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Zoning Ordinance Diagnostic

REPORT PREPARED FOR:
CITY OF AVONDALE ESTATES, GEORGIA

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INTRODUCTION

In August 2017, our firm was engaged by the City of Avondale Estates (the “City”) to perform a review of the City’s Zoning Ordinance (the “Zoning Ordinance”) for consistency with the land use objectives set forth in the City’s Downtown Master Plan Update dated March 2014 (the “Downtown Master Plan”) and the City’s Comprehensive Plan adopted October 24, 2016 (the “Comprehensive Plan”) (collectively, hereinafter, the “Plans”). The primary focus of our review is whether the Zoning Ordinance promotes or acts as a barrier to achieving the six land use objectives in the Downtown Master Plan, which relates specifically to the areas currently zoned Central Business District “CBD” and Mill District “MD,” and the general land use objective in the Comprehensive Plan of maintaining the fabric, character, and quality of the existing residential and commercial areas outside of Downtown.

Additionally, we were asked to review the Design Guidelines applied by the Architectural Review Board, and the Residential Guidelines applicable to the Avondale Estates Historic District for consistency with the objectives of the Downtown Master Plan (the “Design Guidelines” and the “Residential Guidelines” are hereinafter referred to collectively as the “Guidelines”).

As a fundamental principle of city planning, a zoning ordinance should be the implementation of the City’s plans. While absolute consistency between the City’s zoning and its plans may not be required, zoning regulations that are aligned with and promote a clear vision are more likely to realize that vision. In Avondale Estates, the Zoning Ordinance was adopted in 2010, the Design Guidelines were adopted in 2008, and the Residential Guidelines were adopted in 2004. The City’s Plans followed in 2014 and 2016, respectively.

This review and analysis will assist the City in determining whether and to what extent the Zoning Ordinance should be amended based on the Plans. While it should be expected that certain provisions of the Zoning Ordinance will be inconsistent with the land use objectives in the Plans due to the timing of the adoption of the Plans relative to the Zoning Ordinance, other provisions of the Zoning Ordinance may be consistent with or have no appreciable impact on the land use objectives.

This report outlines the themes and land use objectives set forth in the Plans, the general zoning principles that underlie our review and analysis, the review methodology, an analysis of our findings, summary conclusions, and summary

recommendations for your review and consideration. While our review and analysis is not a scientific endeavor seeking to test hypotheses and establish truths, it is intended to be an objective third-party review and analysis based on our professional judgment and experience. It should be expected that not everyone will agree with or embrace these findings. This report is intended to prompt dialogue and promote a constructive discussion among the consultant, City staff, steering committee, elected officials and other interested community members.

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U.S. 278 at Historic Tudor Village and the Hedge

A. PLAN THEME, GOALS AND LAND USE OBJECTIVES.

“Placemaking, which strives to identify and locate well-balanced elements at the appropriate scale with quality design” is the main theme of the Downtown Master Plan. Building on this theme, the Downtown Master Plan sets forth three overarching goals: (i) housing, land use and development; (ii) circulation and connections; and (iii) public space and community identity. The Plan includes implementation strategies and action steps related to each of these goals. Of the goals in the Plan, the following are specific to land use:

1. Ensure redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses;
2. Encourage a wider variety of housing options with a multi-generational appeal in downtown;
3. Encourage the evolution and adaptive reuse of existing downtown buildings;
4. Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown;
5. Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown; and
6. Encourage more efficient and sustainable private and public parking solutions to serve downtown.

A seventh goal in the Comprehensive Plan, which relates more broadly to areas south of U.S. 278, is also included in our review and analysis:

7. Maintain the fabric, character, and quality of existing single-family residential areas.

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B. GENERAL PRINCIPLES APPLIED.

Our review, analysis and conclusions are guided by three general zoning principles:

1. Zoning Should Respect Existing and Reflect Desired Development Patterns.

Regulations that fail to relate or respond to existing development patterns or fail to promote the community's vision for future development patterns erode the relevance of both the existing and planned built environment. Places that lose their relevance experience a decline in demand and investment. Supply ultimately exceeds demand, property values drop, and investment becomes less and less likely over time.

A zoning ordinance should be a tool to implement the community's vision in its plans. To do so, zoning districts should be focused less on use segregation, which can lead to disjointed development patterns, and focus more on the desired character of an area and desired development patterns.

2. Zoning Should Regulate Only What Needs to Be Regulated and Focus on Desired Outcomes.

Regulations that do not justify government intervention or merit investment of limited local government resources should be reconsidered and removed if possible. First and foremost, zoning regulations that no longer relate to any public interest may not be enforceable if challenged. Even if they are not challenged, they are unlikely to be enforced since they do not address any actual or potential public harm. Expending resources administering zoning regulations that do not address actual or potential public harms is an unnecessary expenditure of local government resources.

Regulations that impose requirements that are out of context and do not respect or relate to the existing development pattern often require administrative relief and numerous approvals. This can also add expense and uncertainty, which increases the cost of investment and can result in less desirable development outcomes. It also requires significant governmental resources to administer these processes. When

the costs of administering a regulation outweigh the benefits, such regulation should be reconsidered and potentially eliminated.

3. Zoning Should Be the Implementation of a Plan, Not a Barrier to Achieving the Vision.

Outdated, confusing, inconsistent, and disorganized zoning regulations are often cumbersome to use and administer and can be an impediment to achieving a community's economic development goals and planning vision. Because zoning regulations are the implementation of a plan, the plan should lead and the regulations follow. In many instances, much effort has been expended in updating the plan, but the zoning regulations are overlooked or revised in a disjointed or piecemeal manner. Zoning regulations that make it more difficult, or even impossible, to achieve the planning vision should be reconsidered and removed where practicable.

