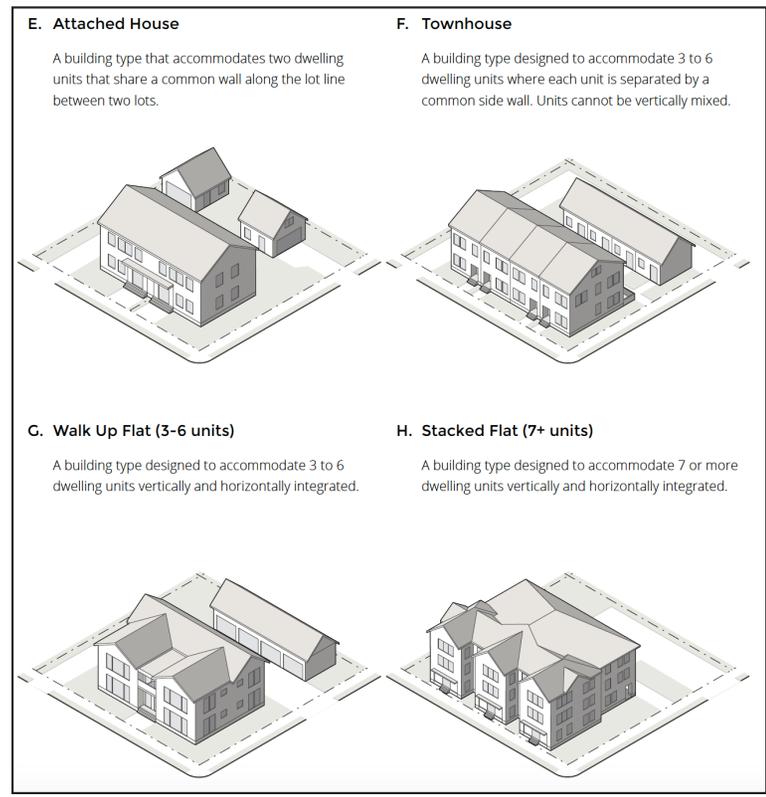
limit use of the Missing Middle Housing types to lots of a maximum size, and only allow buildings with non-residential on lots larger than this. This would allow larger sites currently zoned MR to develop into larger multifamily complexes with accessory non-residential uses.

RECOMMENDATION 5.6 **R5 Amendment.**

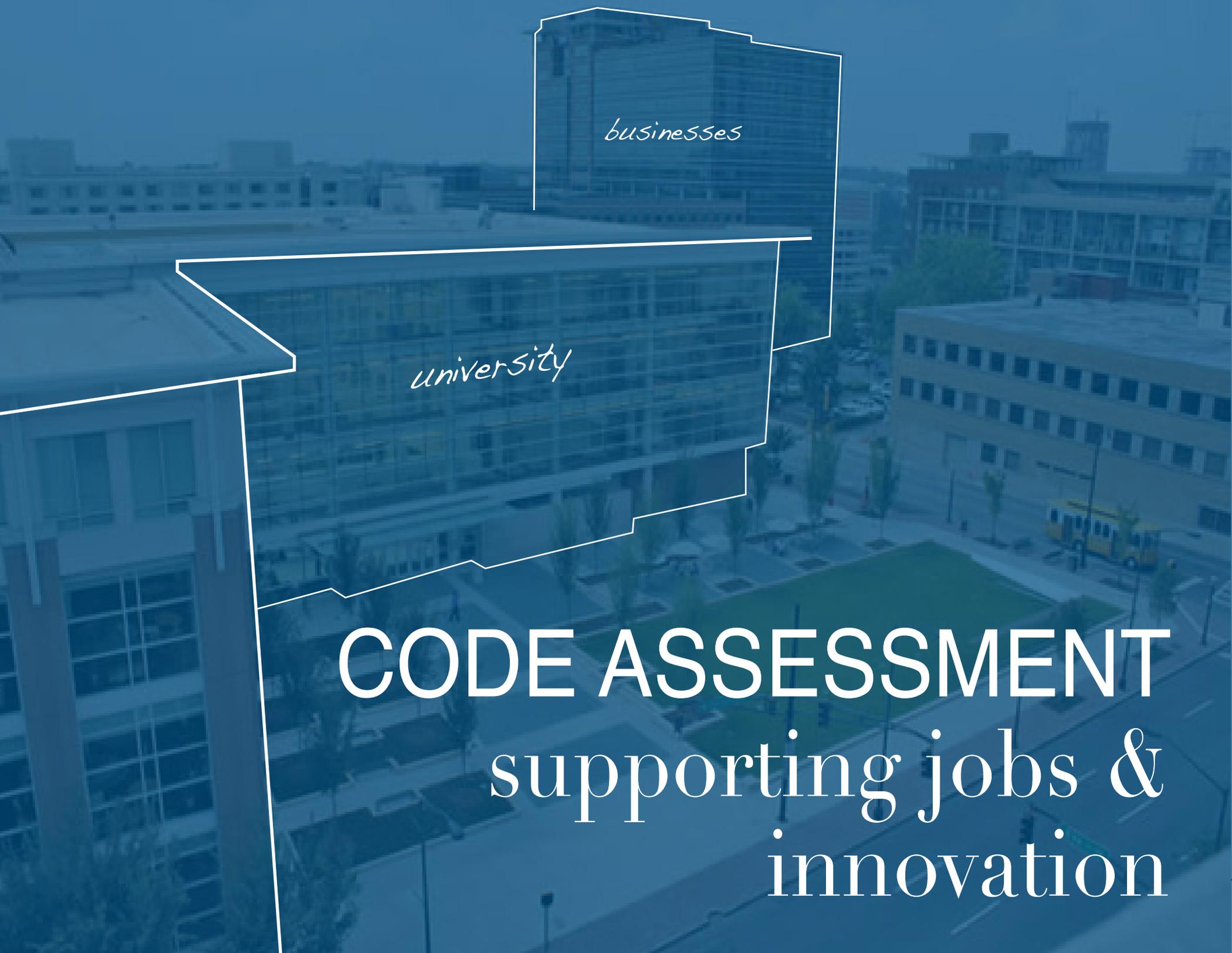
Amend R5 to require duplexes to resemble a single house. Typically, this will mean that the units must be stacked vertically or horizontally within a single building mass.

RECOMMENDATION 5.7 **Land Use Map.**

Update the 15-Year Future Land Use Map to allow the Missing Middle Housing in every Medium Density Residential (or equivalent) classification.



Missing Middle Housing types must be planned for and integrated into the new Zoning Ordinance to ensure a diversity of housing options for the future of the city. City of Decatur.



businesses

university

CODE ASSESSMENT

supporting jobs &
innovation

CODE ASSESSMENT

6 _ Supporting Jobs & Innovation

It has been approximately 35 years since the current Zoning Ordinance was drafted and adopted. In this time the world and Atlanta has changed substantially. The ways we move, the ways we live, and the ways we work have all changed in significant ways and not surprisingly the Zoning Ordinance will also need to change to reflect these differences. This section addresses ways in which the Zoning Ordinance should be amended to better accommodate current needs.

EXPERIMENTAL DISTRICTS

The new code should not be afraid to experiment with ideas that are in need of further testing. There are likely to be new concepts that have enough merit to be considered for integration into the Zoning Ordinance, but that come with enough question marks or uncertainties that cast doubt on their viability. These types of concepts could be addressed through the creation of experimental types of districts that would be applied in a limited way or place within Atlanta.

RECOMMENDATION 6.1  **Experimental Districts.** Utilize experimental zoning districts in areas or for topics that are not yet suited to be applied to the entire city.

MODERN USES

Since the code was adopted and put into effect in 1982, the way we live has changed significantly. The uses contemplated in 1982 have radically changed as well. The new code update must acknowledge more

modern types of uses that reflect the way that people live, work, play and move today. From the shared economy to telecommuting, the new Zoning Ordinance must understand and facilitate modern trends.

RECOMMENDATION 6.2 **Modern Uses.** Explore modern land uses, business types, ways of living, and ways of getting around to ensure that the code does not create impediments to new trends. Terms that may be needed include: maker space, flex space, live-work space, micro-units, doggy day care, adult day care, cat cafes, and short-term rental (i.e. AirBNB).

RECOMMENDATION 6.3 **Places of Worship.** Assess and amend the Places of Worship definition, as needed, to ensure that other dissimilar uses are not categorized as a place of worship. **[QUICK FIX]**

NON-CONFORMING STRUCTURES

The future Zoning Ordinance must reduce the need for variances for additions to non-conforming structures in order to reflect existing neighborhood patterns, thereby reducing the number of Board of Zoning Adjustments (BZA) cases and encouraging the preservation of existing buildings. Short-term solutions must be identified to alleviate staff caseloads prior to the adoption of the new Zoning Ordinance.

RECOMMENDATION 6.4 **Historic Patterns.** Create a zoning solution that enables R1 through R5 setback and lot size provisions to be modified to match historic development patterns. **[QUICK FIX]**

RECOMMENDATION 6.5 **Non-Conforming Buildings.** Create a zoning solution that enables R1 through R5 zoning districts to allow non-conforming building facades to be extended horizontally or vertically, while still complying with other district calculations and controls. **[QUICK FIX]**

CODE ASSESSMENT

creating user-friendly
regulations & processes



CODE ASSESSMENT

7 _ Creating User-Friendly Regulations & Processes

The changes that have been made to the Zoning Ordinance since 1982 have been beneficial in addressing the evolving needs of the city of Atlanta. An unintended consequence of these many changes has been the complication of the Zoning Ordinance. The increased scope of the ordinance has also led to an increase in regulatory inconsistencies and contradictions, the natural result of a changing zoning code. The new Zoning Ordinance must resolve these issues by creating a modern user-friendly ordinance that is easily accessible to all.

ADMINISTRATIVE VARIANCES

Administrative variances should be created allowing city staff to grant variances for a limited set of regulations with specific decision making criteria provided to guide such decisions. Special attention must be given to ensuring that administrative variances are applied in instances that are truly exceptional so that this mechanism does not become the de facto “new standard” for most applications.

RECOMMENDATION 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.

BOARDS

The rules governing the Zoning Review Board (ZRB), BZA and Atlanta Urban Design Commission (AUDC) should be consistently edited so as to allow consent agenda treatment of items that are favorably reviewed by staff and the public whenever it is legally permissible to do so. This will expedite agenda reviews and save time for the city and for the applicant.

RECOMMENDATION 7.2 ➤ **Boards.** Enable consent agenda for zoning boards (ZRB, BZA, AUDC).

CODE ENFORCEMENT

This has been identified as a serious and persistent problem. The new code should be written to ensure that the regulations of the code can be consistently interpreted and adequately enforced by the staff. The code writing process should also include recommendations for the preferred staffing structure to administer and enforce the new regulations.

RECOMMENDATION 7.3 ➤ **Code Enforcement.** Streamline and consolidate the staff dedicated to the administration and enforcement of the Zoning Ordinance to the greatest extent possible within the Office of Planning. The new Zoning Ordinance must be written with sensitivity to the capability of the Office of Planning staff to administer it.

COMPREHENSIVE DEVELOPMENT PLAN

The current requirement for consistency between a new zoning or permit and the CDP must be continued and strengthened. The importance of the CDP as the primary planning tool for the city should be reflected in the way in which new developments are reviewed so that consistency with the CDP - and how that consistency is to be determined exactly - is required.

RECOMMENDATION 7.4 **CDP.** The criteria for changes to the CDP 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 reducing opportunities for making changes to the Future Land Use Map.

CONCURRENT VARIANCES

Some local governments utilize concurrent variances in their zoning codes. Concurrent variances are a way for local governments to “bundle” requested variances along within a rezoning application. It is important to note that there are inevitable complexities associated with concurrent variances that must be kept in mind when considering the utilization of this mechanism. Both rezonings and variances have their own separate and distinct legal underpinnings and correlated criteria guiding such decisions and it is essential for these differences to be preserved. A “together but separate” approach towards concurrent variances must be integrated in any concurrent variance mechanism. Because of these inconsistencies, we are not recommending the inclusion of concurrent variance provisions in the new code beyond an analysis of those that already exist.

RECOMMENDATION 7.5 **Concurrent Variances.** Do not create a concurrent variance provision in the new Zoning Ordinance.

CONDITIONS

The inclusion of conditions that go along with zoning applications in Atlanta has become excessive. Zoning conditions are producing dozens of added regulations attached to the property’s zoning designation that are difficult to track and enforce. The recent use of private agreements within neighborhoods also is prob-

lematic. The new code must seek to reverse this trend by including regulations into the regulations that are commonly added as conditions and by establishing clear criteria that better limits the need for additional site-specific controls. Site-specific conditions ought to be the exception rather than the norm.

Similar to the inundation of attached conditions, the inclusion of site plans with rezoning applications has become excessive and difficult to administer. The new zoning code should be written to ensure a degree of predictability to new development such that the need for codified site plans is not necessary. Similarly, administrative changes to approved site plans should either become unnecessary due to the new code's increased predictability and clarity, or should be more clearly defined and administered through a formalized process.

RECOMMENDATION 7.6  **Conditions.** The new Zoning Ordinance should provide clear limitations to those elements of a zoning proposal that can be conditioned and those that cannot. Site plans should continue to be required to provide a conceptualization of a zoning proposal; however the use of site plans as a tool for applying site-specific conditions to a zoning proposal should be limited. The process for administrative amendments to adopted conditions and particular site plans should be very closely reviewed and clarified.

CRITERIA

The legal criteria for rezonings, CDP amendments, SUPs, variances and special exceptions are in need of review and update. For example, the degree to which transportation and traffic problems will be increased or resolved by a particular rezoning should be more closely reviewed as a part of the rezoning and SUP process. The criteria are at once bulky and not always applicable to the development requests. The criteria also should tie into the discussions relative to conditional zoning and permitting and the extent to which that practice will become more limited in the new code.

RECOMMENDATION 7.7 ➤ **Criteria.** Review and update the legal criteria for zoning decisions. Eliminate special exceptions. Existing special exceptions should be removed or assigned as administrative variances.

DEFINITIONS

The definitions chapter of the new code must be completely updated. Definitions within the Zoning Ordinance should be organized in alphabetical order to aid in the accessibility of the terms. This chapter of the code should include a definition for every use that is permitted in every zoning district. In addition, terms and methods related to measurement should also be clearly defined in this section for application throughout the code. Any additional criteria or special provisions associated with specific uses should also be included in the new code in a section that is separate from the definitions chapter.

RECOMMENDATION 7.8 ➤ **Replace and Update.** Replace and update the definitions section of the new code. Consolidate and clarify terms related to distances and measurements within the definitions section. Create a separate but proximate section of the code that contains additional criteria necessary for certain uses.

RECOMMENDATION 7.9 ➤ **Attics and Garages.** The definition for attics and garages should better articulate when these spaces count as floor area.

RECOMMENDATION 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.

RECOMMENDATION 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.

RECOMMENDATION 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.

RECOMMENDATION 7.13 ➤ **First Floor.** Remove conflicting terms used throughout the zoning code 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.

RECOMMENDATION 7.14 ➤ **Driveways.** Clarify the difference between “driveway” and “parking pad” within residential zoning districts.

