

# ATLANTA ZONING ORDINANCE UPDATE PHASE II

## “DEEP DIVES” SESSION



Department of

**CITY PLANNING**

Office of Zoning & Development

55 Trinity Avenue, S.W.

Atlanta, Georgia 30303

**ATLANTA ZONING  
ORDINANCE UPDATE**



# WELCOME...

## The Atlanta City Design

“The goal of Atlanta City Design is to ensure Atlanta grows in a way that protects the integrity of our people and places.”

*Commissioner Tim Keane, DCP*

### ATLANTA CITY DESIGN

Outlines who we are as a city and then identifies **FIVE CORE VALUES** that describe Atlanta at its best



### CORE VALUES

- 1. Equity
- 2. Progress
- 3. Ambition
- 4. Access
- 5. Nature

Translate directly into our **ZONING ORDINANCE** Changes



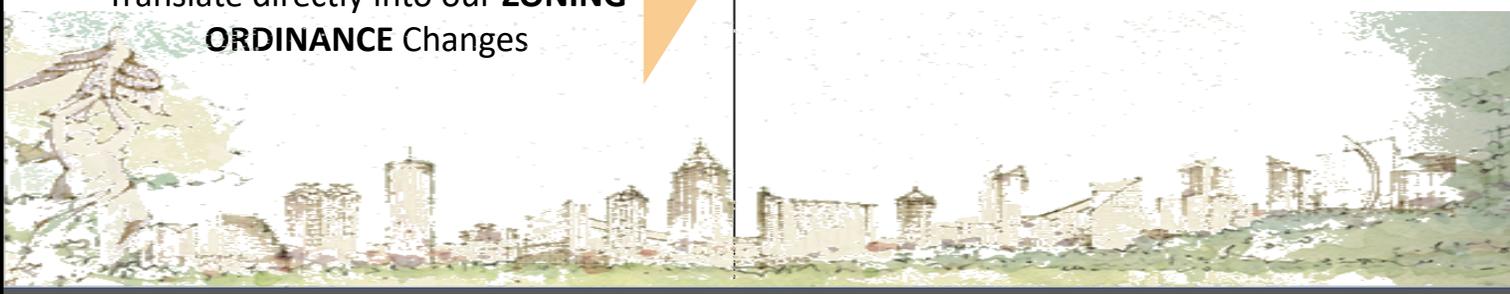
### Today's Pressing Questions

- *What do we want our city to look like...*
- *What do we want to develop...*
- *What do we not want to develop...*
- *How do we want it to work...*
- *How do we have more trees and cleaner air...*
- *How do we connect it all...*



### ZONING ORDINANCE UPDATE

- ✓ Expanding Transportation Options
- ✓ Ensuring Housing Diversity
- ✓ Creating User-friendly Regulations
- ✓ Protecting Neighborhood Character
- ✓ Creating Vibrant Corridors & Districts



*The core of the book is Dr. Martin Luther King Jr.'s concept of the “beloved community” – a society based on justice, equal opportunity, and love of one’s fellow human beings.*

# Vision

The city of Atlanta's population peaked in 1970 at 496,973. As the region grew dramatically over the next two decades, the city's population shrank to 394,017 by 1990. And over the next 20 years the population grew a mere 0.85 percent. That shrinking pattern has now changed.

The census indicates that in 2016 Atlanta's population was 472,522: a 12 percent increase in a six-year span from 2010 to 2016. This magnitude in growth has not been seen in Atlanta in the last 50 years.

There is no reason to believe this trend will not continue and accelerate. Between July 2016 and July 2017, the city of Atlanta permitted more than \$4 billion in construction: more than any other 12 months in the city's history. The Atlanta region is projected to grow by 2.5 million people in the coming years. For Atlanta to be a more mobile, affordable and livable city, it should be built to support an unprecedented amount of growth.

One of the natural conditions in cities is change. Change usually comes into focus for residents when we perceive problems like the construction of a new building that alters our view, the opening of a new shopping center, a difficult left turn or a congested street. Over the past 18 months, we have worked to create the Atlanta City Design. Our intention is to reveal the city's identity as a basis for the design of our future, and then propose ways to improve and accentuate Atlanta's authentic character in a form that could accommodate a much larger population.

Envisioning what that looks like – how Atlanta can become a better place to live and do business while tripling our population – is essential. The Atlanta City Design is the framework for inclusive growth that Atlanta has been missing. Our next steps will translate directly into our new mobility plan, zoning ordinance changes, conservation and preservation efforts, housing strategy, and other tools and plans. If built, this design will enable a new generation of growth to create an even better Atlanta for everyone.



TIM KEANE  
Commissioner, Department of City Planning

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# BACKGROUND

In 2015, the City of Atlanta commissioned a team of consultants to conduct a comprehensive assessment of the City's Zoning Ordinance. This included review of:

1. The ability of the Zoning Ordinance to implement City policies, including those in the Comprehensive Development Plan, small area plans, and other documents;
2. Public perceptions of, and experience with, the Zoning Ordinance;
3. The usability and clarity of the Zoning Ordinance to administer and use; and
4. Best practices in zoning nation wide.

Upon completion of the assessment, the consultant prepared recommendations for consideration to the Office of Zoning & Development's consideration about how the Zoning Ordinance could be improved. These recommendations and the technical review of the Ordinance are found in the Zoning Ordinance Diagnostic report.

- **Quick Fixes:** Updates are relatively easy to prepare, meet a critical need, and with broad public support (12 months)
- **Future Code Changes:** Updates that should be undertaken as part of the full Zoning Ordinance updates in 3-5 years

## **Zoning Ordinance Update –Phase II Topics**

- Accessory Dwellings
- Definitions
- I District Uses
- Loading Requirements
- MRC-2 Residential Density
- Missing Middle Housing
- Parking
- Neighborhood Design Standards
- Telecommunications
- Transitional Height Plane
- Quality of Life Variations

# EXPANDING TRANSPORTATION OPTIONS

## (2.6) LOADING REQUIREMENTS

### THE PROBLEM

- » The number of loading spaces required varies by zoning district and is relatively high compared to other cities in the region.
- » Loading space requirements do not reflect recent changes to delivery patterns, especially for smaller buildings and uses, so special exceptions and administrative variations are frequently granted.
- » Reductions in on-site loading are some of the most commonly granted variances.