For example, zoning regulations that are inconsistent, unclear, poorly worded, disjointed, disorganized, or confusing can be intimidating, time consuming, and costly for property owners. They can also lead to inconsistent interpretations, which can create friction and distrust among administrators and the public. This can have an effect of discouraging investment. Likewise, cumbersome approval and administrative processes can add significant time and cost to property development and redevelopment.

This is not to say that the City should pave the way for development at any cost. Public review and input is a necessary and valuable part of the process. If the regulations and processes are based on the community's vision in its plans, then the public should be comforted in knowing that the regulations are setting the community's planning in motion. Clear, usable, defensible, and consistent regulations operate to protect the public visioning process while balancing the needs of private property owners.

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C. APPROACH AND METHODOLOGY.

The Zoning Ordinance consistency matrix attached to this report contains a detailed review of each chapter of the Zoning Ordinance as it relates to the aforementioned seven land use objectives. We used our professional judgment and experience to determine whether a chapter:

- (i) actively promotes each land use objective (indicated by +);
- (ii) does not promote or serves as a barrier to each land use objective (indicated by !); or
- (iii) has no appreciable effect on, or plays a necessary supporting role, to each land use objective (indicated by =).

It is important to note that those regulations identified as having no appreciable effect on the land use objectives, or that play a necessary supporting role, should be reviewed and considered just as carefully to determine if there are ways that these regulations may be amended or improved to promote the City's land use objectives. As the City considers developing new zoning regulations, each new provision should support at least one of the land use objectives, including those provisions that are purely administrative or procedural in nature, so that the new regulations are intentional about promoting desired development patterns and outcomes.

Included in the consistency matrix are comments and considerations for discussion as we work together to identify and prioritize future coding efforts. The proposed table of contents following the matrix is intended to illustrate how a new Unified Development Ordinance may be organized to be more intuitive, outcome focused, streamlined, consistent, clear, usable, and defensible.

Additionally, we reviewed the Guidelines for general consistency with the City's Plans and have included our comments and recommendations below in a separate section of the report.

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D. ZONING ORDINANCE CONSISTENCY

- a. **Summary Scoring Analysis and Insights.** The following is a summary of the scores and results of the Zoning Ordinance consistency review (for full results see the Consistency Matrix attached):

Land Use Objective	+	!	=	Key Considerations
Ensure redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	9	12	119	<ul style="list-style-type: none"> - Use limitations and development controls on unit size and density discourage the type of mixed-use density that is envisioned for downtown. - The Mill District promotes this desired land use objective and could be a model for new districts within the CBD.
Encourage a wider variety of housing options with a multi-generational appeal in downtown.	6	9	125	- Same as above.
Encourage the evolution and adaptive reuse of existing downtown buildings.	6	10	124	- Same as above.

Encourage an active public realm by activating existing open spaces as community gathering spaces and promoting the creation of new spaces downtown.	12	3	125	<ul style="list-style-type: none">- Required open space should be integrated with the public realm rather than internal to the lot.- Open space incentives in Section 1113.05 actively promote this land use objective.
Promote walkability and the use of alternative means of transportation through better connections and linkages to downtown.	18	10	122	<ul style="list-style-type: none">- This land use objective will be most effectively promoted through a redesign of existing thoroughfares and by employing traffic calming techniques.- Attention to sidewalks and building orientation promotes walkable places.
Encourage more efficient and sustainable private and public parking solutions to serve downtown.	8	6	126	<ul style="list-style-type: none">- Be intentional about required parking based on a combination of building size and use rather than square footage or employee headcount.- Shared parking solutions and use of public parking should be considered where appropriate.
Maintain the fabric, character, and quality of existing single-family residential areas.	45	1	94	<ul style="list-style-type: none">- The majority of the Zoning Ordinance is focused on this objective. The Ordinance most effectively promotes this land use objective.

b. Summary Conclusions.

To summarize the analysis of the ways in which the Zoning Ordinance promotes, does not promote or actively impedes, or has no effect on each land use objective, the following conclusions are particularly noteworthy:

1. The Zoning Ordinance disproportionately focuses on maintaining the fabric, character, and quality of existing single-family residential areas and largely ignores the area north of U.S. 278. These two distinct and separate areas of the City do not relate to one another in development pattern, land use, culture, or regulatory scheme. Downtown Avondale Estates is an island within the City. There is no more obvious physical evidence of this than the historic “hedge” barrier that was planted ostensibly to provide a buffer between the single-family residential portion of the City, U.S. 278, the Fenner Dunlop site, and the largely industrial land uses in between. Connecting these two development patterns will not only require a more nuanced regulatory scheme, but will also require significantly improved physical connections between these two distinct areas.
2. The Zoning Ordinance is least consistent in encouraging redevelopment of Downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses. The existing regulations applicable to the CBD still largely promote separation of uses and disjointed development patterns.
3. Other than maintaining existing single-family residential areas, the Zoning Ordinance that best promotes encouraging an active public realm by activating open spaces as community gathering space and promoting the creation of new spaces downtown; however, it is not focused on Downtown. The Zoning Ordinance could improve the interaction between private and public open spaces and should not relegate open spaces to the interior of lots.
4. The CBD District, while intended to address the unique development patterns and land uses of the area north of U.S. 278, is a one-size-fits-all regulatory scheme for an area that, as the Downtown Master Plan recognizes, is diverse and nuanced such that it requires a more granular approach to land use regulation. The CBD regulations are for the most

part actively serving as a barrier to achieving the land use objectives of Downtown rather than promoting them.

5. Overall, the Zoning Ordinance is only working to maintain the fabric, character, and quality of existing single-family residential areas, which is the City's primary land use. The Zoning Ordinance does little to promote the City's land use objectives and disproportionately serves as a barrier to realizing them.
6. The Zoning Ordinance is not specifically calibrated to address the land use objectives in the Downtown Master Plan and thus, in its current form, simply cannot advance the Downtown Master Plan's objectives.

c. Summary Recommendations.