RECOMMENDATION 7.15 ➤ **Pervious Paving.** Reconcile the conflicting applications of various departments related to whether or not pervious paving elements are counted as lot coverage.

RECOMMENDATION 7.16 ➤ **Bicycle Sales and Rental.** Update the definition of vehicular sales and rental in the code to ensure that the sale and rental of bicycles is considered to be a use different from motorized vehicular sales, and is further permitted in commercial and mixed-use districts. **[QUICK FIX]**

RECOMMENDATION 7.17 ➤ **Definitions Cleanup.** Organize the definitions within the Zoning Ordinance in alphabetical order and resolve the discrepancies in various code sections for “basement”. **[QUICK FIX]**

FUTURE LAND USE MAP

The code rewriting process may result in the creation of entirely new district types which will have implications for the Future Land Use map. The map will most likely need to be updated and thought of in a new way to respond to the types of areas that are envisioned in the new zoning districts. Additionally, the Future Land Use map should resolve the issue of whether or not certain parcels of land should have additional unit per acre density limitations as is done in the existing format of the map. A decision should be made as to the format of the new Future Land Use map and whether or not parcels should also carry additional density notations or not. The current maps which do carry these density notations are enforceable - the question is whether or not this practice should continue.

RECOMMENDATION 7.18 **Future Land Use Map.** Update the Future Land Use Map to correspond to the newly place types envisioned in the future Zoning Ordinance (typologies of neighborhoods, corridors, and districts). 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

While outside the scope of this work, impact fees should be reviewed with regard to the current practice of introducing special legislation associated with rezoning conditions that seek to channel what would otherwise be system improvements over a large service area to a smaller geographical area. There may be excellent reasons for a neighborhood to direct these fees but doing so outside of the impact fee structure is an issue that should be addressed in the new code.

RECOMMENDATION 7.19 **Impact Fees.** Consider limiting or prohibiting zoning processes from legislating the re-direction of impact fees.

NONCONFORMITIES

The adoption of a new code, a new zoning map, and a new Future Land Use map will cause a number of currently conforming properties to become nonconforming. A strategy must be established as part of the new code update that will mitigate the impact of nonconformities to the greatest possible extent. Furthermore, the nonconformity provisions of the ordinance should be comprehensively redrafted and updated. The complexity of Atlanta’s newer districts and those to be added as the code is redrafted will result in a need to replace the current outdated nonconformity provisions.

RECOMMENDATION 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.

RECOMMENDATION 7.21 **Nonconformity Provisions.** Update nonconformity provisions in the new Zoning Ordinance 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.

PART 6

Part 6 of the city's Code - Budget and Planning - is a little known title of enormous importance to the Zoning Ordinance, which is Part 16. There are provisions in Part 6 governing Neighborhood Planning Units (NPUs), Historic Preservation, Planning, CDPs and so forth. When the city's Code of Ordinances was recodified for Municode publication purposes decades ago, the Part 6 provisions were kept isolated for ease of codification (which was intended to be purely non-substantive) and not necessarily due to content review. It is now published as a part of the "Development Code" Volume in terms of the hard paper published version of Atlanta's Code of Ordinances. Because of this, it is often overlooked, particularly by those that do not use hard copy versions of the code and rely only on digital services.

RECOMMENDATION 7.22 **Part 6.** The provisions of Part 6 relative to zoning and planning should be placed within the Zoning Ordinance during the redraft process. (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 as well so that they reflect the strategy recommendations made in this Diagnostic. (See, Historic Districts on page 152)

PLANNED DEVELOPMENTS

The current policy regarding density limits for new Planned Development (PD) rezonings based on the zoning that exists should be reviewed. PD districts are not overlays and should not be treated as such. This issue is particularly troublesome in situations in which the underlying density of the parcel(s) to be rezoned

is unclear or unreasonable. The new zoning code should determine the continued viability of PD districts, and should then clarify in the code - not through mere policy - what density is appropriate for the PD Districts and how that density is derived. The extent to which density for new PD rezonings should follow density caps reflected on the Future Land Use Maps should be addressed as a key part of this analysis. In addition, the criteria for PD rezonings must be updated and clarified.

Additionally, the regulations and processes that apply to the infrastructure of PD developments is poorly coordinated by city departments and ordinances. Better coordination is needed between the Zoning Ordinance and the Subdivision Ordinance, and between the Planning Department and the Public Works Department. (See Blocks and Streets on page 020 for more information on streets and infrastructure).

RECOMMENDATION 7.23 ▶ **Planned Unit Densities.** Regulate allowable Planned Unit Development densities based on the development intensities established by the Future Land Use Map.

RECOMMENDATION 7.24 ▶ **Planned Unit 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.

RECOMMENDATION 7.25 ▶ **Single-Family in RG and MR.** Revise RG and MR districts to add lot provisions for detached single-family dwellings.

PUBLIC REVIEW PROCESSES

Creation of the Neighborhood Planning Unit (“NPU”) system was a watershed event in Atlanta’s planning history. The entire city was divided into lettered areas of grouped neighborhoods, and a system put in place to allow for the exchange of information on a variety of planning functions. See Part 6, Chapter 3, Article B. Now, zoning changes of all kinds are routed through the NPUs. Staff is provided. Agenda assistance is provided. Planners are required to attend NPU meetings. Information as well as applications are required to be sent to NPUs. Over time, NPU recommendations have become very important and often play an important role in determining the outcome of controversial zoning cases.

Discussion of the NPU system – much less suggesting change – is controversial. Opinions vary widely and are very deeply held. The NPU system is either extremely successful or has evolved into a monster – depending on who one asks. But value judgments are not necessary in order to recognize that the zoning processes in Atlanta have become cumbersome. It is not just the NPU system. With the advent of the SPI district system came the creation of Development/Design Review Committees (“DRC”), the most recent being the BeltLine DRC. SAP reviews are now routed through these DRCs. SAP applications also require NPU involvement for many SPI, NC, and QOL districts. Neighborhood power has also increased dramatically. Many Atlanta neighborhoods have sophisticated review processes in place for zoning actions, and follow them closely. Committees have been established. In some neighborhoods, three (3) or more meetings are required to move through the neighborhood zoning process alone. Sometimes this is coordinated with DRC or NPU schedules; sometimes not. The end result is a public review process that few understand and that varies widely depending on the neighborhood involved. Review by neighborhoods and NPUs often takes months and involves in excess of three (3) or four (4) meetings, and all of this is before the actual city review board or agency process even begins.

Some of this process is inevitable and does not need to change. A vigorous public review process for zoning matters is a very good thing and the envy of many other jurisdictions throughout the country. In Atlanta, this review tends to reinforce the very important role that neighborhoods play in the city. However, the overwhelming commentary received by this diagnostic process has been to find ways to streamline and simplify the public review process.

Current Practice

The most frequently heard complaint about the pre-city neighborhood and NPU review processes is that they take too long and are far too complex, resulting in confusion and increased expense. No two NPU procedures are alike. When the multitude of neighborhood and DRC procedures are added to the mix, the process often becomes frustrating to developers and neighborhoods alike. Seasoned practitioners and neighborhood leaders in Atlanta know that most of the “real” action in a zoning case occurs at this level; often, the actual city hearing or decision at City Hall is a foregone conclusion given the pre-city procedures now in place. To many, what began as an excellent model for neighborhood participation in zoning decisions is now far too complex and uncoordinated.

Another problem is that the scope of review is often misused. Sometimes, this is unintentional, but often it is a matter of course. Some DRCs, for instance, use their review authority as an opportunity to impose their ideas on applications related to matters over which they have no actual regulatory control, such as architectural styles or materials used in construction. Often, tight legal criteria are not systematically applied.

The process must be made to respect the constitutional procedural rights of the applicant as well as the adjoining property owners, and should be mindful of the limitations inherent in any particular level of review. If design review, for instance, is not a part of a regulation, then a reviewing body has no business twisting the applicant's arm on that issue. Trading an architectural design preferred by a neighborhood but not a part of the code's requirements for a favorable review of an unrelated issue is a form of over-reaching that should end. Each review entity should be aware of the applicable legal criteria that should be applied, as well as the limitations of their review, and be required to stick to those requirements.

A final issue is the uncertainty that all of this neighborhood process brings to the development of the city. An applicant, at the time of filing an application, really has no good idea what will be required and how long it will take to be heard unless experts are retained to assist in the process. Deferrals and delay are common. This problem exists not only with regard to complex rezonings, which is the case nationwide, but also with regard to relatively simple variances or even building permits that may first require SAP review. This creates hard costs to those involved, but as importantly is resulting in a loss of confidence in the procedures. This is unnecessary and should be improved in the zoning rewrite.

Options for Addressing Public Review Process Issues

Different jurisdictions handle neighborhood review processes in many different ways. Very few nationally are as elaborate as Atlanta's. Some, such as Vancouver, have employed a sophisticated tracking system for applications that allows them to be reviewed and coordinated. Others use a more limited review process for neighborhoods that involves perhaps one or at the most two meetings before city review. DeKalb County uses a limited neighborhood review process that is not nearly as extensive as Atlanta's. Rockdale County has no neighborhood zoning review system at all.

Eliminating the NPU system or drastically reducing neighborhood review opportunities is not the answer in Atlanta, in the view of the team. Atlanta’s neighborhoods are an integral part of its appeal, and denying them a say in important zoning decisions is not a viable option.

The best option at this juncture is to undertake a careful review of the neighborhood review system in its entirety as a part of the code rewrite and eliminate duplicative processes. Consistency between various NPUs and neighborhoods with regard to zoning reviews must be increased. Neighborhoods can continue to enjoy all of the things that make them unique without applying radically varied review of zoning matters. The following specific recommendations should be considered as options to help resolve these issues.

Recommended Public Review Process Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 7.26  **NPU System.** With regard to the NPU System, the following strategies should be considered as a part of the rewrite of the code:

- Consider redrawing NPU boundaries so that there are fewer NPUs and each NPU represents roughly similar numbers of residents. Right now, populations between NPUs vary widely.
- Require term limits for NPU officials similar to nonprofit boards and organizations as well as city Boards and Commissions.
- Require every NPU to create a zoning committee to review zoning related matters and make recommendations to the full NPU. Require that the chair of each zoning committee be trained by the city law department in zoning law and procedures as a part of a mandatory standardized training program.
- Require that each NPU hold only one hearing/meeting for each zoning application. If that hearing is convened by the NPU zoning committee, which seems appropriate, the full board could vote but another hearing requiring applicant presentation would be prohibited.

- Require each NPU to establish a hearing schedule that is in sync with and approved by Planning schedules for each type of zoning application.
- Require that each zoning application be scheduled for the single NPU hearing/meeting at the time of application consistent with an established yearly schedule. Eliminate the requirement that applicants be responsible for contacting NPUs and setting up the meeting. Instead, require each NPU to have a set meeting time established and scheduled at the time of the filing of the application and adhere to that pre-released schedule. (Similar to the way in which rezoning and SUP cases are now assigned to ZRB meetings at the time of filing.) Place the burden for any change in meetings on the NPU rather than the applicant.
- Create a computerized system in which all zoning related applications are placed on line and available to everyone. Require NPUs to secure applications through the online system, or, create programming that automatically sends a copy of each application to the NPU zoning committee chair.
- Create a system in which all NPU recommendations on zoning matters are required to be transmitted by that NPU to the appropriate city reviewing agency within a specified period of time. Allow deviations and deferrals only with the joint concurrence of the NPU and the applicant. Require each NPU to communicate with the respective neighborhoods so that neighborhood review, if any, is completed prior to NPU review and within the timeline specified.
- Create a code provision that requires that all NPUs adhere to and review only the criteria applicable to the application heard. Prohibit zoning conditions that do not meet the legal criteria established by the state impact fee law and state and federal court precedent (essentially the requirement that a substantial nexus exist between the condition and the zoning permission requested and that all conditions be based on code criteria and used only to ameliorate identified negative impacts of the proposal on nearby uses of land).
- Create a requirement that text amendments that apply citywide, or that apply to multiple NPUs, be scheduled for a single or quadrant based hearing for multiple NPUs, rather than requiring every NPU to hear every text amendment.
- Tighten the bylaw requirements so that these changes are institutionalized in the bylaws of each NPU and followed. Make it clear in the city code and the bylaws that violations on a given case of the required procedures will result in the inability of the NPU to proffer a recommendation. Enforce the requirements regarding bylaws and when they must be adopted each year by each NPU.

RECOMMENDATION 7.27 **DRCs.** With regard to the DRC System:

- Consider elimination of the DRC review process entirely. Since it is anticipated that design regulations will become more widespread and consistent when the new code is drafted, tailored regulations that now require DRC review will be largely eliminated. If the DRC review process adds value or expertise that cannot be standardized or accommodated by the neighborhood and NPU review processes, allow review only in lieu of NPU review so that duplicative review processes and meetings are eliminated. As an alternative, consider DRC review only for certain categories of major projects. In any event, attempt to adhere to a “one application one hearing” rule.
- Follow all applicable recommendations outlined in recommendation 7.26 above applicable to NPU review. Of particular importance is the note above requiring that each DRC be aware of its limited review authority and adhere to the criteria under which it is legally empowered to review the particular application.

RECOMMENDATION 7.28 **Neighborhood Review.** With regard to neighborhood review processes:

- Work with neighborhoods to limit the number of hearings/meetings at the neighborhood level to one per application. Consider ways to make this a procedural requirement.
- Require that all neighborhood review processes be completed prior to and within the time limit set forth by the NPU noted in 7.26 above, or coordinate meetings so that only one meeting is held for both organizations, with the goal of eliminating duplicative gatherings. Create a process in sync with planning requirements that automatically schedules any neighborhood review at the time of filing of the application. The goal is to allow the applicant to walk away from the filing knowing exactly what meetings are required and when and where they will be held. Allow deferrals only when they are mutually agreed upon by the neighborhood and the applicant.
- Adhere to as many of the NPU requirements above as are applicable to neighborhood review.

RECOMMENDATION 7.29 **City Procedural Requirements.** With regard to city procedural requirements:

- Revise criteria (noted elsewhere in this diagnostic) applicable to zoning applications.
- Revise procedural criteria so that staff reports be made public at least two (2) working days prior to any public hearing.
- Review all other procedural ordinances in Chapter 27 procedures for maximum compliance with all

state laws and make them as streamlined as possible, particularly with regard to notice for adoption of text amendments.

- Revisit standing requirements before the AUDC and BZA so that they continue to allow appeals but only when the appellant is sufficiently harmed to make further delay via the appeal process appropriate.
- Implement dedicated coordination with NPUs and neighborhoods so that the recommendations noted above regarding hearings and meetings can be achieved and sufficient scheduling precision is provided at the time of application. It is imperative that sufficient funding be in place to create new computer programming so that all applications are on line and accessible to the public as well as the review agencies.
- As noted elsewhere in this diagnostic, require all city review boards and commissions to implement consent agenda procedures in their bylaws.

SIGN ORDINANCE

The sign ordinance should be comprehensively updated. While the current sign code complies with all applicable laws, its structure is too bulky and outdated. Rather than continue to piecemeal fixes as the newer zoning districts emerge, the entire sign code should be revamped, as a discrete component of the zoning code re-write.