### PROPOSED SOLUTION

- » Reduce the required number of loading spaces citywide
- » Establish a single citywide standard for loading requirements
- » Allow shared loading and the use of officially-designated and marked on-street loading zones citywide
- » Exempt buildings and portions of buildings built before 1965 from loading space requirements

	Unit of Measure	Required Loading Spaces (min. 12' x 35')	Required Loading Spaces (min. 12' x 55')
<b>Residential Dwellings and Lodging</b>	50 units or less	None	None
	51 to 200 units	1	
	201 units and above	2	
<b>All Other Uses</b>	Up to 15,000 sq. ft. floor area	None	
	15,001 sq. ft. to 250,000 sq. ft. floor area	1	
	250,001 sq. ft. and above	2	

# EXPANDING TRANSPORTATION OPTIONS

## (2.9) PARKING

### THE PROBLEM

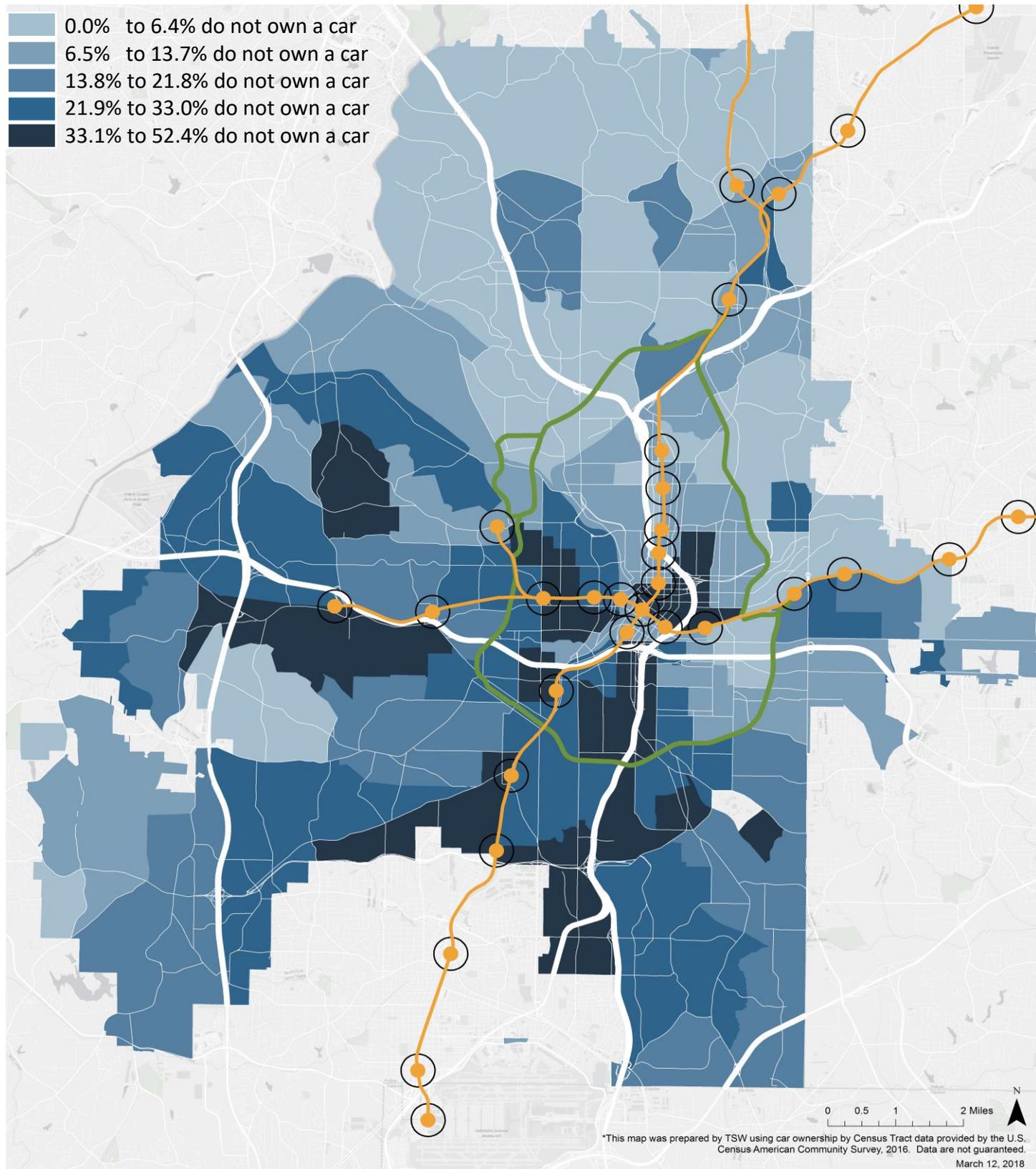
- » Existing parking requirements date from 1982 and create concerns related to the environment, public health, quality of life, automobile dependence, affordability, and equity. This is especially true around MARTA stations, where current regulations discourage the type of development that would take advantage of transit.

### PROPOSED SOLUTION

- » Allow adjacent on-street parking to count toward parking requirements citywide
- » Eliminate all minimum parking requirements citywide for buildings built prior to 1965, except for individual businesses over 1,200 square feet that hold an alcohol license
- » Reduce minimum required parking for “elderly housing” to 0.5 parking spaces per residential unit
- » Allow shared parking between different uses by right in O-I, C, I, and RG zoning districts
- » Eliminate parking requirements and introduce parking caps in RG, RL-C, O-I, C, I, PDMU, PDOC, PDBP, NC, LW, MR, and MRC within 1/2 mile of a “High Capacity Transit” station or stop
- » Update the BeltLine Overlay District to remove conflicts with these changes

# EXPANDING TRANSPORTATION OPTIONS

## (2.9) PARKING



# ENSURING HOUSING DIVERSITY

## (2.1) ACCESSORY DWELLINGS

### THE PROBLEM

“Guest houses” are currently allowed in all R-1 through R-5 zoning districts, but installing a stove or allowing someone to live in one changes its classification to an “accessory dwelling unit,” which is only allowed in the R-5 district. Accessory dwelling units were once legal citywide, and those that still exist can provide extra income for the homeowner, new housing options, and more affordable rents than are found in large apartment buildings.

NOTE: In most zoning districts, it is currently illegal to exclusively use any dwelling unit, including an accessory one, for short term rental (e.g. Airbnb). Changing this is not proposed as part of the Zoning Ordinance update.

### PROPOSED SOLUTION

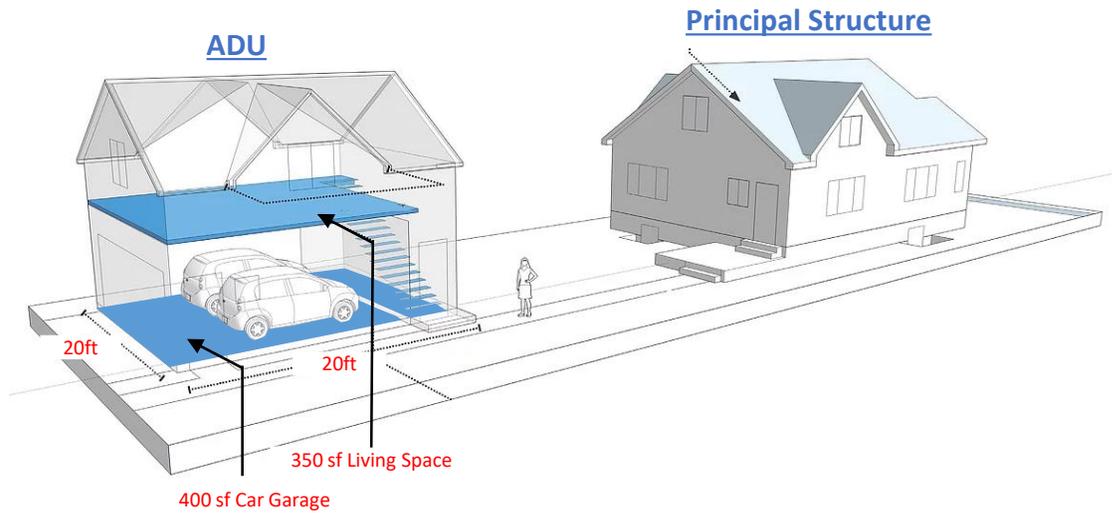
- » Allow accessory dwellings in R-4 and R-4A zoning districts
- » Create a consistent approach to accessory dwellings in R zoning districts (eliminate R-5 distance requirements)
- » Remove parking requirements for accessory dwellings
- » Require that accessory dwellings conform with all existing zoning and development regulations (lot coverage, setbacks, height, density, storm water runoff, etc.)



