

# **Zoning 101**

## **Zoning and Land Development**

**November 14, 2017**

**Sidney E. Douse III, AICP**

GPA Board member

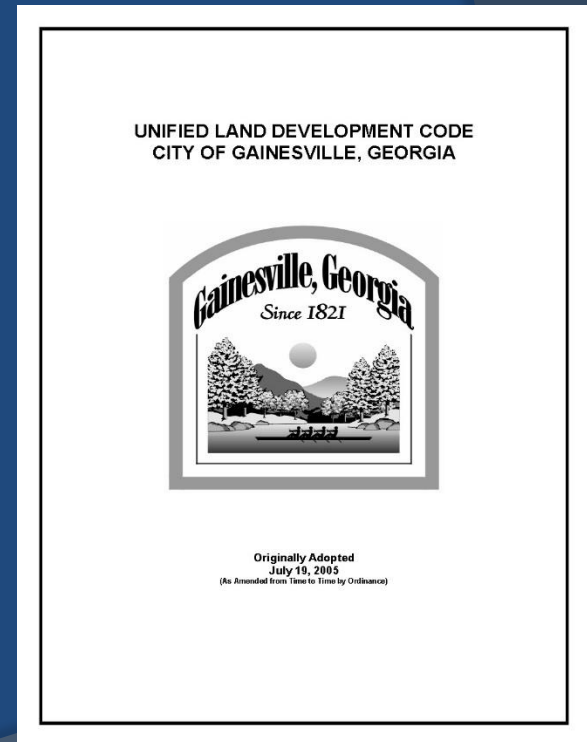
Atlanta Regional Commission

[sdouse@atlantaregional.com](mailto:sdouse@atlantaregional.com)