RECOMMENDATION 7.30  **Sign Ordinance.** The sign ordinance will need to be completely updated to reflect the new zoning districts that will be created in the future Zoning Ordinance. It should be streamlined and restructured to better reflect current law and make it easier to use and enforce. The non-conforming provisions related to signs, and specifically “billboards” should be revised and become more restrictive. Prohibition of all new “billboards” should be considered given the large number of such structures currently existing. Misuse of existing buildings that effectively become a “billboard” - such as towers or former smoke stacks - should be corrected and prohibited. A systematic review of existing nonconforming signs should be undertaken so as to eliminate the plethora of illegal signs in the city.

SPECIAL ADMINISTRATIVE PERMITS

Special Administrative Permits (SAPs) have become difficult for staff to administer due to their increased volume and complexity. The process for administering applications with heightened design regulations should be completely re-evaluated and streamlined.

RECOMMENDATION 7.31 ➤ **Special Administrative Permits.** During the process of drafting the new code, evaluate the need for new Office of Planning staff and applications to effectively administer the code, with regard to the SAP requirements.

SPECIAL PUBLIC INTEREST DISTRICTS

The SPI district sections of the Zoning Ordinance contain the district names of older SPI districts that no longer exist. This contributes to the cluttering of the code and should be removed.

RECOMMENDATION 7.32 ➤ **SPI Districts.** SPI districts that are no longer in use should be deleted from the Zoning Ordinance. **[QUICK FIX]**

SPECIAL USE PERMIT TRANSFERS

Currently, SUPs may be transferred only by action of the city Council. This process is time-consuming and unnecessary.

RECOMMENDATION 7.33 ➤ **SUP Transfers.** Enable for the transfer of ownership of SUPs to be performed administratively.

TELECOMMUNICATIONS

The provisions of the ordinance that regulate telecommunication structures should be comprehensively replaced similar to the sign code as a discrete component of the code re-write. Current provisions, though lawful, are too scattered and difficult to enforce. In addition, new best practices in the field should be included. Prior to the code re-write, cell tower regulations should be updated to more-clearly reflect evolving State law provisions.

RECOMMENDATION 7.34  **Best Practices.** Update the telecommunications regulations of the new code to better organize these provisions and to integrate new best practices into the code.

RECOMMENDATION 7.35  **State Provisions.** Update cell towers regulations to more clearly reflect evolving State law provisions. **[QUICK FIX]**

USER-FRIENDLY CODES

Conventional zoning codes such as Atlanta's 1982 ordinance are typically easy to use with a focus on permitted uses and their associated measurements. As these codes evolve as Atlanta's has to include form-based concepts, the code inevitably becomes more complex than it originally was.

The current Atlanta zoning code has become extremely difficult to read and comprehend. Many of the causes of this frustration are highlighted in greater detail in the other sections of this report. In addition to these noted issues, the exclusive use of legal language throughout the code serves to complicate the legibility of the code for the average reader. The poor organization of the code is another factor in the inaccessibility of the code, with code sections and chapters placed in a manner that is not intuitive to the reader.

One of the primary objectives of a newly created Zoning Ordinance is to significantly improve upon the usability and accessibility of the code. As much as possible, a new zoning code should strive for simplicity

over complexity and brevity over length. This can be achieved in several ways - through the consolidation of recurring themes or tenets into centralized regulations, as well as with the utilization of web-based platforms for interfacing with the new ordinance.

Related Problems

Problems related to the usability of Atlanta's Zoning Ordinance include the following observations:

- **Increased Complexity.** As zoning codes have evolved to integrate urban design and place-based regulations, they have inevitably become more complicated and difficult to access. However, communities with these newer types of regulations are not willing to eliminate them simply for the sake of gaining simplicity in the code. So this new level of complication is here to stay.
- **Administrative Difficulty.** When zoning codes become complicated they can become difficult for city staff to wholly comprehend and to successfully administer. The inability to administer the regulations of the code hinders the city's ability to create the type of built environment that it has intended to create. This ineffectiveness is frustrating to staff, elected leaders, and to local stakeholders.
- **Inconsistent Interpretation.** Another unintended result of unclear zoning codes is the inconsistent interpretation of the regulations. Provisions that are not clearly communicated are vulnerable to frequent changes in their interpretation, resulting in confusion over their true intent and an erosion of trust in the integrity of the code and of the zoning process.
- **Economic Disinvestment.** Complex codes can lead to economic disinvestment within the community. Whether it is a home owner pursuing property improvements or a commercial development company pursuing multi-million dollar developments, the inability to clearly communicate what can and cannot be built on a parcel of land represents a significant obstacle to economic investment. The lack of clarity can result in unnecessary expenditures that could have been and should have been avoided at the onset. In some cases, unclear or confusing regulations can dissuade investors searching for greater certainty to justify their investment.

- **The Need For Interpreters.** The common perception and unfortunate reality associated with the current code is that only a handful of highly trained professionals are capable of understanding how to use it. As a result, many developers, neighborhood associations, and individual citizens are compelled to engage these local experts to simply comprehend the various provisions of the zoning code. This complexity places an undue burden on the general public and unfairly favors those individuals and organizations that have the resources needed to engage these professional code interpreters.

Options for Addressing User-Friendly Code Problems

Options for addressing the difficulties of the current Atlanta zoning code include the following:

- **Graphic Representations.** The newer form-based codes that many American cities are adopting are equipped with illustrative resources that help to communicate in a single image what otherwise would have required extensive written regulations to communicate. New codes that utilize graphic representations to communicate concepts are able to achieve a greater level of simplicity and usability.

| ACCOMODATION AND FOOD SERVICE | SUPP | RL | HM # | VL | TN |
|------------------------------------------------------------------------------------------------------------------------|------|----|------|----|----|
| Bed and Breakfast | Yes | A | P | P | P |
| Caterers | | X | P | P | P |
| Country Inn | Yes | A | P | P | P |
| Hotels, Motels and Inns | | X | P | P | P |
| Mobile Food Services; Restaurants and Eateries | Yes | X | P | P | P |
| Recreational and Vacation Camps, RV Parks and Campgrounds | Yes | U | P | P | P |
| Rooming and Boarding Houses | Yes | X | U | U | U |
| AGRICULTURAL | SUPP | RL | HM # | VL | TN |
| Agriculture Related Activities | | A | A | A | A |
| Equestrian Training and Sales Facility | | A | P | P | P |
| Farming, General | | P | P | P | P |
| Forestry and Logging (Timber Harvesting) | Yes | P | P | P | P |
| Greenhouse, Nursery and Floriculture Production | | P | P | P | P |
| Horse Stables, Riding and Boarding | | P | P | P | P |
| Keeping and Raising of Farm Animals | | P | P | P | P |
| Livestock Quarters and Enclosures | | P | P | P | P |
| Pet Care Services | Yes | U | U | U | U |
| Roadside Stands | Yes | A | A | A | A |
| ARTS, ENTERTAINMENT AND RECREATION | SUPP | RL | HM # | VL | TN |
| Amphitheaters, Small or Natural | Yes | U | P | P | P |
| Amusement Centers | Yes | X | P | P | P |
| Amusement and Theme Parks | Yes | X | U | U | U |
| Driving Range (not associated with Golf Courses) | | X | P | P | P |
| Festivals or Events, Occasional, Outdoor/Indoor | Yes | A | A | A | A |
| Fitness and Recreational Sports Centers (includes Swimming Pools) | Yes | X | P | P | P |
| Golf Courses and Country Clubs | Yes | X | P | P | P |
| Museums, Historical Sites, and Similar Institutions | | U | P | P | P |
| Nature Parks and Other Similar Institutions | | P | P | P | P |
| Performing Arts, Spectator Sports, and Related Activities (Including stadiums, concert halls, and large amphitheaters) | Yes | X | P | P | P |
| Places of Worship | Yes | P | P | P | P |
| Recreation Center and Club, Private | | X | P | P | P |
| Recreation Fields | Yes | A | P | P | P |
| Recreational Access to the Chattahoochee River | | P | P | P | P |
| Sexually Oriented Businesses | Yes | X | X | A | A |
| Zoos and Botanical Gardens | | U | P | P | P |

(P-Permitted Uses) (A-Administrative Uses) (U-Use Permit) (A/U-See Section 4.2.D) (X-Prohibited) (#-See further HM and PC subdistrict restrictions in Section 3.6 and 3.7)

Tables and charts help to easily communicate large amounts of information within a Zoning Ordinance. Credit: City of Chattahoochee Hills.

- **Plane English.** Another method for simplifying the zoning code and reducing the overall length of the code is to utilize plane English within the written text of the code instead of the traditional legalese commonly utilized in the past. The complete elimination of legal language in the code may not be possible, but the reduction of its predominant use will vastly improve on its accessibility.
- **Tables And Charts.** The consolidation of information within the code into summary tables and charts is an effective method of further consolidating regulations and making the code easier to use. Obvious opportunities for tables and charts include the delineation of permitted uses as well as any numerical assignments for individual zoning districts such as yards, densities, heights, lot controls, and parking ratios.
- **District Reduction.** The current zoning code has over 90 individual zoning district designations – a poignant illustration of the complexity of the ordinance. The total number of new districts that will be needed in the new code is unknown at this time, however it is typical for new codes to drastically reduce the total number of districts that previously existed before the adoption of the new code. The reduction in the number of zoning districts will drastically aid in the usability of the code.
- **Consolidated Regulations.** Many of the new zoning districts written in the zoning code over the last 20 years have integrated the same baseline set of urban design controls within each of the zoning district regulations. The consolidation of these urban design standards into a singular part of the code would help immensely in the reduction of the size of the code as well as in the ability to more clearly communicate a concise treatment of design principles within the city.
- **Digital Mediums.** When the 1982 Atlanta Zoning Ordinance was written, the only truly viable medium for public access was the printed paper copy of the document. Today, there are viable digital mediums for publicly disseminating the zoning code and these options should be pursued. Many cities have launched new user-friendly websites made for easy viewing on computers, tablets, and smart phones in conjunction with the creation of new zoning codes as a way of improving the accessibility of the new regulations.

Recommended User-Friendly Code Strategy

The following strategies are recommended for consideration as part of the update to the Zoning Ordinance.

RECOMMENDATION 7.36

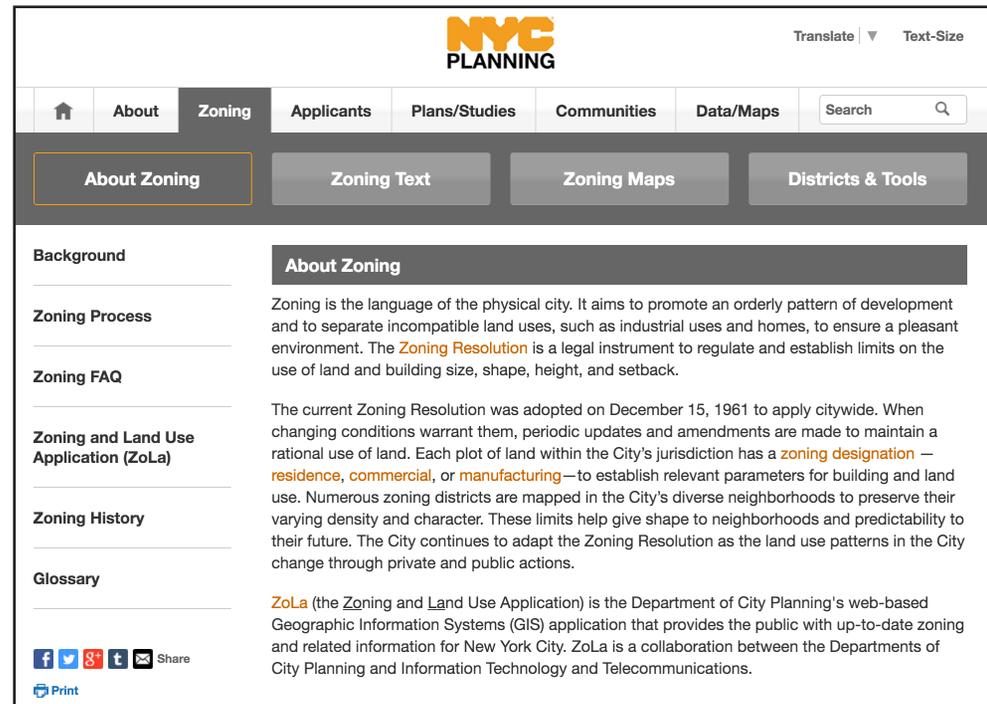
Cumulative Impact. The cumulative effect of implementing the various other recommendations of this diagnostic report will be a simpler and user-friendly zoning code. It is essential that all of the recommendations of this work move forward in order to improve the usability of the code to the greatest extent possible.

RECOMMENDATION 7.37

Graphic Illustrations. The new code should utilize graphic illustrations imbedded into the regulations to lessen the dependence on text to explain the regulations and to aid in the communication of the intent of the regulations.

RECOMMENDATION 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.



A new website is a necessary companion to the new Zoning Ordinance. The website must convey the code's regulations, maps, processes, and form in a user-friendly format for computers and smart devices. Credit: New York City.

RECOMMENDATION 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.

RECOMMENDATION 7.40 ➤ **New Website.** Create a dedicated website for the Zoning Ordinance that provides the full text of the new ordinance, but also providing simpler and abbreviated overviews of the regulations in the code in ways that are more accessible to readers.

RECOMMENDATION 7.41 ➤ **Web Based Map.** Include with the new zoning website, a user-friendly mapping tool that enables users to see pertinent zoning information for all parcels.

ZONING ENFORCEMENT

The Zoning Enforcement Division is located within the Office of Buildings, yet the Zoning Administrator position of the Zoning Ordinance is located within the Office of Planning. This division of responsibilities across different Offices is not ideal and can lead to inconsistencies between the Office that is responsible for administering the ordinance and the office that is responsible with enforcing the ordinance.

RECOMMENDATION 7.42 ➤ **Zoning Enforcement.** Reorganize the Zoning Enforcement Division in the Office of Buildings and the Office of Planning to increase consistency between Offices. Specifically, consider Zoning Ordinance interpretations to be made in Planning and consider eliminating referral certificates or placing their issuance in Planning. Also consider reorganization of zoning code enforcement officers so that they report directly to the persons identified in the reorganization and they are properly staffed.

A photograph of a public consultation session. In the foreground, a person wearing a dark jacket and a light-colored headscarf is leaning over a table, writing on a large sheet of paper with a pen. The table is covered with various documents, including a large sheet with text and a smaller sheet with a grid. There are also some pens and a small container on the table. In the background, several other people are standing and talking, some looking at documents. The scene is set in a well-lit indoor space, possibly a community center or a public office. The entire image has a blue tint.

PUBLIC INPUT

documenting feedback

PUBLIC INPUT

AS OF 4.4.16 (additional input attached as copies)

This section summarizes all of the input gathered during stakeholder interviews into a complete list of comments generally organized by topic. Comments are based on the perception of interviewees, and the consultant team makes no claims as to their accuracy or validity. However, even incorrect perceptions often indicate issues that could be of concern. A summary of issues is provided at the beginning of the report.

PROCESSES

The following comments pertain to the current zoning processes and how these should be handled. It includes the process for reviewing and approving variances, special uses, special exceptions, rezonings, and text amendments to the Zoning Ordinance.