[Photos: Examples of ADUs](#)

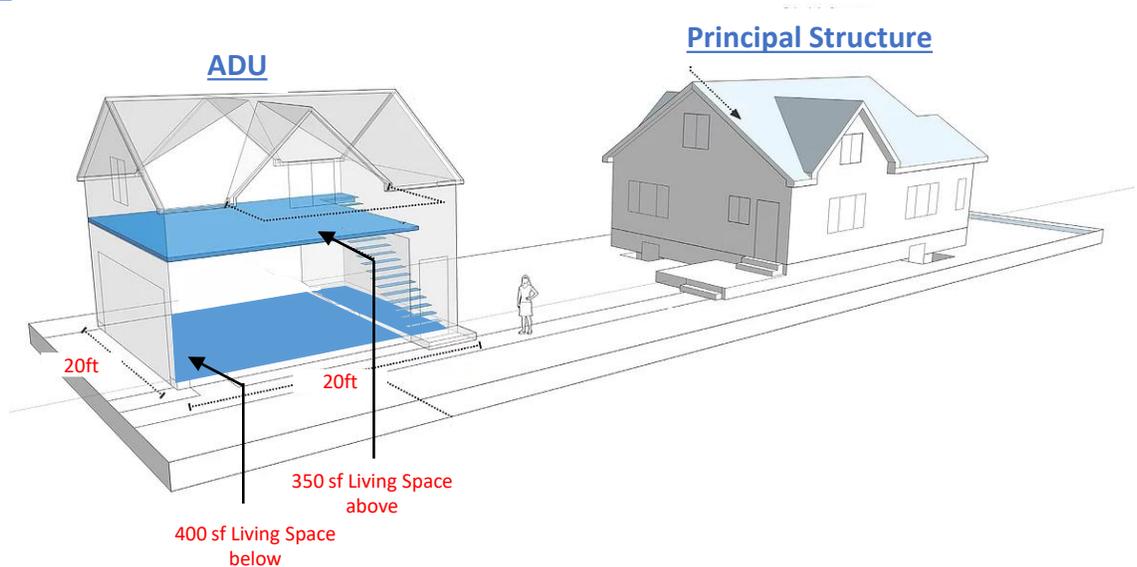
# ACCESSORY DWELLING FLOOR AREA

## Example 1:



An example of Accessory Dwelling Unit with maximum 750 sf. total floor area including 350 sf. living space above and 400 sf. car garage below

## Example 2:



An example of Accessory Dwelling Unit without a garage with maximum 750 sf. of living space only

For purposes of calculating the total floor area of the Accessory Dwelling Unit, all gross floor area (under the roof) of the accessory building including garage, shall be included whether or not it is conditioned or habitable.

1. ADU maximum floor area: 750 sq. ft.
2. Height: 20ft Setback: Side: 4ft, Rear: 4ft

By definition, the ADU is a detached structure that has it's own kitchen. If the structure does not have it's own kitchen, it is an accessory structure and subject to those regulations.

# ENSURING HOUSING DIVERSITY

## (2.8) MULTI-UNIT HOUSING

### WHAT IS MULTI-UNIT HOUSING?

Before the current Zoning Ordinance was adopted in 1982, duplexes, triplexes, and small apartment houses were legal in most of Atlanta. These still exist in many neighborhoods, despite being illegal to build today, and are termed “legal non-conforming” by the Zoning Ordinance. These buildings provide “invisible density” that is virtually indistinguishable from single-family houses. More importantly, they also often provide “natural occurring workforce housing” because they are less expensive than newer buildings **Unfortunately, between 2005 and 2014, Atlanta lost 9,267 residential units in multifamily buildings with between 2 and 9 units (Bleakly Advisory Group).**

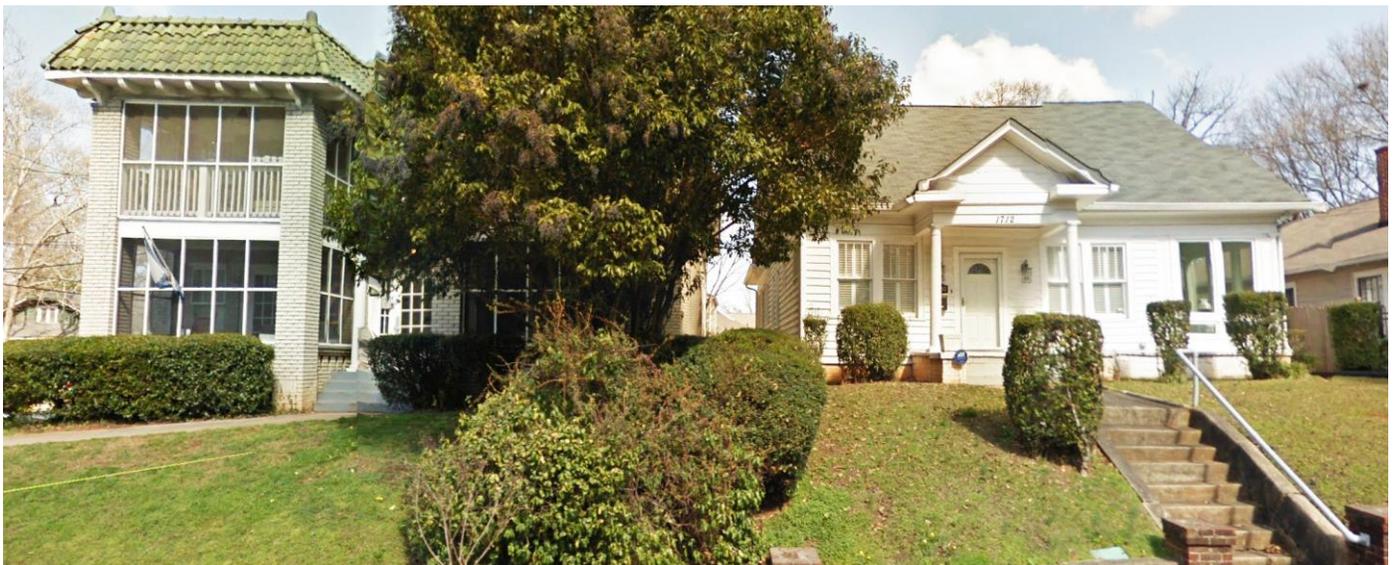
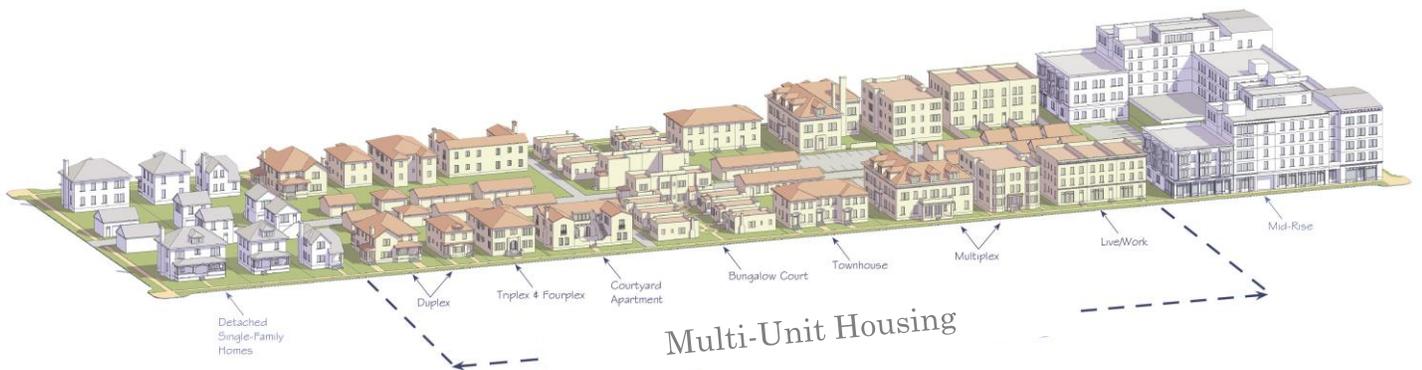