The Zoning Ordinance primarily focuses on maintaining the fabric, character, and quality of the City's existing single-family residential areas. By establishing the CBD District, the City recognized the uniqueness of the land uses and development patterns in Downtown relative to those portions of the City south of U.S. 278.

The CBD District, however, does not go far enough to advance the goals of the Downtown Master Plan. The Downtown Master Plan recognizes the nuances and uniqueness of various areas within Downtown and further divides the area into six districts: Tudor Village; Mill District; Northern Gateway; Retail Arts District; Northside Avondale; and Western Gateway. These six districts reflect a unique vision in terms of land use, building mass and scale, and character. They also reflect the unique opportunities of each distinct district. To achieve the potential, this granularity should be codified in the Zoning Ordinance. Each character district should be a distinct zoning district that includes all of the ingredients for achieving the desired outcome. The Downtown Master Plan already includes the justification and roadmap for establishing these districts.

The following are recommendations for achieving this more advanced and effective regulatory scheme:

1. Adopt a revised Unified Development Ordinance (UDO) reorganized as follows:
 - (i) Downtown Development (North of 278);

- (ii) Avondale South Development (South of U.S. 278);
- (iii) Avondale South Preservation;
- (iv) Generally Applicable Regulations;
- (v) Administration and Procedures; and
- (vi) Glossary of Terms.

Each provision in the Unified Development Ordinance should promote each of the land use objectives.

2. Carry forward the chapters and sections that are actively maintaining the fabric, character, and quality of existing single-family residential areas south of U.S. 278, but reorganize them into those focused on preservation and those focused on development.
3. Carry forward the chapters and sections related to administration and procedures, but reorganize them by using more tables and flow charts for ease of use and administration.
4. Create six new development pattern districts within the Downtown area based on the districts proposed in the Plan. Each district should contain all relevant regulations specific to achieving the desired outcomes in that district. For example, typologies specific to buildings, frontage, open space, parking, landscaping, lighting, and signage should be included along with permitted and conditional uses specific to each district.
5. Carry forward any chapters and sections that are applicable City-wide and that would establish uniformity and unity between Downtown and other parts of the City.
6. The Unified Development Ordinance should be re-structured and streamlined for ease of use and administration. Graphic illustrations, tables, charts and menus should be utilized as much as possible to illustrate complex concepts and clearly demonstrate desired outcomes.
7. Establish as many by-right uses and development patterns as possible to avoid lengthy hearings and uncertainty for the property owner and the

community. The Zoning Ordinance relies heavily on conditional uses, which can be a useful regulatory tool if the conditions for approval are clearly stated and if they can be applied and determined administratively. In the current instance, conditional uses require an additional hearing, which can often be confused with granting a variance. Conditional uses are not and should not be treated like relief from the regulations like a variance. They are unique uses that on the regulatory continuum are between permitted and prohibited uses and only permitted under certain very specific circumstances. Those circumstances should be so clearly spelled out in the regulations that they can be administratively applied and administered.

Please see the attached Zoning Ordinance Consistency Matrix for scoring and specific comments and considerations. Included at the end of the consistency matrix is an example table of contents illustrating how a new Unified Development Ordinance could be reorganized and restructured for a more streamlined approach to achieving the City's desired development outcomes.

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G. GUIDELINES CONSISTENCY



a. Design Guidelines.

The Design Guidelines reflect the scale, footprint, placement and orientation of the development patterns and character envisioned in the Downtown Master Plan. While the Zoning Ordinance requires compliance with the Design Guidelines in certain instances in the CBD District, there is a disconnect between the regulations in the Zoning Ordinance and the Design Guidelines. Working between a Zoning Ordinance and two separate sets of regulations can be confusing and cumbersome and lead to inconsistent administration and results.

To better connect and integrate the Design Guidelines into the Zoning Ordinance, many of the Design Guidelines could be incorporated in new development pattern districts focused on the desired character and development pattern of each. These include standards and guidelines related to landscaping, parking, signage, illumination, and storefronts.

For purposes of efficiency and simplicity, many modern zoning ordinances prescribe typologies related to each of these rather than addressing them in a separate set guidelines for review by a separate volunteer board. Doing so creates standards that must be adhered to rather than guidelines that can be seen and applied as aspirational and subjective. Additionally, this approach allows the Architectural Review Board to focus on matters that require more subjectivity and design focus such as materials, ornamentation, and other design details.

Overall, the Design Guidelines promote a walkable, urban development pattern envisioned in the Downtown Master Plan. Specifically, note the following comments and considerations relative to each section of the Design Guidelines:

Development Pattern (Placement, Orientation, Scale, Footprint):

- The development pattern guidelines promote a building form and relation to the public realm that promotes a walkable, urban development pattern as envisioned in the Downtown Master Plan.
- All of the guidelines related to development pattern could be incorporated into new development pattern, or character-based, zoning districts as prescribed standards rather than separate guidelines. This approach would simplify the use and administration of the zoning regulations.

- An administrative site plan review process could be established for the Downtown (CBD) to verify compliance with the development pattern standards. The site plan review process would be specific to the Downtown (CBD) district and would be administered by planning staff and eliminate the need for additional hearings.

- All definitions should be incorporated into a new “development terms” glossary in the overall glossary of the Zoning Ordinance. Consolidating terms ensures that no term is missed by a user or administrator and eliminates the need to flip back and forth between individual sections and the glossary for ease of use and administration.

Built Environment (Form, Materials, Openings, Architectural Detailing):

- The built environment guidelines promote a building form and relation to the public realm that promotes a walkable, urban development pattern as envisioned in the Downtown Master Plan.