- **Needs to be streamlined******
 - Sped up
 - Online application process with quick approval as long as in accordance with the zoning code.*
 - Simplified

- **Variances**
 - More paperwork for variances for renovations vs. new builds (should be encouraging the opposite)**
 - If addition not wider than existing house, shouldn't need a variance**
 - Process just gives neighborhood leadership power
 - Anything you do, you have to get a variance
 - Should be grandfathered in, since zoning was never compliant *
 - Best practice of Vancouver, when apply for variance, email blasts and can do online review with application
 - Provide a mechanism to include watershed issues in zoning and variance applications *

- **Variations continued...**
 - The Referral Certificate
 - Should require the Applicant to provide more concrete details regarding the four criteria for granting a variance, i.e. "hardship" demonstration, to justify variance request.*
 - Most are granted anyway despite votes against it.*
 - "Hardship" is not your lot size in most cases- although it is used 90% of time.
 - Rid of it for all variance/special exception requests that have not already filed for a building permit.
 - Process too arbitrary
 - Zoning in practice doesn't matter since the city is filled with variances on every property. Built not by zoning, but by what was negotiated.
 - There needs to be a method of reducing the number of variances submitted (app)
 - The City should explore the use of concurrent variances. They would proceed with rezonings and SUPs and be decided by City Council at the same time as the rezoning or SUP, thus avoiding an additional trip to the BZA. This would save time and be much more efficient (also posted below under SUPs).
 - I think this requires removing the language in the form ordinance for rezoning/use permits that says the action does not authorize variances or exceptions from the district regulations. That may be all that is required. Although I appreciate that also the text of the ordinance would need to be amended in the delegation of authority to the BZA to make the delegation of authority qualified so that City Council retains authority for variances and exceptions filed concurrently with the rezoning. And it makes sense to modify the rezoning/use permit application forms.
 - Small businesses that are seeking parking reductions for a change of use are being forced to spend thousands in fees to have an engineer or architect create floor plans to-scale in order for the building department to determine a variance is necessary - which the applicant usually already knows. These fees are a financial burden, especially if the variance is denied. Drawings to-scale prepared by an architect should only be required for the building permit process. (cross-posted in Uses Section)
 - Process should be streamlined for most variances, but others should be more rigorous for others.

- Catalog the variances and special exceptions so that data analytics could be applied. Any pattern of variances in a given NPU (i.e., high % of front yard, side yard, set backs in Virginia-Highland) would trigger a review of the zoning in that NPU and warrant a zoning revision to remove the burden of a variance from those areas.
 - Zoning variances in residential neighborhoods should be examined as to their appropriateness as to scale, height, and setback. If neighborhoods are to retain their character and livability developers and homeowners should not be allowed to build seriously non-conforming structures. (cross-posted in the Districts Section)
 - Tech Square needed variances for everything, but we point to that and say how great it is.
- **AUDC (Atlanta Urban Design Commission)**
- Caseload for AUDC is increasing; complicated with 3-4 positions empty for months (even a year)
 - Commissioners are confused with how to rule
 - Hard to get quorum size at times -backs things up
 - "Review and comment" - too much time with things without teeth... consent agenda?
 - Is there a point to APS being there sometimes?
 - Better used time with masterplans and large parks
 - Type 1 and 2 Certificates for staff only?
 - Staff already doing the review... so many seem like they don't need to come to AUDC
 - Limited numbers of cases like BZA?
 - At least not a popularity contest
 - More technical and substantive process
 - Looks at by-right projects
 - Potentially overworked
 - Doing work of commission and Historic Preservation
 - Aren't able to do enough neighborhood outreach
 - Do non-regulatory preservation work
 - "Preservation staff that also runs the UDC"
 - 'easy stuff' is hard and takes 80% of time

- **AUDC Continued....**
 - Suggestions?
 - Type 3 and up staff review
 - Just review demolitions, new constructions, new additions, variances
 - Work to get people to do the right thing

- **Neighborhood Power Struggle**
 - Take a vote even though doesn't matter **
 - Very few instances you don't have to go in front of neighborhood
 - Can hold hostage for boundary trees
 - Some so organized, don't need NPU as well
 - consolidate with NPUs?

- **NPU Power Struggle (Neighborhood Planning Units)**
 - E,F,A mentioned specifically as concerns
 - If see variance opportunity, can dig heels in and go after other issues not related*
 - Estoppel process - 'can't get multiple bites at the apple'
 - Should be able to require more than the city
 - Shouldn't be able to negotiate private agreements on every development***
 - Take a vote even though doesn't matter **
 - Not allowed to affect x, but do through overstepping of power **
 - No formality in NPU system**
 - NPUs run very different; better standardization?
 - Clearer defined roles
 - City should firm up and solidify the role and power of the NPU system - then participation would have a more defined purpose
 - City and council afraid to oppose NPU*
 - Votes the same 95% of the time
 - Can delay something for a year that should only take a month TIME *****
 - Can miss a meeting and backed up a month - no big deal for them*

- Use deferrals*
- Have to go back to the neighborhood - too much
- 90% issues are variances- potential to shorten agenda
- Denials need to point to code it violates, not personal preference*
 - Lobby on legitimacy
- Confusion by those who attend as to purpose of the meetings
- Lord of the Flies mentality in NPUs*
- Need to have clearer rules of engagement at this level**
- Need to continue to be encouraged and built up.
- 'NPUs most corrupt process in ATL'
- balance of power has swung away from developer.. too extreme of pendulum swing*
- should have term limits for NPU chairs (2-3 years)
 - model a Non Profit structure?
- Need a way to better educate NPUs**
- Tough when NPUs have their own Zoning, SUP, Variance committees which can add another layer*
- have too much power***
 - should not be end-all be-all
- not supported well enough*
 - Don't feel equipped
 - Don't understand legal matters
- process needs revamped***
 - hasn't been examined since the beginning - old as state boundaries
- good for weighing in
- need to be more efficient
- not productive in zoning process
- Differences in different NPUs
 - huge population disparities in different NPUs
 - notice and opportunity not consistent in different NPUs
- weigh in too much - unnecessary
- there are too many political issues with

- **NPU Power Struggle Continued...**
 - if City Planner assigned doesn't speak up, this creates an environment for a more emotion response****
 - Neighborhood Reactive Units (NRUs)
 - Number of questions asked should be limited
 - Commenting ok
 - City ignores the input of the neighborhoods
 - More weight needs to be given to NPU recommendations
 - Will always rule in favor of the \$/developers
 - Give more true power to NPUs*
 - Can NPU process be televised?*
 - Some run by real estate/construction - conflict of interest...
 - Great article by Thomas Wheatley from Creative Loafing about the NPUs being 'broken but not dead.'
- **Developer/Builder Power Struggle**
 - easier for well funded commercial developer to upzone a property at expense of ill informed neighbor/ neighborhood... need more help to assess city resources/expertise.
- **Ideal when neighborhood/NPU has a proactive plan vs. mostly reactionary. (mostly done thru reactive Facebook posts) ****
- **DRCs (Development Review Committees)**
 - Some are too controlling and overstep authority (color of brick)*
 - Too much power?
 - Redundant and unnecessary?
 - Unbelievable delays
 - Need policing
- **Need for round table, war room, and all hands on deck to vent all issues at once (ex. Columbus, OH; Tampa et. al city hall liaison, planning, public works, hand holding one stop shop for high level projects)****

- Ombudsman position - customer service oriented, problem solver, mediator, concierge or navigator
- TIME
 - Takes a minimum of 8 months to get through City*
 - Ideal to get a good product within a shorter amount of time.
 - Process increasingly hard for small developers or businesses who can't sit and wait; may only have one project or entire livelihood.*
 -
- •BZA and ZRB (Board of Zoning Adjustment and Zoning Review Board)
 - not professional enough*
 - ZRB should be planners
 - Minimum number of professionals?
 - Need a consent agenda
 - Process needs streamlining
 - More flexibility with ZRB - show of hands?
 - 8 year service cap/term limit on BZA
 - should be able to give bad ones the boot
 - is there an obligation to polls taken?
 - BZA has overstepped and ruled on things the UDC has the expertise to do
 - Criteria should be more robust for them
 - Often cases are just small changes to site plan
 - If expanding and not adding to non-conforming, BZA shouldn't have to review
 - BZA seems like a rubber stamp - a lot of variances with full support get through*
 - Better definition in the code of the role, responsibilities and limitations of the Board of Zoning Adjustment is needed

- **SUPs (Special Use Permits)**
 - Issues with personal care homes and day cares south of I-20**
 - Overconcentration in areas struggling with vacancies
 - Barely meet requirements
 - Nebulous in explaining what they are going to do
 - Don't live in area and not informed
 - Shouldn't be a special use
 - Distance requirements need to be more stringent
 - More standards and requirements*
 - Outdoor vending doesn't need SUP
 - Not enforced and vary from scope
 - Why do I need a permit for completely finished space that does not need any modifications- just that I'm changing the use... why an architect and building permit?
 - It appears City Council does not really distinguish between quasi-judicial and legislative discretion when reviewing SUPs and rezonings.
 - Concurrency issues
 - The City should explore the use of concurrent variances. They would proceed with rezonings and SUPs and be decided by City Council at the same time as the rezoning or SUP, thus avoiding an additional trip to the BZA. This would save time and be much more efficient.

- **Text Amendments**
 - Planning should not be able to do text amendments that change the zoning code after council
 - No one reads it the first time
 - Run the text amendments by the council first
 - Be clear about what is required for a text amendment
 - Need one pager for text amendments because people (NPU) get confused easily

- **Alphabet soup is too much for developers (NPU, Neighborhood, DRC, ZRB, Council etc.) ***
- **Need to better standardize community involvement**
 - Need better communication as more people want to be involved*

- The number of steps are good because get a better product
- Issues are less about code itself, and more about procedure
- SAPs (Special Administrative Permits)
 - Need fixing
 - Take too long*
 - Out of hand
 - Too complicated
 - Difficult to interpret
 - Staff needs more education/retraining
 - What requires one and what doesn't
 - Some SAP reviews are so simple- handicap ramp, not good use of time
 - Applicant doesn't forward the materials and the NPU doesn't know that an application has been filed.
 - There is a need for a clearer indication of what can or what can not be varied administratively during the SAP process
- Council does not need any more authority than it already has
- Needs to be more clarity for all as to what is negotiable
- Planning and rezoning should go hand in hand/ concurrent/ right after
- Need to do a better job of notifying residents****
 - Shouldn't be correlated to education level
 - Surveys should be sent to current owners/residents to be alerted of developments*
 - Snail mail since can't all make public hearings
 - There should be a mailing list to sign up and receive notifications when any changes made or planned in their zone.***

- **Notifying Residents Continued...**
 - Notices
 - Builders should have to post signage for tree removal, zoning change, no less than 3 weeks before instead of some a day before the meeting with no way for residents to attend hearing
 - Clean up public notice requirements
 - Post at property and in central locations in community
 - Too difficult to make it to public hearings
 - Things sent to wrong NPU
 - Reactionary via Facebook currently
 - Every neighborhood should have the support to create regularly update its own plan.
 - Needs more electronic input
 - Utilize creative public input processes- mobile units that come to the people.. Utilizing art;
- **Too many public hearings**
- **Decisions made with sweeping demographic info that doesn't apply and is incorrect at a granular level**
- **Staff**
 - Staff assigned cases should review the materials submitted ASAP and not wait until 5 days before staff reports are due to reach out when there are issues
 - Reports should be available a few days before the hearing date rather than day of
 - Staff should contact applicants before the day of the hearing to discuss the proposed recommendation
 - Staff reports to the ZRB do not reference the NPUs land use policies and only reflect the zoning district regs...
- **If proper zoning in place, process wouldn't be an issue**
- **Process lacks transparency**
 - Must go to meetings to be informed - difficult
 - Archaic communication for time in which we live

- Land needs to be proactively up-zoned in line with the planning studies and overlays
- Don't allow for the rezoning that Fuqua wants to do - surface parking for big box*
- Make the way clear for neighborhoods not in a historic district to modify/change/negotiate design of structures proposed by developers.
- Artists can help creatively think of public space, affordable housing, and public art.
- Inventory historic places to save -especially civil rights locations that are often under funded - time is of the essence.
- Need to coordinate with metro counties and cities.
- Interplay between the rezoning and land use change processes is very confusing. A single timeline for applications would be helpful.
- I would mainly like to ensure that we, as sign vendors and/or owners reps get to ask questions in person or via email prior to submittal. Some municipalities require a full submittal for comment and that is terribly time consuming and we don't get the opportunity to develop a sign or sign program that works for both parties from the start.

-

STRUCTURE

The following comments pertain to the structure and/or format of the current Zoning Ordinance.

- **Should be utilizing technology into the code/process by now*******
 - Should be able to go online, click a property that has applied for rezoning, read the proposal, and provide feedback w/o having to go to a zoning meeting/hearing since I work
- **Current code seems like designed for suburban environment (vs. urban) ie. Flat lots with no trees**
 - Code is too old and reflects ideals of the early 1980s or before**
 - VaHi / (Ormewood Park etc.) / Trolley suburb would be impossible to recreate with current zoning code, even though that's what we seem to want.*****
 - Filter question? "Does the zoning match the built pattern?"*****
 - Parallel Neighborhoods considerations
 - Should be able to build to original setbacks
- **Want R3? move out of the city limits**
- **Fixed dimensions and setbacks make it difficult***
- **Could you rid of SPI's / Beltline districts if just the right zoning the first time? *****
 - Should be seen as transitional band aids
- **Overlay for Mt. Paran shouldn't be the same as the overlay for Inman Park - context is key***
- **•Too many loopholes****
 - Like a computer code, should be able to 'run' and make sure there are no loops or dead ends.

- **Building Height**
 - In German cities, building height is a function of the width of a street.
 - A maximum number of floors increase the variety and plurality of architectural results.
- **Confusing / Hard to Understand *******
 - Too many zoning layers***
 - Too many classes
 - Differences between classes are too minor.
 - Municode is hard to navigate
 - Ordinary people (non lawyers/planners) should be able to read/understand/interpret code facially; language *****
 - Too many designations in a small area / plat by plat**
 - Too much patchwork*
 - More pictures to illustrate concepts/ pattern books? ***
 - Don't really understand which department does what and what is the order
 - Too complex
 - Cumbersome
 - Definitions are unclear
 - Of what makes something non-conforming
 - Basement definition is off/incorrect; vs. Cellar*
 - Clean up definition of attic and how it applies as floor area / issues related to heights of attics as well as access to attics.
 - Clarify FAR i.e. does one have to count stairs for each floor? Can FAR be measured to the inside face of the exterior wall vs. outside wall (penalized for stone or brick facades)?
 - The Supplemental Section (28.009, 28.010, 28.011) has rules related to "RG" district. It is not readily apparent that the rules are also used for other districts that calculate FAR in same way as the RG district, such as MR.
- **NEW Code**
 - Careful that new code is not too simple***
 - Current system is micromanaged and is extremely difficult for new/small developers

- NEW Code Continued...
 - Simplify
 - Should be shorter... always gets added onto***
 - Make more graphic based vs. text.***
 - More illustrations, particularly of streetscape and architectural requirements in the Quality of Life, Beltline Overlay and SPI districts.
 - The Denver example was very good.
 - Needs to be able to adapt**
 - Flexible**
 - Elegant solutions
 - Can handle bulk of what is needed without difficult interpreting
 - Needs subbuild-in ability to apply to the future****
 - Parking requirements may be meaningless in ten years with Uber/automatic cars/ mobility choice shifts.
 - Would be nice to know 'why' something is coded the way it is**
 - Clear on how to calculate certain things
 - May need more words for understanding
 - Utilize tables that are easy to read for a common citizen.
 - Neighborhood parking and traffic considerations should be integrated in new code
 - Code should be more goal-oriented and open to design alternatives.
 - Eliminate parking minimums**
 - Map out current densities as a starting point and then determine what densities we want to see in different areas - i.e. a transect plan.
 - Include community based public art
 - Look at codes outside US, but still in context
 - The zoning/land use compatibility chart that shows the zoning districts that correspond to the appropriate land use designation will need to be kept updated accordingly in the new code.
 - You could shape the zoning to preempt variances; however, applying analytics would be a better adaptation for future land use changes and could easily done as you set up a new zoning code and database.