Photo: Fourplex on McLendon Ave in Candler Park

# ENSURING HOUSING DIVERSITY

## (2.8) MULTI-UNIT HOUSING

### THE PROBLEM

- » Existing zoning does not properly support existing and future “Missing Middle” housing types, even though they are an established historic development pattern in many city neighborhoods

### PROPOSED SOLUTION

- » Create a new MR-MU zoning district similar to MR-1 and MR-2, but with the following provisions:
  - Maximum number of units: 12 per building, but **do not limit floor area ratio (FAR)**
  - Prohibit all non-residential uses and **Prohibit freestanding parking decks**
  - Minimum parking requirements at 0.5 parking spaces per unit and Require a **5-foot side yard**
  - Allow in areas shown as **Low-Density Residential and Medium Density Residential** in the city’s Comprehensive Plan

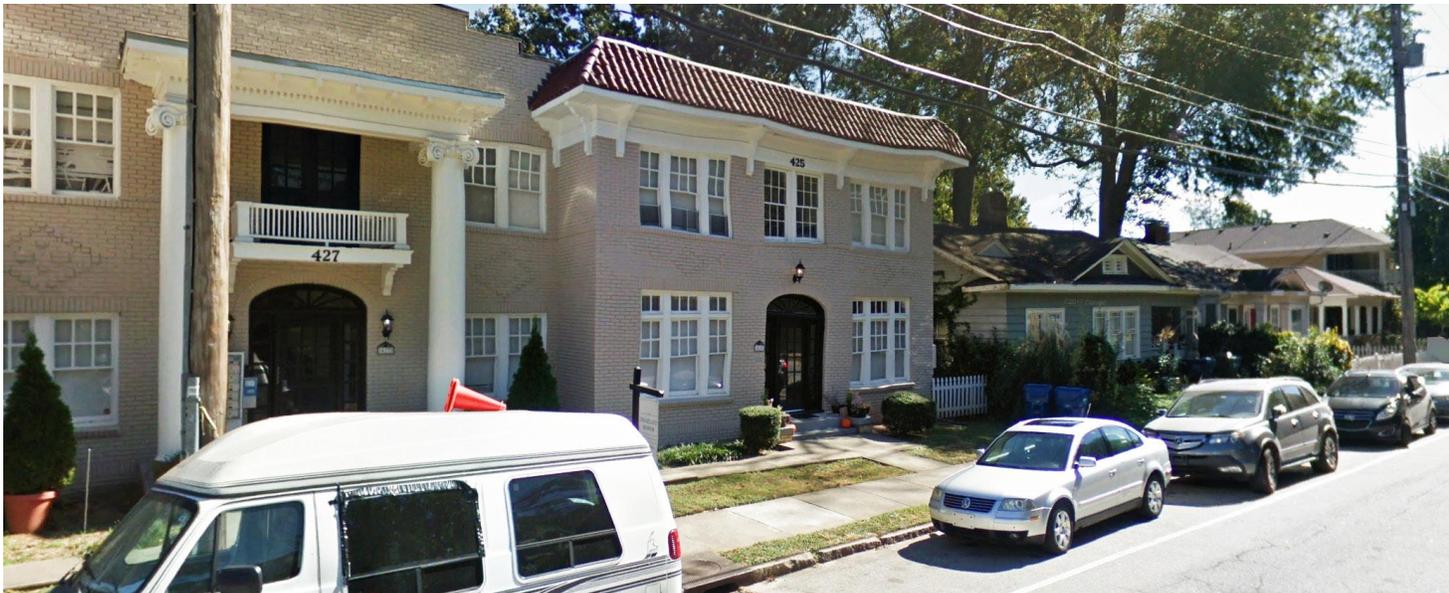


Photo: Apartments on N Highland Ave in Inman Park

# ENSURING HOUSING DIVERSITY

## (2.8) MULTI-UNIT HOUSING

### PROPOSED SOLUTION

Number of Units	4-12
Maximum Number of principle buildings per lot	1
Maximum Number of stories	Two to three story multi-unit buildings
Maximum Height	35 feet
Min. Lot Requirements: Side Yard	5 Feet
Rear Yard	10 Feet
lot size	2,000 Sf
Street frontage	25 feet
Parking	0 .5 parking space per dwelling
Non Residential Uses	Prohibited
Transitional Yard	Not required
Single-family attached (zero-lot-line) dwellings.	Prohibited
Parking Decks	Prohibited
USOR	LUI Table
Compatible Land Use	LDR and MDR

# ENSURING HOUSING DIVERSITY

## (2.8) MULTI-UNIT HOUSING



Photo: Apartments on Dixie Ave in Inman Park

### PROPOSED SOLUTION (contd..)

- » Create custom grandfather provisions for existing historic missing middle housing
  - Should apply only to buildings that are build **pre-1945** and have 12 or fewer residential units
  - Should apply only in R-3 through R-5, RG, and MR zoning districts
  - Allow buildings to be used for multifamily residential even if they sit wholly or partially unused for more than a year
  - **Allow renovations** as long as square footage doesn't increase
  - Allow buildings to be restored (with the same or few number of residential units) if **unintentionally destroyed** (such as by fire), as long as the cost of restoration is 60% or less than the replacement cost for the whole building, and if granted a special exception by the Board of Zoning Adjustment (BZA)
  - Allow buildings to be restored (with the same or few number of residential units) if **intentionally damaged**, as long as the cost of restoration is 20% or less than the replacement cost for the whole building
  - Allow the amount of existing parking to meet the parking requirements