- The built environment guidelines are more design-focused and are more appropriately separate and apart from the Zoning Ordinance for more detailed review and consideration by the Architectural Review Board.

- The specific guidelines are the value judgments of the community. For example, whether to proliferate a Tudor Revival style in the Downtown (CBD) is a judgment of the community. Therefore, we cannot objectively comment on specific design choices.

- All definitions should be incorporated into a new “built environment terms” glossary in the overall glossary of the Zoning Ordinance. Consolidating terms ensures that no term is missed by a user or administrator of the Zoning Ordinance and eliminates the need to flip back and forth between individual sections and the glossary for ease of use and administration.

Natural Environment (Streetfront, Streetscape, Landscape, Illumination, Parking):

- The natural environment guidelines promote a walkable, urban development pattern as envisioned in the Downtown Master Plan.

- Guidelines related to street front, landscape, parking and signage could be incorporated into new development pattern, or character-based, zoning

districts as prescribed standards rather than guidelines. This would simplify the use and administration of the zoning regulations.

- An administrative site plan review process could be established for the Downtown (CBD) to verify compliance with the development pattern standards. The site plan review process would be specific to the Downtown (CBD) district and would be administered by planning staff eliminating the need for additional hearings.
- All definitions should be incorporated into a new "natural environment terms" glossary in the overall glossary of the Zoning Ordinance. Consolidating terms ensures that no term is missed by a user or administrator of the Zoning Ordinance and eliminates the need to flip back and forth between individual sections and the glossary for ease of use and administration.
- Streetscape standards could be separately adopted and reviewed administratively for compliance as part of an administrative site plan review process.
- Illumination standards could be consolidated with the "Architectural Details" guidelines since they are closely related to ornamentation and details.

It is evident that the City put much thought and effort into designing the Downtown (CBD) that it envisions and desires. The Design Guidelines promote a walkable, urban form and include enough detail to guide the Architectural Review Board in its decisions. The design review process chart on page 5 of the Design Guidelines is very helpful and can be a model for process charts in the Zoning Ordinance.

While thoughtful and detailed, many of the Design Guidelines could be incorporated into new zoning districts focused on development patterns and character. This would allow for more administrative site plan review and alleviate the need for additional reviews by the Architectural Review Board. This would also eliminate any confusion about whether these are hard-and-fast standards or aspirational guidelines.

The specific standards are value judgments of the community and do not lend themselves to an objective review and analysis; therefore, this report does not include any recommendations specific to the design choices of the community.

b. Residential Guidelines

The Residential Guidelines are akin to the Design Guidelines in the Avondale Estates Historic District. They are intended to “provide information to educate and guide during both project development and design review.” (See *Residential Guidelines, Preface*).

Like with the Design Guidelines, the specific standards in the Residential Guidelines are subjective value judgments of the community and do not lend themselves to objective review and analysis. Therefore, this report cannot and does not include a review and analysis of the specific standards.

Rather, our review and analysis is confined to whether the overall structure of the Residential Guidelines, including, but not limited to, the review categories, level of detail, and application to the Zoning Ordinance promotes or serves as a barrier to achieving the land use objectives of the City’s Plans. It is our opinion that the Residential Guidelines promote the City’s primary residential land use objective of “maintaining the fabric, character, and quality of existing single-family residential areas.”

Specifically, grouping the Residential Guidelines into building elements, such as roofs, windows, entrances, porches, materials, details, placement, accessory buildings, and setting is an intuitive and efficient organizational structure. Further dividing each element into guidelines specific to preservation, adaptation, conservation and construction allows the City to be situationally focused. Together, this structure and format is intuitive, easy-to-use, and complete. Generally, the City is encouraged to supplement the Residential Guidelines with additional graphics to help illustrate the concepts therein.

Specifically, note the following comments and considerations relative to each section of the Residential Guidelines:

- The Residential Guidelines promote the primary residential land use objective of “maintaining the fabric, character, and quality of existing single-family residential areas.”
- The elemental and situational organization of the Residential Guidelines (i.e. treatment categories; building elements) is intuitive and easy to use and understand.

- The clear considerations for evaluation (i.e. what to consider and what not to consider) in the Residential Guidelines are helpful to the applicant and the reviewing body.
- Including a list of historic preservation resources is important assistance for the user.
- We recommend consolidating all definitions into the Glossary at the end of the booklet and include more graphic depictions and examples for efficiency and ease of use.
- We note the inconsistent use of the terms "shall," "should," and "may" throughout the Residential Guidelines.

Overall, the Residential Guidelines provide well-organized, helpful guidance for the applicant, administrator, and reviewing body. They appear to follow best practices in local historic preservation and should be updated periodically to reflect the most up-to-date practices.

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H. REPORT CONCLUSION

Avondale Estates is a tale of two cities and its regulations reflect, and in many cases even promote, this disjointedness. U.S. 278 and the historic hedge divide the largely low-quality historic commercial development pattern to the north from the high-quality single-family residential development pattern to the south. The question for Avondale Estates is whether these two areas can benefit from one another. After much planning, the City has concluded that these two distinct development patterns can co-exist for the benefit and growth of the whole City.

The existing Zoning Ordinance does not and cannot promote the City's land use objectives for Downtown. The Zoning Ordinance is doing an effective job at maintaining the single-family residential character and development pattern south of U.S. 278. We recommend that the City focus its regulatory efforts on those areas that are evolving, namely Downtown and the transition areas between it and the stable residential areas to the south.

To this end, we suggest that the City explore methodologies for new modern zoning for Downtown that respects existing development patterns and character where desired, such as the Tudor Village, while reflecting the desired development patterns in the Downtown Master Plan and the Design Guidelines.

