Zoning 101
Zoning and Land Development

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Some info courtesy of City of Gainesville, GA
Zoning

- The legal power of government to regulate the use of private property for the purpose of protecting the public health, safety, morals, and general welfare.

- Zoning is constitutional (court cases plus GA Constitution of 1983 authorizes local zoning)

- Includes zoning map and zoning ordinance

- Zoning regulates what can go where

- Zoning has benefits and drawbacks
Official Zoning Map and Future Development Map

Future Development Map of comprehensive plan helps guide growth and should be used as part of the decision-making process for each proposed rezoning case.
Rezoning and Conditional/Special uses

- **Rezoning**: changing property from one zone to another
- **Conditional/Special uses**: keep same zoning but request unusual use that would not normally be allowed
  - Example: particular business use on lot zoned residential

- District Requirements: uses, lot size, parking
- Site design and zoning: density, lot coverage, setbacks, height

- Approve, deny, or approve with conditions
  - Confirm with city/county attorney that decision is legally-defensible
Building Height

Principal building: [cell A]
Lot less than 9,000 SF: see Sec. 2.1.6.B.4
Lot 9,000 SF or more: 2 stories/35' max
1 story accessory structure: 16' max
2 story accessory structure: 25' max

[Diagram of street layout with labeled points A, B, and C]
[Map of property with colored sections indicating different zones]
Concept Plan for Rezoning case
Variances

- Permission to deviate from usual regulations
  - Setback, height, etc.
  - Not for density (1 unit per acre cannot receive variance for 2 units)
  - Unusual and unnecessary hardship

- Zoning Board of Appeals
  - ZBA, BZA, ZRB, etc.
  - Decision-making body
  - Quasi-judicial actions
  - Appeals are to Superior Court
Subdivision of Land

- Single lots
- Residential subdivisions
- Commercial tracts
- Some Planning Commissions review subdivisions
- Confirm with staff and/or local attorney that standards are met
Site Plan and Architectural elevation
Permits & Inspections

- Confirm zoning
- Land Disturbance Permit
  - Civil plans review (site, erosion control)
- Septic permit if needed
- Driveway permit, 911 address
- Building permit
  - Building plans review
  - State-licensed contractor unless owner-occupied residential
- Inspections
- Certificate of Occupancy or Certificate of Completion
- Challenge - variance cases can occur midway through a project
Take-aways

- Plans are guides, codes are the law
- Use the Future Development Map when considering rezonings
- Boards and Commissions must
  - Be objective
  - Be consistent
  - Rely upon plans, codes, and facts
  - Make legally-defensible decisions
- Plans and codes are living documents; adjust to changing conditions
- Implementation and enforcement are vital