- **Need for FAR?**
 - Commercial never hits max, only residential; depends on use *
 - Archaic
 - Hard to understand initially*
 - Arbitrary*
 - NPU lock onto decimal and numbers for negotiating
 - Height is actually what people understand and care about*
 - Lose ratio and regulate the box*
 - Minimum densities around Transit

- **Most incentives in zoning are not that good of incentives**

- **Better if more form-based and less zoning******

- **Find and encourage what makes Atlanta Atlanta**

- **Land Use Intensity (LUI) Ration Table 1 in RG district is used in many zoning districts and SPI districts. Confusing. Table should be in own section, maybe Supplemental Section.**

- **A very clear map would help with zones and potential contact information for those zones.**

- **Punish parking! Parking should not be the same requirements for intown Beltline adjacent projects as it is along side industrial corridors. We should be way more aggressive and more punitive when it comes to those who demand parking lots the size of tarmacs to be built next to new development. (cross-posted from Uses Section)**

ADMINISTRATION

The following comments pertain to the administration, implementation, and enforcement of the Zoning Ordinance by the City of Atlanta.

- **Need for an administrative variance process (A/C unit issue***, tiny setbacks in grandfathered non-conforming properties) *******
 - More to do with existing homes/renovations vs. new construction
 - Would be nice to have director have the authority to rule without going through BZA; in this scenario x, director can rule
 - No minor variance options
 - Unclear as to what can be varied administratively during the SAP process (cross posted from Processes Section).
 - For example, DeKalb County allows administrative variance where the request variance is less than 10% of what is allowed.

- **Parking**
 - Tandem spots don't count as required parking
 - Temporary parking ok in transition period
 - Neighborhood parking must be considered, protected, and included in any wording affect neighborhoods

- **Will be hard to sell a new ordinance unless it is contextual to neighborhoods themselves - * ***
 - will freeze density.

- **CDP (Comprehensive Development Plan)**
 - Good to have a CDP that shows where growth/density directed
 - More density needs to be allowed

- Lack of awareness
 - That there was one being used*
 - Most are unaware of its power
 - Not being referenced in rezonings
 - Too many land use changes (and requests) in between revisions*
 - People have lost faith in the comp plan
 - Too easily manipulated*
 - Lack of true vision
 - 'The Bible': big time authority but no one reads it
 - Needs to be stronger
 - Should be updated more often
 - Disconnect between the CDP and rezoning applications- not addressed once an application leaves the NPU review process.*
 - Many local governments have replaced land use categories with Character Areas. The current Comp Plan includes Character Areas (Page 449, Community Agenda). We should look into whether or not our future land use map should do the same thing with the new code.
-
- **Beltline shouldn't have more authority than underlining zoning**
 - Able to assess an access rate?
 - Seems fuzzy - teeth or not? (Fuqua)
 - Confusing where there is also a Historic District. Which one prevails?
 - **Depending on where you find the zoning maps, often they are inaccurate.**
 - **Right thing to do isn't allowed by code***
 - Should be easier to do the right thing.
 - **Have some people for residential others for commercial**
 - **More ways to eliminate need to come down to City Hall**

- Separate Planning and Buildings away from political influence of City Hall*
- Need tougher regulations on preservation citywide.
- **Technology**
 - Use technology to get pictures back in real time for quality control
 - GIS outdated/incorrect - city and county discrepancies
 - Need one correct GIS map all zoning layers, SPI, Tax ID, city, Fulton*
 - Internal links throughout the plan
 - Need email listing residents can sign up for.
- **Planners/Planning Department**
 - Planning needs to adopt of more customer service culture
 - Have assumed too much authority
 - Want to reprogram people's behavior through built environment
 - Change too often based on professors or new book out
 - Attract and hire well-trained people with a progressive culture
 - The city doesn't have any planners now
 - Doing things they shouldn't be asked to do
 - Same issue - different interpretation/ruling depending on who you get... need consistency**
 - Often do not know enough to educate constituents
 - Planning Staff seems understaffed**
 - Under-resourced
 - Simple things - copiers
 - Running public notice
 - Not well-versed in the building ordinance and vs. versa*
 - Planning and building codes don't line up
 - Perceived as an obstacle - should be your biggest advocate

- Needs to have more of an arbitrator voice*
 - Too passive**
 - *Need backbone to pick a side sometimes*
 - *Providing their insight to the neighborhood and vice versa would be helpful to shaping the solution and instilling faith in the outcome.*
- Zoning Division of the Office of Buildings should be a part of the Office of Planning. Clients sent back and forth- need more synergy.
- Needs to be more concerned with quality of life.

- **No one is sure who does what**

- **Too many different opinions/interpretations**

- **Enforcement of zoning ordinance****
 - Creates legal issues in future
 - Property is sold, new owner stuck with process of permitting
 - Would rather just pay the fine many times*
 - *Fines are clearly not steep enough.***
 - *Introduce time delays, teardowns?**
 - *Current practice is to ask for forgiveness*
 - *More aggressive with more consequences*
 - Need to catch more people to get halo effect*
 - Mostly reactive, how to get to proactive?*
 - *Why have to apologize for doing the right thing to enforce**
 - Who goes?
 - *Building inspectors don't know zoning*
 - *Police to don't know zoning*
 - No enforcement** - people still get the C.O.
 - A lot of Wild West mentality in some areas.
 - Less reliance on bad case law as a determinant of how the zoning ordinance will be interpreted.

- **Enforcement of Zoning Ordinance Continued...**
 - Need more enforcement that could help pay for more staff.
 - Empower the neighborhoods
 - *to help enforce or at least triage violations*
 - *Neighbors need to have quick and immediate access to permitted drawings.*
 - The City's job is to enforce, not make things happen for developers to build whatever they want.
 - How can city rule to approve developments in opposition to the overlays and neighborhood vision i.e. (gas station in Stadium TAD in Mechanicsville and 'Texas Donut' in O4W/Beltline
 - Need better enforcement of eyesores and poorly maintained properties
 - Do not allow land to be cleared and left unfinished for more than 90 days. Landowner/developer should be required to renew permit if construction is not going forward.
 - Don't have rules if you aren't going to enforce them.
 - Enforcement critical esp. as economy recovers.
 - Need more enforcement to monitor and regulate historic residential and commercial districts
 - Enforcement of illegal rental units needs to be policed better and fine charged.
 - There needs to be a way to quickly shut down the construction of unpermitted construction.
 - When calling the city either the inspectors are close to the contractors and do not properly police the construction or it takes too long to have them come out to inspect.

- **Planning treated as a line function, should be an executive function**

- **Buildings Department**
 - Most issues are SPI or Beltline overlay issues
 - *60-80 cases for Beltline*
 - *150-180 for SAPs*
 - o short staffed
 - o Zoning should be under same roof as Planning - too much back and forth*

- **Workload should be organized by future vs. day to day**

- Clean up of land should be strictly enforced - based on past use i.e. Concerts in Piedmont Park
- Non-adjacent property owners should be allowed to file an appeal
- Consider adjustments to how average grades are calculated. The process no appears inconsistent and it too difficult to verify in the field.
- The Supplemental Section (28.009, 28.010, 28.011) has rules related to "RG" district. It is not readily apparent that the rules are also used for other districts that calculate FAR in same way as the RG district, such as MR. (cross posted in Structure Section)
- Easy access to inspectors is very helpful early in our due diligence... having the same one helps as well.
- A bigger effort should be made to inform the general public of your efforts to alter Atlanta's zoning ordinances.

ZONING DISTRICTS

The following comments pertain to the individual zoning districts within the Zoning Ordinance.

- HISTORIC DISTRICTS / Neighborhoods

- Half of people desire a historic district (NPU F)
 - *Property rights issues as a negative*
- Don't currently have to disclose home is in a historic district, things tore down unknowingly
- Most builders will stay away from historic districts
- Affordability concerns**
 - *Seem to only be in areas with less value...*
 - *Ironically more restrictive, people living there currently can't afford to renovate appropriately*
 - *Too often these districts are designed to price out the poor. Affordable housing should not be an alms to the poor, but instead*
 - *Work with department of housing to include provisions for affordable housing in districts prime for gentrification.*
- People don't follow... demolish and keep going
- How to preserve schools or key community buildings?
- If it fits and doesn't cause harm- should be ok'ed
- Merge Landmark and Historic Districts
- Should be district option that prevents demolition and then focuses on basic characteristics of historic homes (front porches, no garages, walkway to the front door)
- Too many historic restrictions make neighborhoods hesitate to form a district even if they want to prevent demo and infill because they're worried about too many rules.
- City seems too late to historic district and preservation discussions... hard to get appreciation for preservation with city being so market driven
- People need to recognize they live in a city and in a historic area, and that may actually come with some limited sacrifices. Most people are unwilling to accept this and seem to think we should build the suburbs in Atlanta.

- Need for a "Neighborhood Historic District" to protect traditional intown neighborhoods*
 - *Neighborhoods should have more leeway to decide what their neighborhood will look like in the future.*
- Inventory historic places to save -especially civil rights locations that are often under funded - time is of the essence (also in Processes).
- Beltline Overlay is confusing where there is also a Historic District. Which one prevails? (cross-posted from Administration Section)

- **Experimental zone**
 - Pink zoning - lighter on code and permitting (less red tape) in an area
 - Looser zoning
 - Chattahoochee area possible?
 - Affordable Zone?
 - *Garnett station*
 - *No parking, communal deck, cheap rent, shared economy*
 - *Show developers what can be done*
 - *Need for affordable live/work spaces for artists and ensure they aren't pushed out*

- **Planned districts**
 - Not very concrete with plans "we may do this"*
 - Some areas like large, less dense lots, should be able to retail
 - Not good for everywhere to be homogenous*
 - Wealthy areas don't like sidewalks and doesn't make sense on huge lots
 - PD-H Should be eliminated for projects under 10 units because there are no setback controls
 - Just a way for developers to not have to deal with zoning

- **Industrial zoning within the city limits*****
 - need to retain as much as possible... fearful and one sided if just residential**
 - Industrial mixed use?*
 - *Transition light industrial with studios?*
 - *May not be good to do purely industrial zoning*

- **Industrial zoning within the city limits continued...**
 - Most manufacturing not as noxious of a use as it used to be
 - Priority near active rail or interstate?
 - Not all industrial jobs the same blue/white collar/makers

- **Neighborhood Commercial**
 - Preserve at all costs.
 - Access to commercial areas within walking distance has incredible implications for public health, primarily when you consider access to food.

- **Almost all R4s are non-compliant****
 - Do it right so no more R4?
 - Majority of time with variances

- **Rid of the one conservation district**

- **Legacy Districts? - never rezoned**

- **Added distinctions for housing around a large university and what is defined as a household**

- **MRC2 and MRC3- too big of a jump in the FAR density****
 - MR-3 (8stories, .696FAR) needs to be more that MR2's .348 but not as much as current FAR

- **Nashville is good example with lots of different districts**

- **C-4, C-5, PD-BP should be deleted as district -no longer needed**

- **Districts locations**
 - should not be divided where on side of street is in one and the other is not
 - police and school zones should be located closest to residences
 - neighborhood boundaries should be considered when zones are determined.

- **Reduce the number**
 - Collapse MR and MRC
 - Most zoning classes should not be single use these days*
- **Unclear what is meant by districts***
- **Parking**
 - Should not allow any parking within a certain distance of the Beltline corridor except ADA*
 - Downtown (esp. on the streetcar route), Midtown, transit stations, and village centers should not allow any surface parking lots*
 - No minimum parking districts near transit locations.*
 - The standards for parking within required yards in R- districts needs to be clearer, especially as pertains to the difference between a driveway and a parking pad.
- **SPIs (Special Public Interest Districts)**
 - Character districts are helpful; SPIs with guidelines should be encouraged
 - SPI districts should be simplified. Maybe address commonalities in one section, with particular requirements addressed in each individual section?
- **Peachtree Road, through Buckhead, should not be high-density zoning. Needs a real buffer from neighborhoods - must better manage growth**
- **Must be a comprehensive process so that districts compliment each other.**
- **Provide form-based overlay (ultimately to replace existing) with incentives for desired urban form and character ***
- **Needs to be a central point to each district**
- **An online map that shows boundaries and zoning codes and additional text when a user clicks on a parcel/neighborhood.***

- Integrate an arts district w/ affordable housing and live/work * - don't leave goat farm up to their own devices- no expertise
- Create an alcohol district/overlay
- Bring streetcar back to the streetcar suburbs.
- Many neighborhoods prefer the MR district to the RG district, as it contains the quality of life standards.
- Many local governments have replaced land use categories with Character Areas. The current Comp Plan includes Character Areas (Page 449, Community Agenda). We should look into whether or not our future land use map should do the same thing with the new code. (cross-posted from Administration).
- Zoning variances in residential neighborhoods should be examined as to their appropriateness as to scale, height, and setback. If neighborhoods are to retain their character and livability developers and homeowners should not be allowed to build seriously non-conforming structures.
- Each district should have a required % of public space, whether that is a park, plaza or other open space that is completely for public use (no private owner imposing limitations or restrictions).
- The ability to shape land use on a neighborhood level is incredibly valuable. It also could put a strain on the resources required to implement the code amidst nuances of each district. Instead of District A being for only one specific set of parcels, districts should instead be a set of features that could be broadly applied. For example, NC11 in Virginia-Highland could be the same as the Octane/Six Feet Under area on Memorial and the Westside Provisions district. Each district would have concentric zoning out from the commercial areas based on walking radius. Ideally, no part of the city would be further than 1 mile from a commercial area.

USES

The following comments pertain to accessory uses and permitted uses that are allowed in various districts of the Zoning Ordinance.

- **Affordable Housing needs/issues *******
 - Lack of workforce housing**
 - Public doesn't really understand what affordable housing is
 - Accessory dwelling units needed *****
 - Close loopholes with power restrictions
 - Why no kitchens allowed in the basement?
 - Building above garages / carriage houses **
 - Rid of back door restrictions
 - SF should be a permitted accessory use
 - Enact a code enforcement division to ensure safety (see Seattle)
 - As long as the main home is owner occupied and accessory unit is less than 50% of the owner occupied space.
 - Increase density
 - More sustainable
 - No additional parking required
 - Micro units /tiny houses for infill or mini subdivision*****
 - Could include parking exceptions
 - Developers rather build regular size unit and make same or more money
 - PDH ex. Lampkin Street 900 sq feet homes
 - How big of a lot does a tiny house need?
 - Can a neighborhood opt in to a tiny house development option as a permitted use?
 - Access to TAD funds for affordability?
 - Banks will not finance many of these projects
 - Need to mandate?