# CREATING USER-FRIENDLY REGULATIONS

## (2.2) DEFINITIONS

### THE PROBLEM

» Some zoning terms are ambiguous and need updating

### PROPOSED SOLUTION

#### Update the following Definitions:

1. **Bureau of Buildings and Bureau of Planning:** Outdated names and titles for departments, bureaus, offices and officials that have been changed through reorganization legislation shall be interpreted to refer to the current, correct name and title. For example, the Bureau of Buildings shall mean the Office of Buildings.”
2. **High Capacity Transit:** A local or regional public transportation facility: (i) using rail; or (ii) using a fixed overhead wire system; or (iii) in the case of bus rapid transit, using and occupying an exclusive right-of-way for at least 75% of the route’s length. High Capacity Transit includes, but is not limited to, heavy rail, light rail, streetcars, commuter rail, and bus rapid transit. Long distance passenger facilities providing service beyond the State of Georgia shall not be considered “High Capacity Transit.”
3. **In SPI 1 only,** break down the use definition of “Sales and leasing agencies for new and used cars and motorcycles, bicycles and mopeds” into two separate uses.
  - **Sales and leasing agencies for new and used cars and motorcycles;** and
  - **Sales, leasing, and repair for new and use bicycles and mopeds**
4. **Update the definition of places of worship:** A building and/or premises used primarily as a place of public assembly for religious worship, which may contain accessory buildings, dwellings, lodging units or caretaker’s residence. Child care facilities, operated directly by the church, shall be considered an accessory use. The term “place of worship” includes typical uses such as mosques, temples, churches, and synagogues.
5. **Update the definition of floor area to clarify how the area of live/work spaces are calculated**

**Floor area, mixed:** For computations involving individual dwelling units or individual tenant spaces containing both residential and non-residential floor area, whichever floor area is greater shall determine the floor area that applies to the entire dwelling unit or tenant space. When the floor areas are equal, the floor area shall be considered non-residential.

**Floor area, flexible:** For computations involving individual tenant spaces where the allocation residential and non-residential floor is intended allow for change over time, the floor area for the tenant space shall be considered nonresidential.

# CREATING **USER-FRIENDLY REGULATIONS**

## **(2.13) QUALITY OF LIFE VARIATIONS**

### **THE PROBLEM**

» Quality of Life zoning districts allow City staff to grant a limited number of administrative variations, but more clarity is needed to indicate exactly which variations are allowed to be granted administratively

### **PROPOSED SOLUTION**

» Update the zoning to specify that requests for the following types of variances must be decided by the Board of Zoning Adjustments (BZA) rather than City staff

1. Minimum yards (not adjacent to the street),
2. Minimum transitional yards,
3. Transitional height planes,
4. Minimum open spaces,
5. Maximum building height,
6. Maximum fence height,
7. Minimum or maximum (as applicable) parking and loading requirements, and
8. Signage limitations.

# CREATING USER-FRIENDLY REGULATIONS

## (2.11) TELECOMMUNICATIONS

### THE PROBLEM

- » There have been some technical and procedural changes related to telecommunications in the state law in recent years

### PROPOSED SOLUTION

- » Update 16-24.002(3)(i) and related cross references to provide better consistency with state Broadband Infrastructure Leads to Development (BILD) Act and current staff procedures
- » Do not draft new telecommunications code or re-locate into new chapter at this time
- » Eliminate unnecessary SAP permit requirements for collocations meeting state requirements, so applicants can proceed directly to permitting



# PROTECTING NEIGHBORHOOD CHARACTER

## (2.12) TRANSITIONAL HEIGHT PLANE

### THE PROBLEM

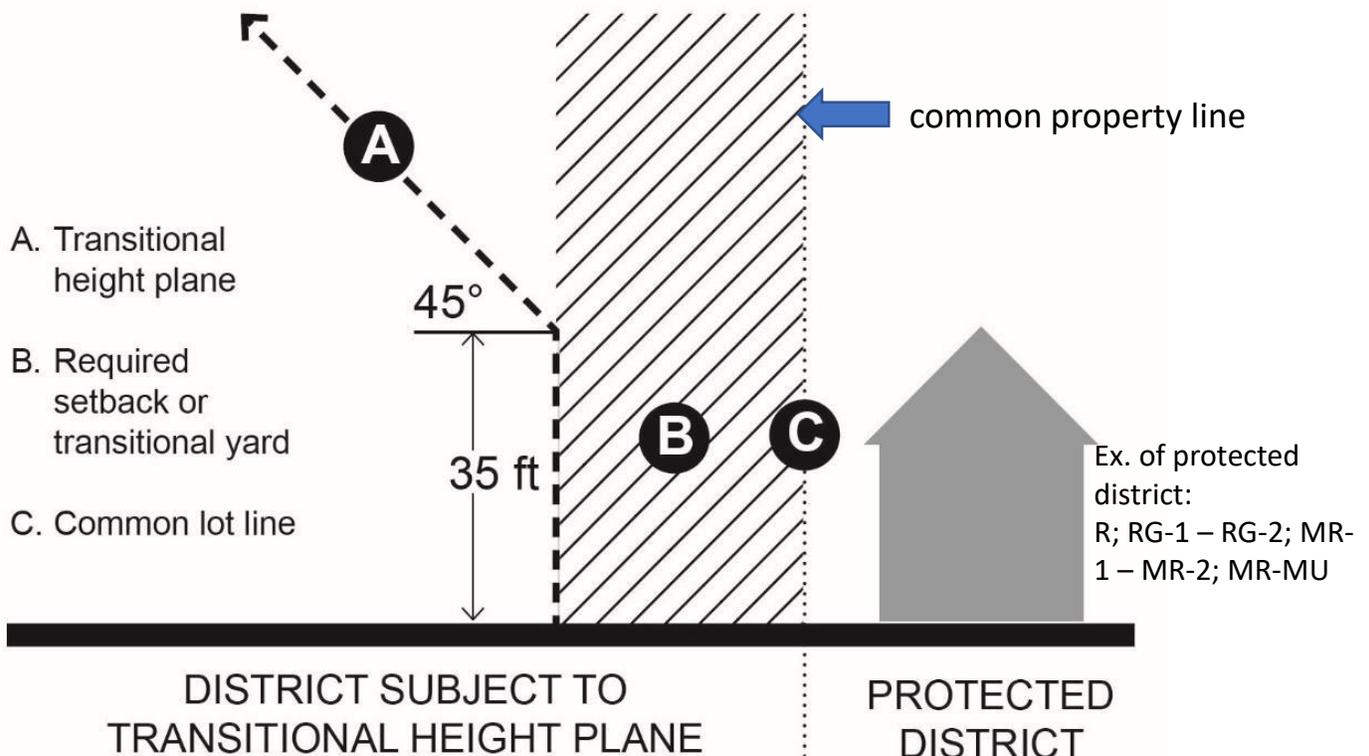
- » Certain situations allow transitional height plane requirements to be circumvented. Also, many older zoning districts do not have updated lists of zoning districts in which the height plane should apply.