The traditional Euclidean zoning approach currently employed in the Zoning Ordinance by its nature cannot the granularity necessary to promote the unique character and development pattern of the six distinct districts that make up Downtown. Therefore, the City is encouraged to explore the following current best practices in American zoning:

- Development Pattern Districting - www.dpdzoning.com
- Character Planning and Districting - <https://www.dca.ga.gov/development>
- Form-Based Coding – www.formbasedcodes.org

Each, or a mix of all, of these zoning methodologies will allow the City to develop zoning that is focused on the desired development outcomes in Downtown and consider ways to better transition between Downtown and the stable residential areas to the south.

We appreciate this opportunity to work with the City of Avondale Estates and look forward to an opportunity to work with the City in the future as it implements its planning through new zoning regulations.

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CITY OF AVONDALE ESTATES, GEORGIA
Consistency Matrix

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<p>Table Key</p> <p>! Does not support land use objectives</p> <p>+ Actively promotes land use objectives</p> <p>= Either has no effect on or plays a necessary supportive function</p>	Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	Comments and Considerations
ARTICLE 1. DESCRIPTION	=	=	=	=	=	=	=	Consider combining the first four articles into a new article called "Introduction and How to Use this Zoning Ordinance." This article should include the purposes and intent of the ordinance, along with all provisions related to how to measure and interpret the Zoning Ordinance. Graphics should be included to help illustrate the concepts in this new article.
ARTICLE 2. SHORT TITLE REFERENCE	=	=	=	=	=	=	=	Same as above.
ARTICLE 3. GENERAL PURPOSE	=	=	=	=	=	=	=	Same as above.
ARTICLE 4. INTERPRETATION, APPLICATION AND JURISDICTION	=	=	=	=	=	=	=	Same as above.
ARTICLE 5. GENERAL DEFINITIONS	=	=	=	=	=	=	=	The modern trend in zoning ordinance is to create a glossary of terms at the end of the ordinance rather than a set of definitions at the beginning of the ordinance.
ARTICLE 6. ZONING DISTRICTS	=	=	=	=	=	=	=	The existing zoning districts should be reviewed and reconsidered to respect existing development patterns and reflect desired development patterns. See example table of contents below.

Table Key		Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block; background-color: #4a7c9c; color: white; font-weight: bold; font-size: 1.2em;">DRAFT</div> Comments and Considerations
!	Does not support land use objectives								
+	Actively promotes land use objectives								
=	Either has no effect on or plays a necessary supportive function								
Sec. 601	The Zoning Map	=	=	=	=	=	=	=	Creation of new zoning districts or amendments to existing zoning district boundaries will require a new or amended zoning map.
Sec. 602	Zoning Map Amendment	=	=	=	=	=	=	=	Consider moving this provision to a new section on amendments in the Administration and Procedures section of the Zoning Ordinance.
Sec. 603	Interpretation of District Boundaries	=	=	=	=	=	=	=	Consider a graphic to illustrate this concept.
Sec. 604	Annexation and Other Adjustments to City Limits	=	=	=	=	=	=	=	None.
Sec. 605	Boundaries Adopted	=	=	=	=	=	=	=	None.
Sec. 606	Conformity to Regulations	=	=	=	=	=	=	=	None.
ARTICLE 7. GENERAL PROVISIONS									
Sec. 701	Use of Land or Buildings	!	=	!	!	!	!	=	The focus of this section is what a property owner cannot do with their property rather than what they can do. Also, this section only addresses minimum regulations and does not include maximum regulations. Modern zoning ordinances focus on the permissible rather than the prohibited and include maximums in addition to minimums where it makes sense to do so.
Sec. 702	Lot Reduction Prohibited	!	!	!	=	=	=	+	While this provision may make sense in areas that the City seeks to preserve, flexibility in lot sizes will help the adaptive reuse and redevelopment of the CBD.


Table Key		Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	 Comments and Considerations
!	Does not support land use objectives								
+	Actively promotes land use objectives								
=	Either has no effect on or plays a necessary supportive function								
Sec. 703	Reserved								
Sec. 704	Public Street Frontage	!	!	!	=	=	=	+	Consider allowing buildings to be constructed on properties without 20 feet of street frontage as long as they have adequate access by easement.
Sec. 705	One Principal Dwelling on a Lot	=	=	=	=	=	=	+	None.
Sec. 706	Buffers as Required Yard, Open Space	=	=	=	=	=	=	=	None.
Sec. 707	Vision Clearance	=	=	=	=	=	=	=	None.
Sec. 708	Reserved								
Sec. 709	Corner Lots	!	=	=	=	!	=	+	Consider an exception or separate set of rules for corner lots in certain areas where the City desires to promote walkability. Strong corner buildings create a sense of place and provide street-level opportunities to improve the pedestrian experience.
Sec. 710	Double Frontage Lots	!	=	=	=	!	=	+	Consider an exception or separate set of rules for double frontage lots in certain areas where the City desired to promote walkability. Buildings built to the street create a street wall that creates a sense of place and provide street-level opportunities to improve the pedestrian experience.
Secs. 711, 712	Reserved								
Sec. 713	Animals	=	=	=	=	=	=	+	None.