- **Affordable Housing needs/issues continued...**
 - Rent Control for rent maxes?
 - Affordability impact statements have no teeth
 - Inclusionary zoning?***
 - Should be mandatory in all categories
 - Could pick from a list of incentives /tool box
 - Upzoning
 - Parking reduction*
 - Tax abatement
 - Impact fees
 - May be too much of a fight in certain areas
 - Should not be used as a card you play
 - Zone Multi/mixed income around schools
 - For every affordable unit, you don't build- money into a pot?
 - Affordability needs to be in good locations*
 - TODs (near good transit)*
 - Taxes are becoming more than house payment
 - Every family should have an option of a place to live
 - Plan away food deserts, transit gaps
 - Need for affordable live/work spaces for artists and ensure they aren't pushed out.
 - High rises to include no parking options for better affordability.
 - Change the definition of a unit to be a separated space that has a bathroom rather than kitchen. To often people have increased the density and rental units by adding a bathroom and partial kitchen. With microwaves you no longer need an oven to have a functioning and rental living space/unit.
 - Where affordable housing is considered, a mix of sizes and forms is key. Detached single-family with '0' lot lines is still single-family. A single-family home is becoming a white whale in Atlanta. I love where I live: close to the Beltline, multiple MARTA bus lines, a hardware store, yoga studio, grocery store, drug store, and restaurants. It's not just my preference: it's a way of life that thousands of people are demanding and relocating for. This way of life is nonexistent in a lot of Atlanta and is only becoming more threatened as speculation, tear downs, maxing out current zoning, limited accessory

- dwelling options and massive, disjointed, gated, multi-family pods. With this in mind, I don't advocate for affordable housing. I advocate for a plurality of housing types within a walkable radius of any and all commercial nodes. If you build it, they will come. And they will build it where the zoning's right.
- As it is now, the "market" rules--that means that there is far too little affordable housing stock in the city and beautiful, historic homes are being decimated, replaced by cheaply built, gigantic homes that completely change the structure of the neighborhood.

 - **Uses can be too specific or antiquated***
 - Art gallery not retail based on uses
 - Accessory Retail has been abused and additional constraints needed.
 - Loose interpretations of 'uses' will help with future business models not even thought of yet
 - Permitted uses should be expressed in broader categories. For example in NC a barbershop is allowed as a "personal service" but dog groomers are also put in this category because there is no other category for dog groomers.
 - In just the past few weeks/months, East Atlanta Village has been deprived of Brother Moto and a new "Candler Market" in the old My Sister's Room spot due to zoning laws and rules concerning carry away wine and beer. This is just ridiculous and a complete shame. Half of the buildings in EAV are vacant and abandoned and we are kicking local business out or shutting them out due to rules that NOBODY likes. Maybe these rules worked at one time, but the current residents want the spaces filled with local businesses that reflect our interests and desires. There are numerous bars in the area, but we can't have a grocery market that sells wine and beer to go? Seriously? It is time for a change!

 - **Adaptive RE-USE**
 - Code designed to only make adaptive re-use for larger than 4000sq properties
 - Parking, Loading, Open Space, Active Use on ground floor very difficult
 - Support an annual design competition for older buildings with adaptive re-use - Westside Atlanta needs this desperately (also in site and building design section)
 - Allow faith based buildings to be repurposed in residential neighborhoods to be repurposed for restaurant and other 21st century gathering places

- **Need more of a mix of MF sizes (3bed*/2/studio/micro)**
 - Townhomes*
 - Duplex doesn't fall under MF
 - Possible to incentivize?
 - 1200-1500 sq feet min needed for families
 - Row houses
 - Missing Middle?

- **Regulation of uses should be determined by the market/demand vs. zoning**

- **Zoning to allow for transitional areas***
 - Quads and 8 units should be allowed in step down districts adjacent to higher density and near Marta

- **Currently building a bubble of luxury condos**

- **Cell towers**
 - FCC regs trump everything
 - Negotiations for every one on how they look

- **New "meditation centers" trigger too many restrictions**
 - Treated like a church/place of worship
 - Liquor licenses
 - Rethinking alcohol bottle shop/package stores - antiquated... package store are treated different than wine shops

- **Retail pruning**
 - Possible to curb the number of gas stations per area?
 - Family Dollar/Dollar General are leeches
 - Tire/wheel shops

- Hair/nail salons
- Define and limit predatory retail (dollar stores, auto parts places, pawn shops, title payday loans etc.)
- **Would it be possible to move away from regulated uses when in a denser corridor and move more towards form distinctions**
- **Rid of Live/Work**
 - No one uses it
 - No one knows how it's different
- **Accessory structure - (see also affordability options above)**
 - Need options
 - R4 loophole to get one by right
- **Quick and flexible permitting for shared economy uses like movies, food trucks, micro housing, shipping containers**
- **Truck stops should not be permitted uses in C-3, C-4, or C-5 Zoning districts**
- **Need a better integration of mixed uses.**
- **Nightlife districts within the city are dying (Cheshire, Buckhead, Crescent)... zoning to allow integration back into new developments.**
 - Basement leases with adequate soundproofing?
- **Parking**
 - Decks need to be integrated into building they serve
 - Mandatory masking of decks
 - Neighborhoods and neighborhood parking and traffic must be considered, protected, and included in any wording if assignment or changes regarding "Uses" affects neighborhoods (cross posted)

- **Parking continued**
 - Rid of parking minimums***
 - Especially within walking distance of bus stops and MARTA stations
 - The residential parking permit code sections and requirements need to be relaxed, parking in certain intown neighborhoods is only getting worse as density increases. Need to allow applicants to obtain residential permit parking with lesser standard.
 - Do everything you can to discourage surface parking*
 - Eliminate as a permitted use
 - Never in front of buildings
 - The standards for parking within required yards in R- districts needs to be clearer, especially as pertains to the difference between a driveway and a parking pad (cross-posted in districts).
 - Small businesses that are seeking parking reductions for a change of use are being forced to spend thousands in fees to have an engineer or architect create floor plans to-scale in order for the building department to determine a variance is necessary - which the applicant usually already knows. These fees are a financial burden, especially if the variance is denied. Drawings to-scale prepared by an architect should only be required for the building permit process.
 - Punish parking! Parking should not be the same requirements for intown Beltline adjacent projects as it is along side industrial corridors. We should be way more aggressive and more punitive when it comes to those who demand parking lots the size of tarmacs to be built next to new development.
- **SUPs are not enforced and vary from the scope**
- **Use of public lands and the clean up of the land should be strictly enforced and well researched based on previous years prior to allowing use. I.e. Not allowing large concerts or events to ruin public green space for local residents as was the case in Piedmont Park several years ago. (cross posted in other sections)**
- **A drive-thru should not be seen as an accessory to the use - rather stand alone in addition to the main use**

- Get rid of used base zoning. Uses are temporary. Buildings are not.
- Reduce the prevalence of single use and low density zoning *
- **Mixed use zoning should still define some of the permitted uses to address imbalances**
 - I.e. developers building MF or residential over a little retail in a TOD or neighborhood center
 - Code should actually work to require a certain portion of office, institutional, or light industrial/maker/arts at these locations, with option for variance if it isn't determined to be needed at a particular site
 - Will the creation of live/work districts threaten existing mixed-use zoning areas?
- **Encourage walkability****
 - Need more small-scale retail in residential areas to walk to
 - Corner stores
 - No blank walls - pedestrian engagement
 - new code that can help West Midtown become more walkable
- Limit on "AirBnB" type leases should be implemented
- Encourage connectivity of streets
- Mandate complete streets on all new developments
- Limit prohibitive zoning practices
- Cap the connector
- Require the addition of protected bike lanes wherever possible
- Disallow gas stations in dense neighborhoods

- Remove obstacles, wherever possible, to achieving a diverse mix of fine-grained uses.
- Adjust 16-28.008(6) so that active recreation in yards adjacent to streets maybe allowed if the grade change is such that such recreation features such as pools are so far below street grade that they are not visible from the street.
- It should be clear how long 'grandfathered' uses persist.
- **Agricultural Uses**
 - Farmers markets should be allowed and encouraged anywhere
 - If each district has a % of public space, it should be allowed to be used as a farmers market. Access to local food, social benefits, and decreased GHG from transportation are all benefits of ample, accessible farmers markets.
 - Continue to allow greenhouses and structures for energy generation (solar panels, wind generators). Add chicken houses to this list.

SITE DESIGN AND BUILDING DESIGN

The following comments address the physical design, layout, or form of new construction that is regulated by the Zoning Ordinance.

- Shouldn't be able to demo with no plan for it after
- PD frowned upon *
 - Only way to get desired flexibility*
 - Developers do, but don't really need to
 - Needs help
 - Issues with public vs. private infrastructure (esp. roads)
 - Should be eliminated for projects under 10 units
- Builders just building what the market "wants" (McMansions)
- Steps and Handrails on Front yard - not congruent with building codes (ref. 16-28.006(7))*
 - Variances to zoning code for hand railings that are safe and suitable should not be required.
- Adjust retaining wall regulations, especially in front yards, so that they are consistent and adapted to modern construction techniques.*
- Neighbor fence issues
- Needs to be more choices than the GA prescriptive deck code for residential construction- leads to bad design.
- Trimming of eaves to fit into side yard setback on a renovation

- **Transitional Height Plane Issues**
 - Rid of transitional height plane (ex. Ziggurat vs. 2 towers w/ air & sunlight)
 - Time for design and variance
 - How to interact with residential*
 - Rationale for going on forever?

- **Site Context**
 - Sites are very specific especially with topography and should be considered
 - *Site design should mitigate stormwater and heat*
 - Site and design should fit with the historical nature of the area... modern amenities, historic image and feel.
 - Homeowners need more freedom to enhance properties in historic areas as long as keep with historic feel of neighborhood.
 - Stop forcing developments to be so 'suburban' in design with large setbacks.
 - Consider adjustments to how average grades are calculated. The process now appears inconsistent and is too difficult to verify in the field (cross-posted from Administration).

- **Sustainable Design standards***
 - South facing for shading and glazing
 - New buildings should be energy efficient in construction and operation.
 - Solar panels
 - *Should be allowed in setbacks*
 - *Solar Height planes/easements*
 - An estimated 38% of the USAs CO2 emissions come from HVAC and lighting in buildings. If we hope to have a vibrant Atlanta in 50 years, it is essential that any zoning code or building code encourage and not limit the creation of Net zero buildings and net zero communities.
 - *See www.ase.org or Cambridge case study*

- **Is there a way to incentivize good architecture?**

- **There needs to be a way to reduce curb cuts***
 - For traffic... create too many pinch points

- **Norwood Ordinance and/or Infill Housing**
 - Not working as well as it should*
 - See Decatur's non-conforming equation
 - Infill homes are too large and continue to tower over neighboring structures
 - Garages should not be allowed
 - *No front loading garage doors*
 - Infill provisions related to basements are inconsistent with the building code.
 - *The lowest story that is not the basement? - unclear.*
 - *Clarify this rubbish around allowances for "basement" which effectively allows some horrendously large construction. (View VaHi for examples)*
 - Changes should be made to the ordinances that protect the character of residential neighborhoods. There is a reason Atlanta is only listed 67 on the recently released list of best cities to live in.
 - There are problems with additions to existing homes due to extreme change in topography from front to back.
 - *See Sec. 16-24.008*

- **Stormwater Implications**
 - Better urban design to decrease impervious surface
 - Require green infrastructure in post development design ordinance*
 - Consider permeable paving in residential application in relation to impervious lot coverage.
 - Stormwater credits should be available- esp. if city goes to fees*

- **Sidyard/Setback Issues**
 - With A/Cs***
 - Water quality devices
 - Tree locations
 - Garbage cans

- **Sideyard/Setback Issues Continued**
 - Reduce size of setbacks
 - Building setbacks should be relative to existing conditions and not a prescribed distance*
 - Buildings should be close to sidewalks with minimal curb cuts
 - Sideyards should be eliminated
 - Introduce Zero lot lines on small, particularly corner lots, eliminate rear yards and that impact negatively on the adjoining properties.
 - *Introduce 0 lot lines like Cabbagetown*
 - *Needs to be a better explanation on zero-lot line requirements - an illustration would help greatly. For example, there are issues with R5 and how its requirements for area and width don't make sense.*
 - Apply setback averaging using a fudge factor (80%?) for qualifying neighborhoods. (Apply no smaller than smallest or larger than largest instead?)
 - Zoning needs to be fixed so that it fits the existing setbacks and allow for more far as long as lot coverage is met.

- **Site Development becoming a bigger and bigger issue**

- **Tough with shared driveways**
 - Better for review and special exceptions

- **Clarity around buffer/boundary trees**

- **Raise the barrier of standing for an appeal of an administrative decision. This is a major barrier to investment in the City of Atlanta not to mention materially adding to the cost of entitlement as builders try to overcome every possible objection to their permit requests.**

- **Disparity in attic space development of new home construction vs. existing homes is another fairness issue.***

- **Outdoor cafes -**
 - Parking not being provided for increased seating.
 - Practical enclosing of seating area by plastic sheeting abusing intent of café use
 - A roof, temporary or permanent, should trigger need for more parking

- **Parking**
 - Decks should be better masked*
 - *Esp. when next to neighborhoods*
 - Some decks in Midtown improved but just lipstick on pig
 - Incentivize subterranean parking in new developments i.e. More units/buildable space for x number below street
 - Get rid of parking minimums****
 - *Change to parking maximums*
 - *Allow zero parking site design within (¾ mile- or similar) of a high-capacity transit station.**
 - Neighborhood parking and traffic must be taken into consideration (esp. concerned in Garden Hills from Ptee-Rumson development)
 - *Off-street parking requirements should be removed for properties currently requiring less than ten stalls.*
 - *No more retail with surface parking in front*

- **Pedestrian Interaction with buildings / Human Scaled Development******
 - Ground floor Retail spaces below housing as an afterthought*
 - *Stronger design and integration with the street*
 - *Afterthought design hinders what could go in that space*
 - Require active use on ground floors
 - Street entrances, smalls blocks where possible, windows, gardens, and respect of the public realm*
 - Needs to be a greater tilt towards the pedestrian and a human scale**
 - Commercial areas should have wide sidewalks and street furniture
 - Encourages walkability
 - Even the dense parts of Atlanta are filled with large commercial properties.