### PROPOSED SOLUTION

- » Use a distance-based requirement for transitional height planes to ensure that low-density areas are protected
- » Require transitional height planes to apply near the following districts:
  - R-1 through R-5
  - RG-1, RG-2, MR-1, MR-2, MR-MU
  - Landmark, Historic, PD, and SPI districts with uses and densities similar to the above

### Section 10.1.

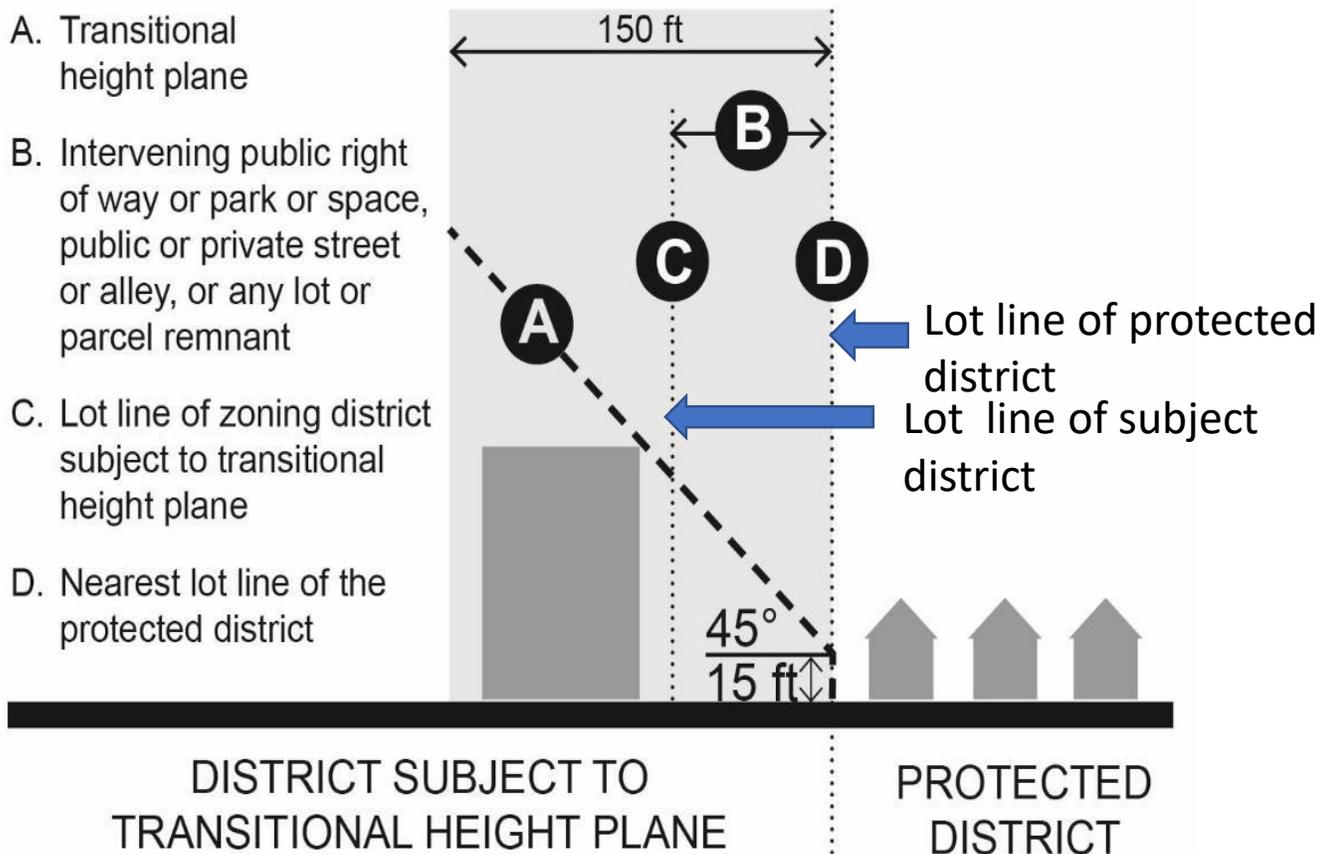
**Scenario 1:** For parcels subject to THP, that are contiguous to a protected district, the THP shall be measured beginning 35 feet above the required setback or transitional yard adjoining the common property line with such protected district.



# PROTECTING NEIGHBORHOOD CHARACTER

## (2.12) TRANSITIONAL HEIGHT PLANE

**Scenario 2:** For parcels in a subject district that are not contiguous to but are within 150 feet of a protected district, the THP shall be measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the protected district up to and into the subject district.



# PROTECTING NEIGHBORHOOD CHARACTER

## (2.10) NEIGHBORHOOD DESIGN STANDARDS

### THE PROBLEM

- » Many single-family residential neighborhoods want some minimal level of design controls, but there are currently no tools to provide this except historic district zoning

### PROPOSED SOLUTION

- » Establish the following design controls for R-4 through R-5 districts
- » Require front-facing garages to be set back at least 20 feet from the front facade
- » Require porches and stoops on new houses when they exist on 50% or more of the existing houses on a block
- » Require a street facing front door and windows on the front of the house
- » New additions to existing houses with non-conforming side yard setbacks should be allowed, provided that the maximum building height is reduced by the same amount as the nonconforming side yard setback

### Example

Side yard setback required by zoning: 7 feet

Existing house side yard setbacks: 4 feet on one side and 5 feet on the other side

Total dimension of side yard setbacks that are non-conforming: 3 feet

Maximum height allowed: 35 feet

Adjusted maximum height allowed: 32 feet



# PROTECTING NEIGHBORHOOD CHARACTER

## (2.10) NEIGHBORHOOD DESIGN STANDARDS

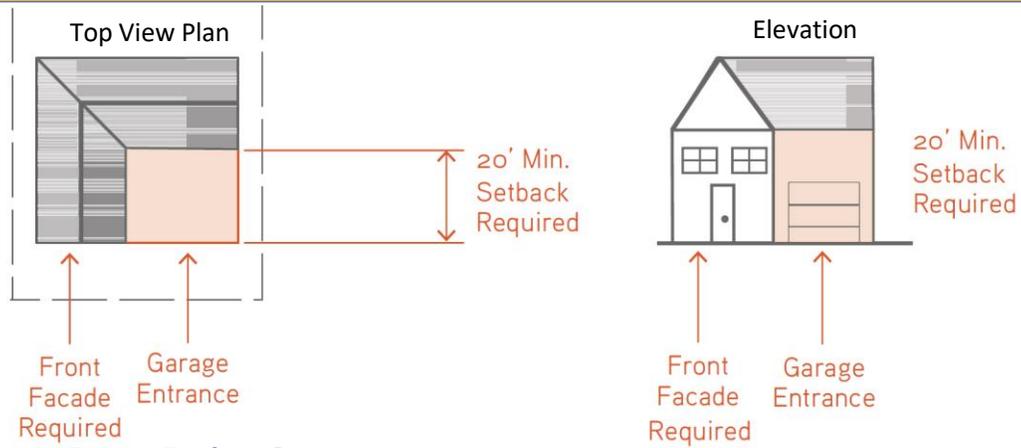


Illustration 1: Front-Facing Garages

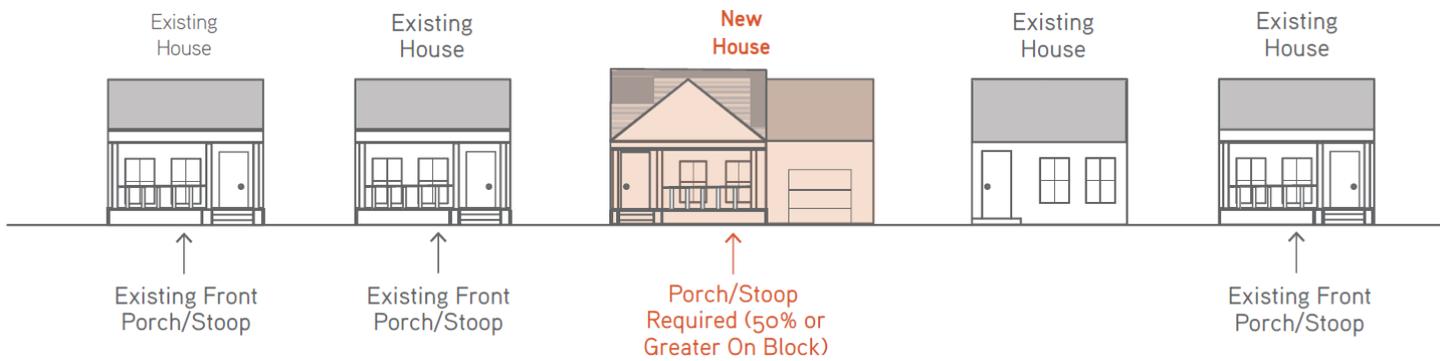


Illustration 2: Porches and Stoops (in the row of houses)