Table Key		Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block; background-color: #4a7c9c; color: white; font-weight: bold; font-size: 1.2em;">DRAFT</div> Comments and Considerations
!	Does not support land use objectives								
+	Actively promotes land use objectives								
=	Either has no effect on or plays a necessary supportive function								
Sec. 714	Swimming Pools	!	!	!	=	=	=	+	Consider an exception or separate set of rules for swimming pools as part of mixed-use developments in the CBD.
Sec. 715	Nonconforming Lots of Record	=	=	=	=	=	=	=	None.
ARTICLE 8. PERMITTED USES.									
Sec. 801	Accessory Uses and Structures	!	!	!	=	=	=	+	Consider an exception or different set of rules for the CBD to allow for flexibility in development patterns and infill.
Sec. 802	Fences and Walls	=	=	=	=	=	=	+	None.
Sec. 803	Regulation of Temporary Structures	=	=	=	=	=	=	+	None.
Sec. 804	Lawn Ornamentation and Site Features	=	=	=	=	=	=	+	None.
Sec. 805	Home Occupations	+	+	+	=	+	=	+	Home occupations should be encouraged in the CBD to allow for living and working in the same place.
Sec. 806	Animal Care Facilities	=	=	=	=	=	=	+	None.
Sec. 807	Automotive Sales and Service	=	=	=	=	=	=	+	Consider prohibiting such uses, other than those contained completely indoors, in the CBD.
Sec. 808	Building Materials Store	=	=	=	=	=	=	+	Small scale building materials stores can be an amenity in the CBD.

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Sec. 809	Commercial Recreation and Entertainment Facilities	=	=	=	=	=	=	+	Small scale recreation and entertainment venues should be encouraged in the CBD.
Sec. 810	Communication Facilities	=	=	=	=	=	=	+	Communications facilities may be permitted in the CBD on rooftops as long as not visible from the street.
Sec. 811	Private Community Facilities	=	=	=	=	=	=	+	None.
Sec. 812	Public Facilities	=	=	=	=	=	=	+	None.
Sec. 813	Dwellings	=	=	=	=	=	=	=	None.
Sec. 814	Eating and Drinking Places	=	=	=	=	=	=	=	Eating and drinking places are ever popular and an important component of most mixed-use developments. This definition should be reviewed and modernized.
Sec. 815	Educational or Child Care Facilities	=	=	=	=	=	=	+	None.
Sec. 816	Lodging	=	=	=	=	=	=	=	Hotel uses should be encouraged in the CBD.
Sec. 817	Printing Facilities	=	=	=	=	=	=	=	None.
Sec. 818	Religious Facilities	=	=	=	=	=	=	=	None.
Sec. 819	Retail Trade Facilities	=	=	=	=	=	=	+	Retail is evolving rapidly. This definition should be revisited in light of changing retail trends.

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Sec. 820	Services, Personal	=	=	=	=	=	=	=	None.
Sec. 821	Services, Repair	=	=	=	=	=	=	=	None.
Sec. 822	Services, Medical and Health	=	=	=	=	=	=	=	None.
Sec. 823	Reserved								
Sec. 824	Services, Office and Professional	=	=	=	=	=	=	=	None.
Sec. 825	Small Batch, Craft Micro-Brewery	=	=	+	=	=	=	+	This is a new type of use that tends to locate in buildings ripe for adaptive reuses.
Sec. 826	Transportation and Storage Facilities	=	=	=	=	=	=	=	None.
Sec. 827	Wholesale Trade Facilities	=	=	=	=	=	=	+	Outdoor storage of goods should be defined.
Sec. 828	Drive-in/Through Facilities	=	=	=	=	+	=	+	None.
Sec. 829	Community Gardens	=	=	=	+	+	=	+	None.
Sec. 830	Assisted Living/Senior Housing	=	+	=	=	+	=	=	The definition of assisted living/senior housing should be updated to reflect modern developments. Consider whether it is appropriate for the zoning ordinance to require programming such as exercise classes and language lessons.

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ARTICLE 9. TABLE OF PERMITTED AND CONDITIONAL USES BY DISTRICT									Reconsider whether certain of the conditional uses should be permitted uses in the CBD.
ARTICLE 10. NONCONFORMING USES AND BUILDINGS		=	=	=	=	=	=	+	Consider adopting more flexible rules regarding continuation and expansion of non-conforming uses and buildings in the CBD to promote adaptive reuses.
Sec. 1001	Purpose and applicability	=	=	=	=	=	=	=	None.
Sec. 1002	Continuance of certain nonconforming uses permitted	=	=	=	=	=	=	=	None.
Sec. 1003	Permitted nonconforming buildings	=	=	=	=	=	=	=	None.
Sec. 1004	Nonconforming Use Discontinuance	=	=	=	=	=	=	=	None.
Sec. 1005	Undeveloped Nonconforming Single Family Residential Lots	=	=	=	=	=	=	+	None.
Sec. 1006	Re-establishment of certain nonconformities	=	=	=	=	=	=	=	None.
ARTICLE 11. DISTRICT DEVELOPMENT STANDARDS									Minimum standards only? What about max?
Sec. 1101	Very Low Density Single Family Detached	=	=	=	=	=	=	+	None.

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=	Either has no effect on or plays a necessary supportive function								
	Residential (R-24)								
Sec. 1102	Low Density Single Family Detached Residential (R-12)	=	=	=	=	=	=	+	None.
Sec. 1103	Open Space and Recreation District (OS-R)	=	=	=	=	=	=	+	None.
Sec. 1104	Multifamily Residential (MFR)	=	=	=	=	=	=	+	None.
Sec. 1105	Planned Development	=	=	=	=	=	=	!	Planned Unit Developments allow for control over large site development. While this may be desirable in certain instances, base zoning that reflects the desired development patterns may provide greater certainty to both the property owner and the community. Zoning specific to a single site, such as PUD zoning, can result in disjointed development patterns or "islands" that may fail to relate or integrate with other development patterns in the City.
Sec. 1106	Office-Institutional (O-I)	=	=	=	=	=	=	=	None.
Sec. 1107	Reserved								
Sec. 1108	Neighborhood Shopping (NS)	=	=	=	=	=	=	+	See below.