- Site plans are not monitored; plans change significantly w/o neighborhood/community input (i.e. Dupont Commons in NPU-D)
 - Changes in master documents should have NPU approval
- **Transportation alternatives**
 - Top priority with new construction
 - Bike paths off the street and safe
 - Efficient parking lots
- If Office of Buildings truly has architects, should be able to understand codes like MR, MRC, LW and not send everything back to Planning (could be listed under Administration as well).
 - Needs to be more proactive
- Need stronger laws to keep historic facades.
- **Residential FAR concerns**
 - Lot coverage and FAR for new builds should be limited by a percentage of current allowances (i.e. Lot coverage for R4 new builds to be capped at 40%)
 - Amend section 16-29.001(67) so that attic space that is conditioned and constructed with regular stair access (e.g. not pull-down irregular storage access) counts as 100% of FAR calculation. Attic space without such conditioning or stairs should count only as 50% (or less) towards FAR calculation.
 - Clarify 16-29.001(68) so that the requirements for basements so that conditioned and regularly accessed basement space counts towards floor area calculations and is not based only on percentage above grade**
 - *An attached/freestanding garage doesn't count towards floor area, but when an accessory structure has a second floor, the garage apparently count towards floor area*
 - Adjust 16-29.001(6) so that gazebo's and pavilions built as accessory structures are not counted toward the FAR calculations.
 - Need to make allowance for increased FAR in small lots - see City of Decatur.

- Consider expanding DRC to other parts of the city.
- Utilize a form-based or hybrid code to help administer design*
 - Most possible in neighborhoods
- Fire access is currently too strict esp. in sideyards
- Focus on how to achieve desired urban form incrementally
- Design should encourage walkability***
- Architectural styles should NOT be required... different tastes
- Allow for multi-use structure (ex. 1st floor office, 2nd and up - residential)
- Involve Atlanta's rich and vibrant arts community and artists in all design conversations. Artists should be at the table.
- Support an annual design competition for older buildings with adaptive re-use - Westside Atlanta needs this desperately.
- Trees
 - ordinance is a joke... builders/developers simply clear cut trees... needs more teeth soon... must be considered on the front end of process not the end
 - lot coverage on small lots results in clear cutting trees even more so
- In Brookhaven, half the street is city of Atlanta, half is city of Brookhaven

- **Alleys**
 - Resolve the 'no mans land' of alleys- be clear- either give to property owners, reclaim, utilize in a creative way.*
 - Alleys, mews, and half-blocks make for very interesting, convenient, and often safer walks (separated from cars).
 - Even in built-up areas, half-blocks and alleys should be clear and protected right of ways for the public to use (like sidewalks).

- **Currently, only the use and ratios are regulated--for the areas of the city where the character of the area is important, form-based zoning makes a lot more sense.**

- **Density**
 - Reward forward, density focused design that avoids the bland, bloated, beige that is the hallmark of all suburban projects. It was a crushing disappointment to see the new Metropolitan Avenue Library look like it came straight out of John's Creek, not south Atlanta.
 - Overall, higher density and moving away from single-use zoning is going to be the most lasting sustainable investment city of Atlanta can make.

OTHER CODES, ORDINANCES, AND CITY DEPARTMENTS

The following comments pertain to various other regulations or entities that interface with the Zoning Ordinance.

- TREE ORDINANCE

- New construction issues damaging roots
- Builders just pass tree recompense back to buyer.*
- Urban heat Island effect
 - *Trees aren't allowed to grow large and well enough in current tree wells*
- Should just say- "trees are not yours"
- Canopy Concerns **
 - *Doesn't work because not attached to land value and existing canopy**
 - *Conservation easements for tree canopy*
 - *Zoning should take special account to protect the root zones of canopy trees, and function synergistically with the Trees Ordinance.*
 - *As density increases, and in already-dense areas, canopy trees grow in setbacks between parcels.*
 - *From a sustainability perspective, a shaded building uses less AC and a yard uses less water in the summers, which are on track to be only more and more hot. From a cost perspective, a canopy tree is by far the most cost-effective way to capture rain water instead of flooding the streets and stressing the stormwater system*
- Definitions unclear
 - *recreation definition is confusing and vague*
 - *FAR definition needs clarification.*
- Issues such as common property trees, tree overhang issues and trimming, root crown impact on next-door development, construction impact on neighbor trees impacting a lot's entitlement capacity.
- The issue of impact of neighbor trees in the entitlement process is an "Equal Protection under the Law" case waiting to happen and a fundamental fairness issue

- TREE ORDINANCE Continued

- Impacted trees take a long time to die. Developments keep trees w/o recompense only to remove them w/o consequence down the road. Arborists should inspect sites years after development to enforce canopy requirements (posted in Administration originally).
- The fines for removal of a tree are also way too minimal. It's easier for a developer to destroy a 150 year old tree and pay a small fine (like our neighbor did on our property) rather than actually build the home without damaging the tree***
- Needs more teeth
- Needs to be considered at front of process, not the end*
 - *Arborist should be at planning table*
- TDRs with high value trees?

- STORMWATER

- Need for a stormwater fee
- Run-off issues with new constructions
 - *Reduce post development runoff by 30%*
- Stormwater and variances don't line up well; siloes *
- Retaining walls incorrectly scaled?*
- Not enough expertise and education in Best Practices
 - *Owners ripping out mandated retention systems after 3 years (specifically drywells)*
 - *Some BMPs too complicated or difficult to keep up*
 - *If ground underneath doesn't percolate, doesn't work (clay).*
- Not scaled well for different development sizes
 - *Difference between commercial and residential*
- BMPs - best management practices
 - *Bioswales*
 - *Rain Gardens / Dry wells ***
 - *Rain gardens Vs. gravel pits / Dry wells - look terrible when dry*
 - *Drainage area informs size of rain garden*
 - *Good by not enforceable*
 - *Once house is sold, new owner changes*

- BMPs Continued
 - *Vegetative Strips*
 - *See the Single Family Residential Guide by Southface*
 - *Drop curbs in subdivisions*
 - *Reduce grass surface where possible*
 - *Green roofs*
 - *Count towards open space*
 - *Best in dense settings - expensive*
 - *Work with Corey Rayburn to incentivize them*
 - *Permeable pavement on parking lots*
 - *Inspectors need more experience and used to just inspecting simple and archaic retention ponds.*
 - *Probably need more staff to do this correctly*
 - *Very few are built correctly*
 - *Very few are maintained properly*
- Include stormwater solutions as a part of any open space requirements
- More of a water quality issue, goal to treat first 1" to stay on site
- HOAs dissolve and there is a 'shmuck clause' for the person whose property is attached to the stormwater pond the HOA used to care for
- Look at the Green Infrastructure 'Action Plan'
- CARROTS?*
- *Bonus lot coverage*
- *Waiving of future Stormwater FEE*
- Doesn't work well with tree ordinance,
 - *Uproot tree (big roots have huge stormwater value) to put in a poorly designed retention pond etc.*
- Need more coordination from all departments- lack of consistent interpretations between different municipal codes**
- Don't want zoning ordinance to tell you how to do stormwater
- Department of watershed seems to change mind about driveways all the time

- **STORMWATER Continued**
 - No distance requirements required for uses with potentially polluting substances used or store on adjacent properties
 - FEMA says you must raise after flood, city ordinance says no - discrepancy
 - Creeks and stream should be taken into more consideration... erosion, pollution, runoff.
 - Sunset detention ponds - 99% fail and are not recommended by the EPA - failures create costly litigation for nearby citizens.
 - See the problems that arose in Buckhead when development was allowed to outpace infrastructure leading to problems with water/sewage.

- **Unified Development ordinance - right hand doesn't know what left is doing***
 - Coordinate watershed, land use, trees, and transportation impact fees.
 - Needs to incorporate Fire Safety and Public Works concurrently with Planning and Buildings

- **Subdivision ***
 - Consolidated lots, denied work on interior
 - Think bigger about what is needed and when (Certificate of Occupancy)
 - Issue with MF zoning (RG), divide for SF; no provision for FAR, nothing can be enforced
 - Has no teeth
 - Should be handled by Council
 - Accessory use allowed in subdivision, but not in zoning (pool)*
 - Issues when refinanced and can not separate parking and greenspace requirements
 - No minimum lot size
 - 3 or more units should be able to be places on any size lot.
 - 1 or 2 units must have at least 5,000 sf

- **International pool code doesn't sink up with the city (i.e. fence heights surround property or pool)**

- PARKING

- Need parking structures in matured neighborhoods like Little 5*
- Shared public decks with new apartment construction?
- Can't go cold turkey, still need added parking in transition towards more pedestrian friendly environments
- Tied to lenders
- Market should be able to better determine parking needs through pro forma**
 - *No Parking minimums- issues with neighborhood streets***
 - *No maximums - too much**
 - *Decks kill a lot of deals*
- - Consider peak times and different users at different times (residential night vs. office/ retail day); shared parking**
 - *Tampa uses a ULI study to refer to peaks and parking recs.*
- Parking requirements don't make sense, antiquated*
- Requirements are based on solely people parking to get there - should be less necessary in bike, neighborhood, pedestrian areas.
- Count parallel parking and neighborhood parking like Chicago
- Residential parking permits?
- New code should limit driveways and parking next to the sidewalk, etc.

- TRAFFIC / TRANSIT

- More traffic circles to mitigate traffic
- Bottlenecks show where we could use more density to take get more active pedestrian
- Gondolas? Monorails Cheaper than street car systems *
- Smart car development
- Charging stations
- Opposed to streetcar going up Peachtree *
- Revisit GaTech plan for Peachtree Street study *

– **TRAFFIC / TRANSIT Continued**

- Bike Lanes or similar
 - *Biggest issues at big traffic areas high connectivity nodes*
 - *Mandate sharrow installation on roadways where bike lanes are not currently possible*
 - *Require the addition of protected bike lanes wherever possible.*
- Zoning has got to work in concert with transportation, which has got to work better with DOT. Transportation has got to think about connectivity and allowing people to have options.**
- TODs
 - *Minimum densities*
 - *Marta considerations*
 - *Parking minimums*
 - *Routing*
- MARTA should be involved in Master Plans and codes.
- General public should be included in traffic improvements.

– **Loading zone issues***

– **Signage ordinance**

- No variances allowed
- Needs help

– **Impact fees**

- Hard to direct to area you are affecting
- Need updating

– **OPEN/GREEN SPACE**

- Juliet Balcony should not be considered as Greenspace - not public*
- Need a better vision for how we relate to our parks.
- Reconsidered differently
- How do we want density along a park... transition?

- Supportive Housing Ordinance - on site help for mentally ill
- Wherever possible, allow creeks and streams to be day-lighted rather than piped underground. A connection with the natural elements of the city has financial and social benefits.
- Public Right of way
 - Streetscape standards **
 - *More of a vetting process to put street lights where there are needed - not speculatively*
 - *mandate LED lighting and code against light pollution*
 - *Issues with undulating sidewalks 3 to 8 foot sidewalks*
 - *Apply common sense*
 - *Range requirements - flexible*
 - *Sidewalks 6-10ft.*
 - *Street Furniture 4-7ft.*
 - *The code should always specify requirements for sidewalks, planting zones, lighting, trees, and street furniture.*
 - *Changes sidewalk maintenance to be done by the city. It is clear that putting the burden on the owner of the lands results in maintenance on sidewalks never being addressed especially in the more residential parts of the overall city.*
 - It should mandate that new streets are not excessively wide, that there are not unnecessary dead ends or cul de sac.
- Planning Department needs a total overhaul and a change in management. Those at the top may be a bit too comfortable in their positions and a bit too well known by those they are policing.
- It needs to be easier to build / do the right things!
- Stop protecting Single Family Neighborhoods

- Incorporate height restrictions for high-rises citywide to spread density, allow commercial/mixed use on all currently residential zoned properties.
- Needs to be clearer where the Z.O leaves off and other codes take over.
- How can we disincentive data centers with few workers downtown and incentivize live/work there?
- Commercial/retail/restaurant interior permitting needs to happen much faster-expedite!

OTHER COMMENTS

- "Good to have redevelopment mentality, but tough without natural boundaries for the city"
- Property taxes
 - 'Wealthy underwrite the entire city'*
 - Concerned when taxes are too small
 - Missing police, fire, trash, and sidewalks?
- "Charleston - where you can't do anything no matter how good; Atlanta - where you can do anything no matter how bad"
- Standard of cleanliness? People will not develop in a slum*
- Noise and litter ordinances should be strictly enforced in residential areas specifically when those areas are near public parks and green space..
- "Every now and then you should do something nice for the super rich... they don't use a lot of city services." -quoted from Bill Kennedy
- Need to talk to APS concurrently so that school planning complements zoning changes
- I get the general feeling that Atlanta is a very dirty city. I was very active in my old NPU and saw many things happen that could be traced all the way to the Mayor and high-level city offices.... This shows the city giving the middle finger to the neighborhoods.

- TRAFFIC
 - Some of the one-way streets might improve traffic patterns if changed to two-way streets.
 - If zoning was changed and the reversible lane on Dekalb Industrial might better improve traffic flow of the center lane was transformed into a turn lane at various intersections like Whitford and Krog.
- The entire Residential Scale Ordinance needs to be revisited.
- I've lived in multiple cities in Italy, Canada and the US and without a good public transit system, updates to zoning laws are meaningless. I would recommend visiting Toronto to see how they have been able to incorporate public transit, green spaces and business development.
- If the people who work at our coffee shops, markets, pizza places, salons, bike shops, etc. can't afford to live in the neighborhood in which they work, that's a problem. We're way too segregated of a city socio-economically and racially. Zoning can't fix that but it can help.
- "The biggest issue with Atlanta's current zoning is the lack of incentives for small-scale development. Instead of massive developments wrapped around parking decks, the city needs fine-grained buildings with neighborhood-oriented retail. These buildings should not be required to provide parking. This will make development costs lower and promote the kind of development that will make the city much more walkable, bikeable, and transit friendly. It will also improve neighborhoods by providing more amenities to people."
- Give the City of Atlanta more ability to improve walkability, bike-ability and safety of any stretch of state road that goes through residential neighborhoods. For example, Metropolitan Pkwy between Deckner and Shelton.
- Please provide an appendix for all abbreviations in presentation and other literature. CDP, FLR, NPU, SAP were all used without explanation. Brief definitions would help clarity and provide a more inclusive experience.

- Concerned about the social engineering language of the presentation- always unintended consequences - i.e. San Fran and no affordability..
- Keep Tim Keane when the new mayor comes in!