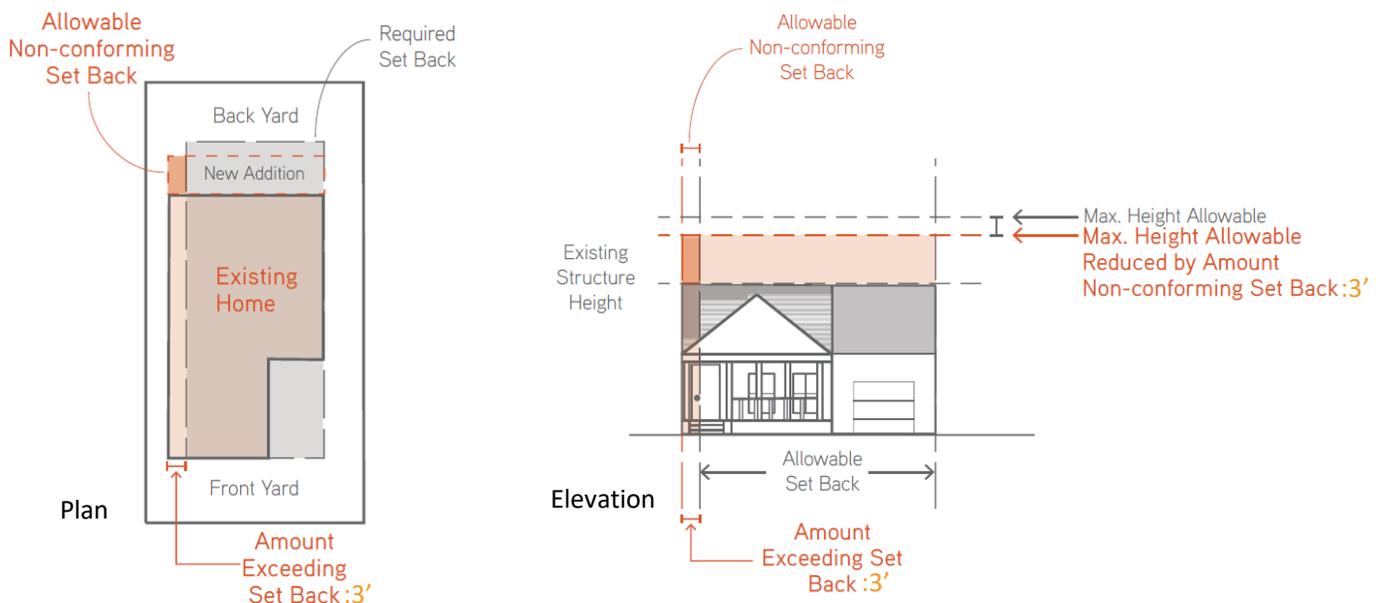


Illustration 3: Nonconforming Side Yard Setbacks

# CREATING VIBRANT CORRIDORS & DISTRICTS

## (2.4) I DISTRICT USES

### THE PROBLEM

- » Industrial Zoning districts are intended for the development of industrial land uses, but the existing I-1 district allows several non-industrial uses that do not complement viable industrial districts

### PROPOSED SOLUTION

- » Allow the following uses in the I-1 district only in buildings which are 50 years or older:
  - Restaurants and bars
  - Recreational establishments
  - Retail
  - Hotels
  - Multi-family dwellings
  - Supportive housing

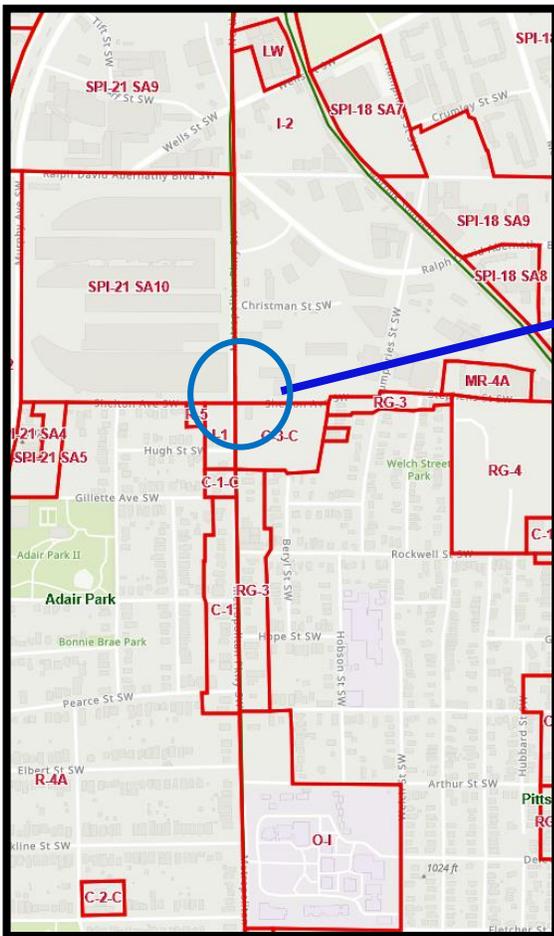


Photo: Metropolitan Parkway @ Shelton Avenue zoned I-2 (Heavy Industrial Zoning District)