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Sec. 1109	General Commercial (GC)	=	=	=	=	=	=	+	None.
Sec. 1110	Light Industrial (LI)	=	=	=	=	=	=	+	See above.
Sec. 1111	Special District – MARTA (MARTA)	=	=	=	=	+	=	=	None.
Sec. 1112	Reserved								
Sec. 1113	Central Business District	=	=	=	=	=	=	=	The diagnostic review and report focuses primarily on the development patterns of the downtown area. The Central Business District should be divided into new districts based upon the Downtown Development Plan. This will allow the downtown to develop in accordance with more intention and reflective of the distinct existing and desired development patterns in the downtown area.
Sec. 1113.01	Policy and Intent of District	=	=	=	=	=	=	=	This should be updated to reflect the land use objectives of the Downtown Plan.
Sec. 1113.02	Boundaries	=	=	=	=	=	=	=	This should be updated to reflect the new districts that will make up the CBD.
Sec. 1113.03	Additional Use Limitations	!	!	!	=	!	!	=	Permissive uses should be included in each new CBD district specifically tailored to the desired development pattern of each new district.
Sec. 1113.04	Development Controls	!	!	!	=	!	=	=	Permissive development typologies (i.e. building types, frontage types, signage types, parking types, landscaping types) should be included in each new CBD district specifically tailored to the desired development pattern of each new district.

Table Key		Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	Comments and Considerations	
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Sec. 1113.05	Open Space	!	!	!	!	!	=	=		The incentive concept is preferable to being overly prescriptive; however, the incentive should be for open space that interacts with the public realm and should not incentivize open space within or interior to developments, which would likely be provided as a private development amenity and have no connection to the public realm.
Sec. 1113.06	Sidewalks	+	+	+	+	+	+	=		Sidewalks are imperative for any walkable community. In the CBD, sidewalks should be treated as both pedestrian and open space amenities to promote activity and connection between the private and public realms. The existing CBD regulations do a good job of addressing this important aspect of walkability and open space activation. Consider including more graphics to illustrate and explain these concepts.
Sec. 1113.07	Supplemental Zone	+	=	+	+	+	=	=	The supplemental zone is an area where commercial activity can take place in the public realm. This is an important concept that should be carried forward and tailored specifically to the new CBD districts. Consider including more graphics to illustrate and explain these concepts.	
Sec. 1113.08	Urban Design Controls	=	=	=	+	+	=	=	Consider including more graphics to illustrate and explain these concepts.	
Sec. 1113.09	Parking Facilities	=	=	!	=	!	!	=	Off-site parking is important to relieve property owners of the burden of accommodating on-site parking on properties with little or no available space for parking. It also allows for parking resources to be used more strategically (i.e. shared parking for uses that do not overlap in hours of operation). To encourage shared parking, consider allowing off-site	

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									parking to be approved administratively without the need for a hearing on conditional use permit and upon agreement of the property owners. Also, consider eliminating parking regulations by employee count as these regulations can be difficult to enforce. Instead, consider parking regulations based on combination of building square footage and use.
Sec. 1113.10	Storefront Illumination and Lighting	=	=	=	=	=	=	+	Consider including lighting typologies specifically tailored to the desired development pattern in each new CBD district.
Sec. 1113.11	Pre-Application Conference and Site Plan Review	=	=	=	=	=	=	=	None.
Sec. 1113.12	Certificate of Appropriateness or Approval Requirement	=	=	=	=	=	=	=	Consider an abbreviated process for certain desirable adaptive reuses in certain of the CBD districts.
Sec. 1113.13	Conceptual Site Plan Requirement for Related Projects	=	=	=	=	=	=	=	Consider a process for development phasing in certain of the CBD districts.
Sec. 1114	Mill District	+	+	+	+	+	+	=	The Mill District is an example of an intentional, tailored, and more granular approach to zoning. Consider the Mill District as a model for new CBD districts.
Sec. 1114.01	Policy and Intent of District	+	+	+	+	+	+	=	This should be updated and included in each new CBD district based on the Downtown Plan.
Sec. 1114.02	Development Zones	=	=	=	=	=	=	=	Being intentional and granular within in each CBD district is encouraged to achieve the desired development patterns.

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Sec. 1114.03	Uses	!	!	!	=	!	!	=	Consider more by-right uses and fewer conditional uses to promote flexibility in the adaptive reuse and redevelopment of buildings in the CBD.
Sec. 1114.04	Additional Use Limitations	!	!	=	=	!	!	=	The existing use regulations are very prescriptive, including specific items such as providing wi-fi. Consider including typologies and permitted uses and eliminating items that can be difficult to enforce. Also, consider eliminating min. floor areas for particular uses to allow for more flexible adaptive reuses in the Mill District.
Sec. 1114.05	Development Controls	=	=	=	=	=	=	=	Rather than couching them as development controls, consider a more permissive approach that uses more graphics to illustrate desired development typologies.
Sec. 1114.06	Open Space	=	=	=	+	=	=	=	Required open space should connect the private and public realms rather than be oriented internal to the development.
Sec. 1114.07	Thoroughfares	+	=	=	+	+	+	=	Consider the use of alleys, pedestrian and bicycle paths, and a grid layout of new streets with on-street parking.
Sec. 1114.08	Sidewalks	=	=	=	+	+	=	=	Sidewalks should be places that encourage connection, walkability, and activity within the public realm. Consider the use of additional graphics to illustrate these concepts.
Sec. 1114.09	Supplemental Zone	=	=	=	+	+	=	=	Consider the use of graphics to illustrate these concepts.
Sec. 1114.10	Urban Design Controls	+	+	=	=	+	=	=	Consider including dimensional standards within the graphics rather than blank graphics followed by words.
Sec. 1114.11	Loading and Screening	=	=	=	=	=	=	=	Consider the use of graphics to illustrate these concepts.