INDEX OF TERMS

Accessory Buildings

099, 123, 139

Accessory Dwellings

023, 039, 099, 123, 194, 196, 198

Administrative Variances

016, 094-095, 112-113, 209, 213

Board of Zoning Adjustments (BZA)

094-095, 112, 180, 207, 210, 223

Building Types

011-012, 099, 101-102, 106, 110, 123, 129, 135, 144, 168, 203

Comprehensive Development Plan (CDP)

046, 048, 086, 092, 098, 112, 114, 126-127, 180, 210-212, 216

Conditions

006, 043, 085, 090-091, 103, 112-113, 115, 143, 148-149, 151, 160, 211-212, 215, 221

Definitions

043, 050, 076, 082, 084, 089, 111-113, 125-126, 137, 139, 156, 207, 213-214

Density

003, 011, 015, 018, 024, 029, 036-037, 040, 053-055, 058, 064-066, 069, 071, 086, 089, 097, 099-100, 105, 107-108, 110, 113, 121-122, 124-130, 135, 138-139, 163-165, 167, 175, 177-179, 187, 199, 201, 204, 214-217

Design

003-006, 008, 011, 013-015, 018, 022, 025-027, 029-030, 033-035, 037-042, 049-074, 077, 086, 089, 092, 097-103, 105-107, 116, 119-124, 126-142, 144, 147, 149, 150-151, 153-155, 161, 167-168, 171-174, 177, 179, 200-203, 210, 219-219, 222, 224, 226, 228

Development Review Committee (DRC)

093, 116, 218, 222

Floor Area Ratio (FAR)

003-005, 010-011, 014, 016, 024, 037, 039-040, 053, 099-100, 109-110, 125-130, 138, 164-165, 181, 190, 196-197, 201, 203

Form-Based Zoning

005-007, 010-011, 014, 016, 018, 022, 025, 028-30, 097, 120, 133, 139, 202-203, 225, 227

Historic Districts

006, 025, 033, 038-039, 050, 052, 069, 099, 102-104, 121, 124, 144, 147, 152, 155, 158-159, 161, 216

Missing Middle Housing

013-014, 039-040, 099, 110, 123, 127, 130, 138, 199-204

Mixed Use

007, 011, 018, 022, 024-025, 033, 035, 037, 040-041, 055-056, 059-060, 062-063, 066, 069, 072-074, 099-101, 105, 112, 121, 125-126, 128, 130-131, 135, 137-138, 163-168, 172, 188, 214

Neighborhood Planning Unit (NPU)

026, 090, 093, 114-116, 216-218, 220-222

Open Space

003, 006, 024, 028, 037-038, 050, 061, 065-066, 068-070, 099-102, 126, 129-130, 135

Parking

003-005, 010, 014-015, 022-023, 025, 030, 034-036, 052-069, 072, 076, 087, 097, 099-100, 102, 106, 108-110, 113, 125-126, 128, 130-131, 135, 137-138, 141-142, 149, 170, 173, 176, 178-191, 196-198, 201-202, 214, 228

Place-Based Zoning

098, 102, 142-144, 226

Signs

022, 027, 069, 076, 081-083, 085, 116, 195, 223, 225

Sidewalks

013, 022, 034-035, 054, 056, 059, 061, 067, 070-072, 090, 106, 143, 149, 170, 173, 191-192

Special Public Interest Zoning Districts (SPI)

003, 015, 034, 042, 050, 052, 077, 085, 092-093, 112, 131, 139, 143, 146-148, 150-151, 163, 180-181, 218, 224

Transfer of Development Rights (TDR)

037, 053, 085-086, 100, 126, 129-130

Variances

025, 043, 094, 112, 188, 196, 201, 207, 211-212, 219

Zoning Review Board (ZRB)

093-094, 112, 115, 159, 210, 221

APPENDIX A

missing middle housing



Product Type: Fourplex
 Council District: 4; NPU: T
 Neighborhood: West End

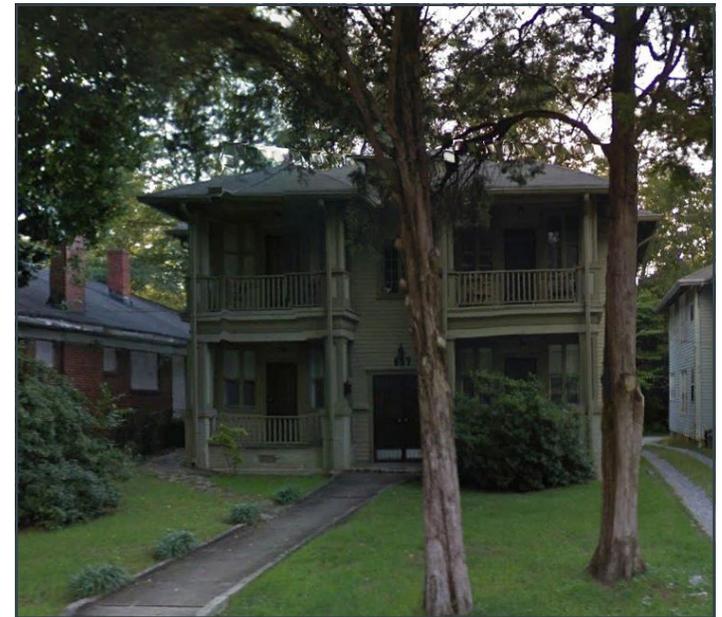
Address:
 657 Lawton Street SW
 Atlanta, GA 30310

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SPECIFICATIONS:

| Building | |
|-------------------|--------------|
| Units | 4 |
| Stories | 2 |
| Height* | 24' |
| Footprint | 45'x60' |
| Floor Area | 4,054sf |
| FAR* | 0.4 |
| Front Setback | 35' |
| Side Setback | 3' |
| Rear Setback | 100' |
| Lot | |
| Width | 50' |
| Depth | 200' |
| Area | 10,000sf |
| Building Coverage | 27% |
| Parking | |
| Location | Rear |
| Access | Front Drive |
| Spaces On-Site | 1.5 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

SPECIFICATIONS:

| Building | |
|-------------------|-------------|
| Units | 12 |
| Stories | 2 |
| Height* | 24' |
| Footprint | 40'x100' |
| Floor Area | 8,034sf |
| FAR* | 0.6 |
| Front Setback | 45' |
| Side Setback | 4' |
| Rear Setback | 100' |
| Lot | |
| Width | 55' |
| Depth | 235' |
| Area | 12,954sf |
| Building Coverage | 30% |
| Parking | |
| Location | Rear |
| Access | Front Drive |
| Spaces On-Site | 1 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

Product Type: Multiplex
 Council District: 4; NPU: T
 Neighborhood: West End

Address:
 647 Lawton Street SW
 Atlanta, GA 30310

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

Product Type: Fourplex
 Council District: 4; NPU: T
 Neighborhood: Westview

Address:
 1445 Lucile Avenue SW
 Atlanta, GA 30310

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SPECIFICATIONS:

| Building | |
|-------------------|-----------|
| Units | 4 |
| Stories | 2 |
| Height | 25' |
| Footprint | 55'x50' |
| Floor Area | 6,234sf |
| FAR | 1.4 |
| Front Setback | 15' |
| Side Setback | 3' |
| Rear Setback | 12' |
| Lot | |
| Width | 50' |
| Depth | 80' |
| Area | 4,488sf |
| Building Coverage | 61% |
| Parking | |
| Location | On-Street |
| Access | n/a |
| Spaces On-Site | n/a |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

SPECIFICATIONS:

| Building | |
|-------------------|-----------|
| Units | 4 |
| Stories | 2 |
| Height* | 25' |
| Footprint | 60'x40' |
| Floor Area | 4,806sf |
| FAR* | 0.6 |
| Front Setback | 25' |
| Side Setback | 5' |
| Rear Setback | 70' |
| Lot | |
| Width | 50' |
| Depth | 150' |
| Area | 7,500sf |
| Building Coverage | 32% |
| Parking | |
| Location | On-Street |
| Access | n/a |
| Spaces On-Site | n/a |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

Product Type: Fourplex
 Council District: 4; NPU: V
 Neighborhood: Adair Park

Address:
 725 Catherine Street SW
 Atlanta, GA 30310

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

Product Type: Fourplex
 Council District: 6; NPU: F
 Neighborhood: Virginia-Highland

Address:
 982 Virginia Ave NE
 Atlanta, GA 30306

SPECIFICATIONS:

| Building | |
|-------------------|---------------------------------------------------|
| Units | 4 |
| Stories | 3 |
| Height | 25' |
| Footprint | 61'x40'x6'x25'x17'x20'x15' x20'x17'x25'x6'x40' |
| Floor Area | 8,838sf |
| FAR* | 0.9 |
| Front Setback | 15' |
| Side Setback | 3' |
| Rear Setback | 60' |
| Lot | |
| Width | 61' |
| Depth | 143' |
| Area | 9,888sf |
| Building Coverage | 30% |
| Parking | |
| Location | On-Street |
| Access | n/a |
| Spaces On-Site | n/a |

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:

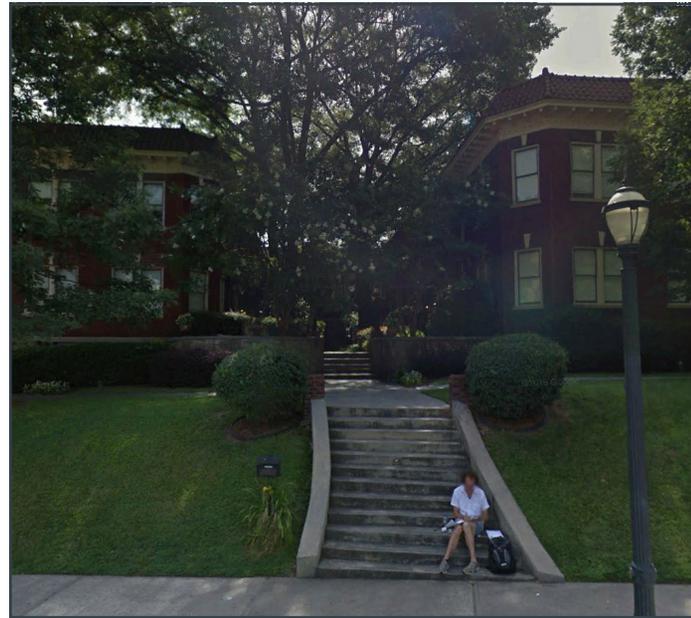


Base Map image via "City of Atlanta Planning Viewer"

SPECIFICATIONS:

| Building | |
|-------------------|---------------------------------------|
| Units | 17 |
| Stories | 2 |
| Height* | 26' |
| Footprint | 25'x100'x35'x90' 25'x120'x85'x135' |
| Floor Area | 14,600sf |
| FAR* | 0.7 |
| Front Setback | 35' |
| Side Setback | 5' |
| Rear Setback | 80' |
| Lot | |
| Width | 100' |
| Depth | 240' |
| Area | 21,787sf |
| Building Coverage | 34% |
| Parking | |
| Location | Rear |
| Access | Side Street |
| Spaces On-Site | 1.7 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

Product Type: Courtyard Apartment
Council District: 6; **NPU:** E
Neighborhood: Midtown

Address:
 1015 Piedmont Avenue NE
 Atlanta, GA 30309

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

Product Type: Multiplex
 Council District: 2; NPU: N
 Neighborhood: Inman Park

Address:
 90 Elizabeth Street NE
 Atlanta, GA 30307

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SPECIFICATIONS:

| Building | |
|-------------------|--------------|
| Units | 12 |
| Stories | 3 |
| Height | 40' |
| Footprint | 60'x60' |
| Floor Area | 12,864sf |
| FAR* | 0.7 |
| Front Setback | 16' |
| Side Setback | 14' |
| Rear Setback | 5' |
| Lot | |
| Width | 140' |
| Depth | 70' |
| Area | 17,786sf |
| Building Coverage | 20% |
| Parking | |
| Location | Side |
| Access | Front Drive |
| Spaces On-Site | 1.4 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

SPECIFICATIONS:

| Building | |
|-------------------|-----------|
| Units | 4 |
| Stories | 2 |
| Height* | 25' |
| Footprint | 35x65' |
| Floor Area | 4,250sf |
| FAR* | 0.4 |
| Front Setback | 5' |
| Side Setback | 4' |
| Rear Setback | 115' |
| Lot | |
| Width | 55' |
| Depth | 205' |
| Area | 11,280sf |
| Building Coverage | 20% |
| Parking | |
| Location | On-Street |
| Access | n/a |
| Spaces On-Site | n/a |

SITE IMAGE:



Street View image via "Google Earth"

Product Type: Fourplex
 Council District: 2; NPU: M
 Neighborhood: Old Fourth Ward

Address:

493 Auburn Ave NE
 Atlanta, GA 30312

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

Product Type: Multiplex
 Council District: 2; NPU: W
 Neighborhood: Grant Park

Address:
 604 Boulevard SE
 Atlanta, GA 30312

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SPECIFICATIONS:

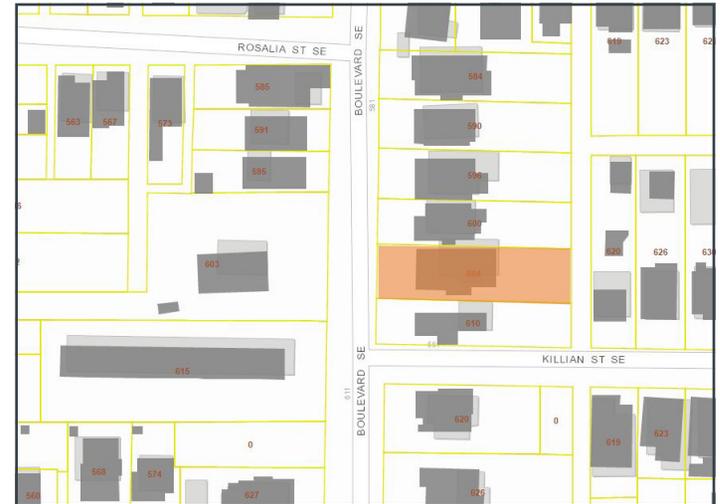
| Building | |
|----------------|------------|
| Units | 4 |
| Stories | 2 |
| Height | 30' |
| Footprint | 40'x70' |
| Floor Area | 5,861sf |
| FAR* | 0.6 |
| Front Setback | 45' |
| Side Setback | 5' |
| Rear Setback | 65' |
| Lot | |
| Width | 55' |
| Depth | 170' |
| Area | 9,500sf |
| Coverage | 29% |
| Parking | |
| Location | Rear |
| Access | Alley |
| Spaces On-Site | 2 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

SPECIFICATIONS:

| Building | |
|----------------|-----------|
| Units | 2 |
| Stories | 2 |
| Height* | 25' |
| Footprint | 35'x50' |
| Floor Area | 2,416sf |
| FAR* | 0.5 |
| Front Setback | 6' |
| Side Setback | 3' |
| Rear Setback | 55' |
| Lot | |
| Width | 40' |
| Depth | 115' |
| Area | 4,740sf |
| Coverage | 36% |
| Parking | |
| Location | On-Street |
| Access | n/a |
| Spaces On-Site | n/a |

SITE IMAGE:



Street View image via "Google Earth"

Product Type: Duplex: Stacked
 Council District: 3; NPU: L
 Neighborhood: English Avenue

Address:

839 Joseph E Boone Blvd NW
 Atlanta, GA 30314

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

Product Type: Multiplex
 Council District: 7; NPU: B
 Neighborhood: Garden Hills

Address:
 2909 Peachtree Road
 Atlanta, GA 30305

The data provided on this page is provided for educational purposes only. Data is believed to be accurate but accuracy is not guaranteed. TSW is not responsible for the misuse or misrepresentation of the data.

SPECIFICATIONS:

| Building | |
|----------------|-------------|
| Units | 27 |
| Stories | 3 |
| Height | 40' |
| Footprint | 55'x135' |
| Floor Area | 27,440sf |
| FAR* | 0.9 |
| Front Setback | 35' |
| Side Setback | 5' |
| Rear Setback | 7' |
| Lot | |
| Width | 80' |
| Depth | 360' |
| Area | 28,815sf |
| Coverage | 25% |
| Parking | |
| Location | Rear |
| Access | Front Drive |
| Spaces On-Site | 1 per unit |

SITE IMAGE:



Street View image via "Google Earth"

SITE LOCATION:



Base Map image via "City of Atlanta Planning Viewer"

PAGE LEFT INTENTIONALLY BLANK