# CREATING VIBRANT CORRIDORS & DISTRICTS

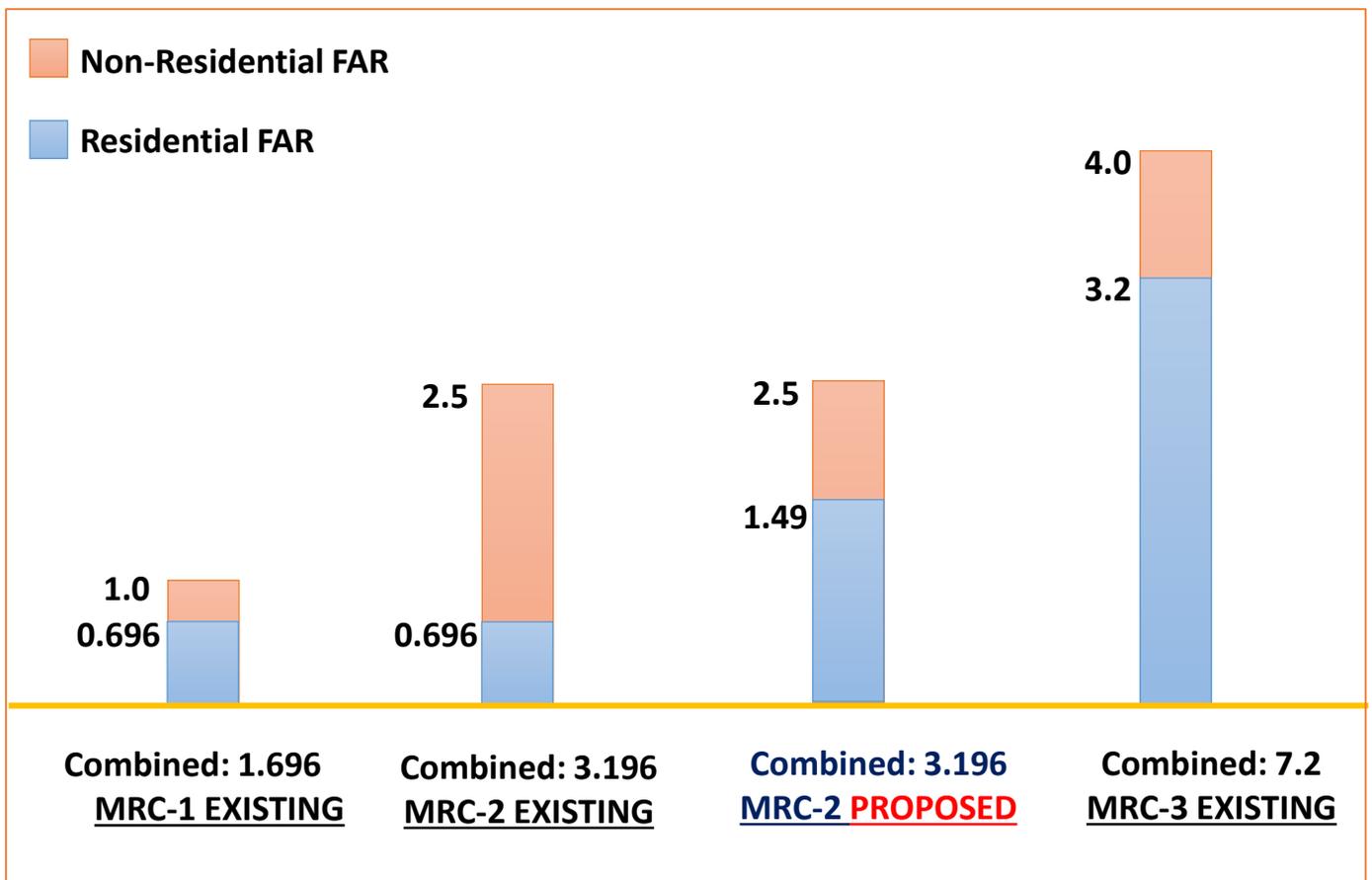
## (2.7) MRC-2 RESIDENTIAL DENSITY

### THE PROBLEM

- » The MRC-2 zoning district is intended to be a medium density mixed-use zoning district, yet its maximum residential density is the same as MRC-1

### PROPOSED SOLUTION

- » Increase the maximum residential floor area ratio (FAR) allowed in MRC-2 from 0.696 to 1.49 »» Keep the maximum total FAR allowed in MRC-2 at 3.196



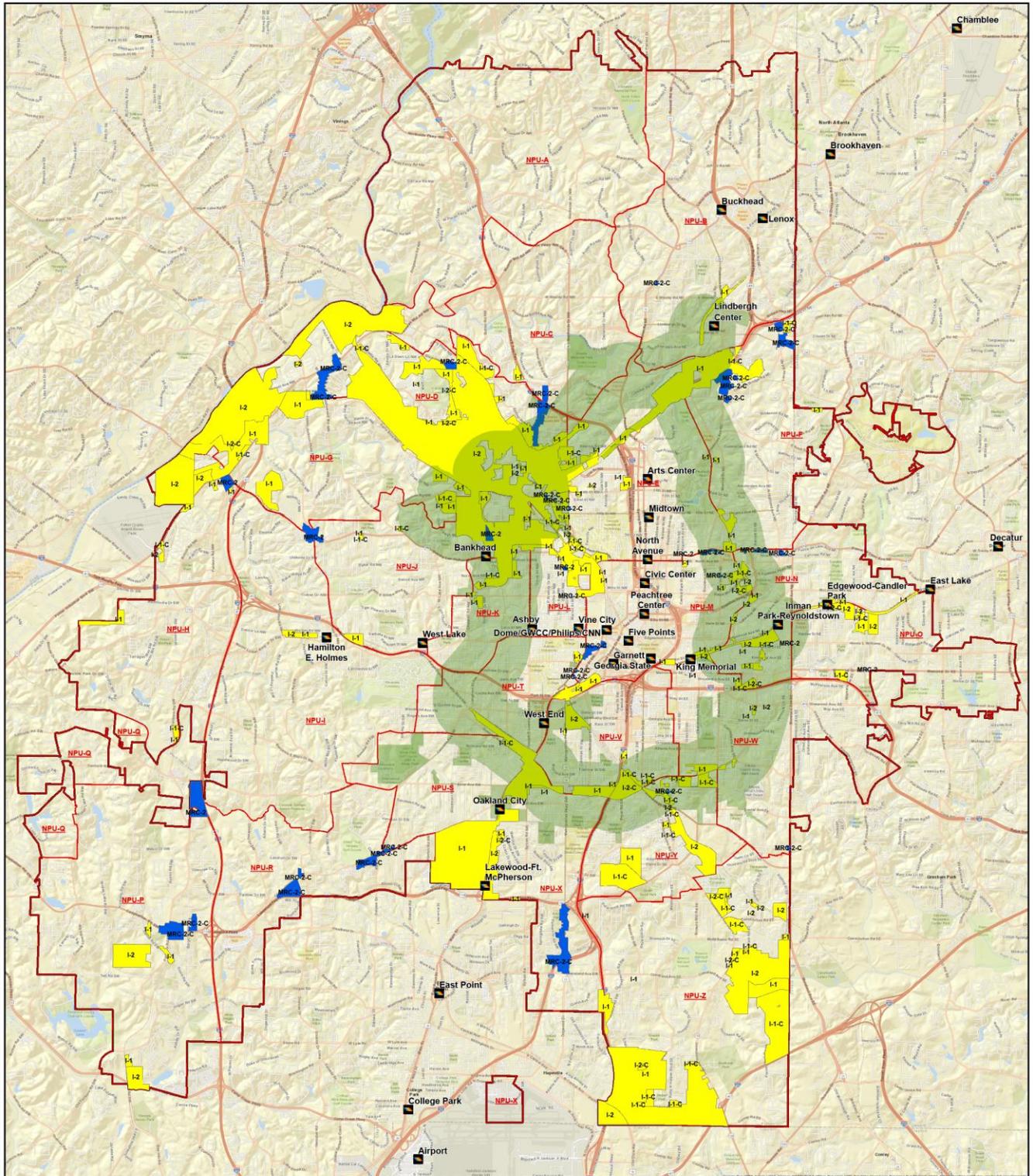
# CREATING VIBRANT CORRIDORS & DISTRICTS

## (2.7) MRC-2 RESIDENTIAL DENSITY

### Zoning Ordinance Update Phase 2



- MARTA Rail Stations
- I-12 Zoning
- Outline
- NPUs
- MRC-2 Zoning
- Atlanta City Limits



Notes:  
Date: 6/1/2018  
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## **Thank You!**

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