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Sec. 1114.12	Parking Facilities	=	=	=	=	+	+	=	Consider creating parking typologies for each CBD district and using graphics to illustrate these concepts.
Sec. 1114.13	Parking Lot Landscaping	=	=	=	!	!	!	=	Too much parking lot landscaping can create pedestrian "dead zones" and can create too much separation between the public and private realms. More important than how parking lots are screened are how they are situated on a lot. Parking lots should be behind or to the sides of buildings and should not be the dominant feature of any lot in the CBD districts.
Sec. 1114.14	Off-Street Parking Requirements	+	=	=	=	+	+	=	Off-site parking is important to relieve property owners of the burden of accommodating on-site parking on properties with little or no available space for parking. It also allows for parking resources to be used more strategically (i.e. shared parking for uses that do not overlap in hours of operation). To encourage shared parking, consider allowing off-site parking to be approved administratively without the need for a hearing on conditional use permit and upon agreement of the property owners. Also, consider eliminating parking regulations by employee count as these regulations can be difficult to enforce. Instead, consider parking regulations based on combination of building square footage and use.
Sec. 1114.15	Bicycle Parking	+	=	=	+	+	+	=	Bicycle parking is only effective if the streets and paths in the CBD are bicycle friendly and encourage this form of transportation.
Sec. 1114.16	Storefront Illumination and Lighting	=	=	=	=	=	=	=	Consider including lighting typologies specifically tailored to the desired development pattern in each new CBD district.

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Sec. 1114.17	Reserved								<div style="border: 2px solid #003366; border-radius: 15px; padding: 10px; display: inline-block; background-color: #e6f2ff;"> <b style="font-size: 24px; color: #003366;">DRAFT </div>	
Sec. 1114.18	Urban Environment Requirements	=	=	=	+	+	+	=		These should be specifically tailored for each CBD district and consider using graphics to illustrate these concepts.
Sec. 1114.19	Pre-Application Conference and Site Plan Review	=	=	=	=	=	=	=		None.
Sec. 1114.20	Certificate of Appropriateness or Approval Requirement	=	=	=	=	=	=	=		None.
Sec. 1114.21	Conceptual Site Plan Requirement for Related Projects	=	=	=	=	=	=	=		None.
Sec. 1114.22	Historic Documentation	=	=	=	=	=	=	=		None.
Sec. 1115	Central Business District Planned Development Zone	=	=	=	=	=	=	=		This zone will no longer be necessary and can be eliminated once new CBD districts are established.
ARTICLE 12. DEVELOPMENT STANDARDS										
Sec. 1201	General Provisions	=	=	=	=	=	=	+		None.
Sec. 1202	Special Requirements	=	=	=	=	=	=	+		None.

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Sec. 1203	Projections into Required Yards	=	=	=	=	=	=	+	None.
Sec. 1204	Parking Requirements	=	=	=	=	=	=	+	Parking spaces tied to employee counts are discouraged as they are difficult to enforce and have the potential to change frequently. Consider parking requirements instead tied to a combination of use and building square footage.
Sec. 1205	Drainage Requirements	=	=	=	=	=	=	=	None.
Sec. 1206	Buffers	=	=	=	=	=	=	+	None.
Sec. 1207	Dumpsters	=	=	=	=	=	=	+	None.
Sec. 1208	Loading Areas	=	=	=	=	=	=	+	None.
ARTICLE 13. RESIDENTIAL SCALE AND SETBACK GUIDELINES									
Sec. 1301	Purpose	=	=	=	=	=	=	+	These development standards relate only to the areas south of U.S. 278 and are generally positive to preserving and maintaining the fabric and quality of the single-family residential areas.
Sec. 1302	Applicability	=	=	=	=	=	=	+	None.
Sec. 1303	Building Scale	=	=	=	=	=	=	+	None.
Sec. 1304	Building Setbacks	=	=	=	=	=	=	+	None.

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<p>Table Key</p> <p>! Does not support land use objectives</p> <p>+ Actively promotes land use objectives</p> <p>= Either has no effect on or plays a necessary supportive function</p>	Encourage redevelopment of downtown through higher density developments containing a wide variety of retail, office, residential and entertainment uses.	Encourage a wider variety of housing options with a multi-generational appeal in downtown.	Encourage the evolution and adaptive reuse of existing downtown buildings.	Encourage an active public realm by activating existing open spaces as community gathering space and promoting the creation of new spaces downtown.	Promote walkability and the use of alternative means of transportation through better connection and linkages to downtown.	Encourage more efficient and sustainable private and public parking solutions to serve downtown.	Maintain the fabric, character, and quality of existing single-family residential areas.	<p>Comments and Considerations</p> <div data-bbox="2201 410 2489 529" style="border: 2px solid blue; border-radius: 15px; padding: 10px; text-align: center; font-weight: bold; font-size: 1.5em; color: blue;">DRAFT</div>
ARTICLE 14. ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES	=	=	=	=	=	=	=	Consider incorporating a flow chart overview of the procedural paths to obtaining approvals and permits.
ARTICLE 15. ARCHITECTURAL REVIEW BOARD	=	=	=	=	=	=	=	None.
ARTICLE 16. BOARD OF APPEALS	=	=	=	=	=	=	=	None.
ARTICLES 17. AMENDMENTS	=	=	=	=	=	=	=	None.
ARTICLE 18. FEES	=	=	=	=	=	=	=	None.
ARTICLE 19. LEGAL STATUS PROVISIONS	=	=	=	=	=	=	=	None.

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 - i. Variances
 - ii. Conditional Uses
 - iii. Appeals
- Amendments
 - i. Text Amendments
 - ii. Map Amendments
- Enforcement
 - i. Complaints
 - ii. Violations
 - iii. Penalties

F. Glossary of Terms

- i. General Terms
- ii. Land Use Terms