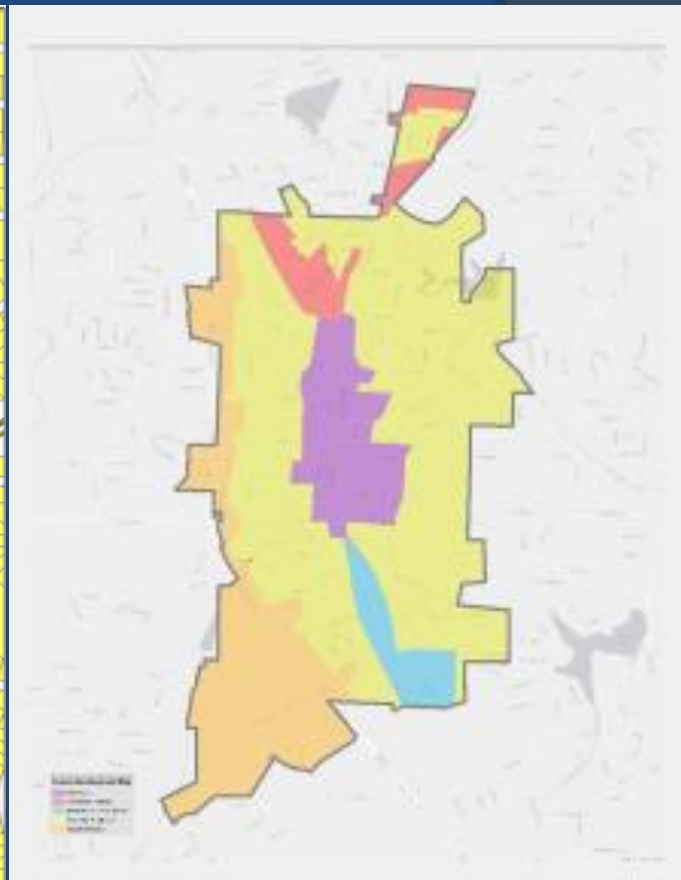
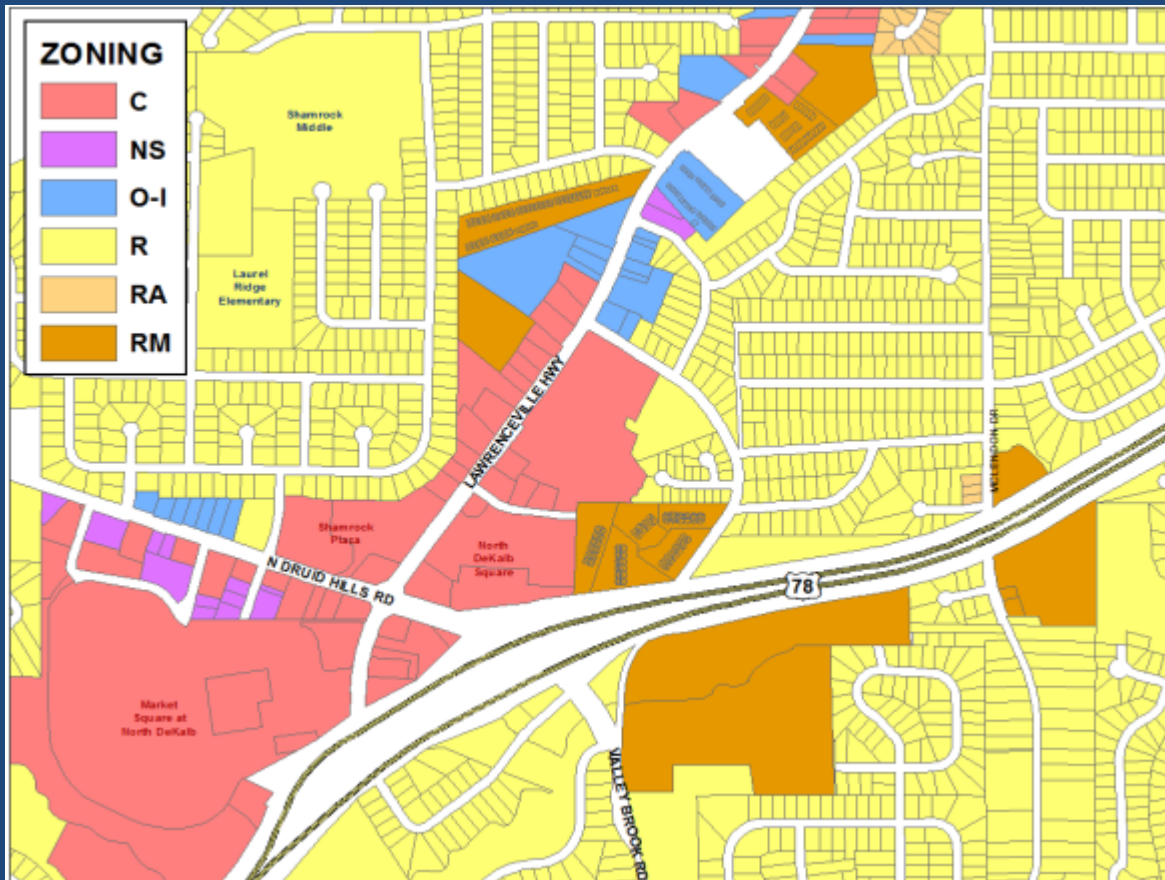
*Some info courtesy of City of Gainesville, GA*

# 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



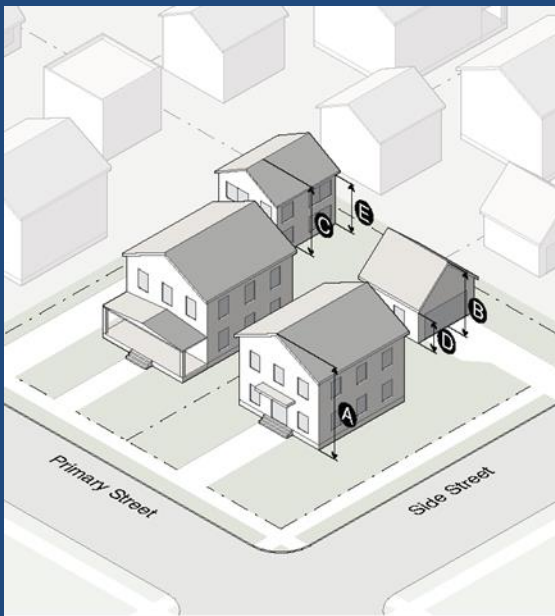
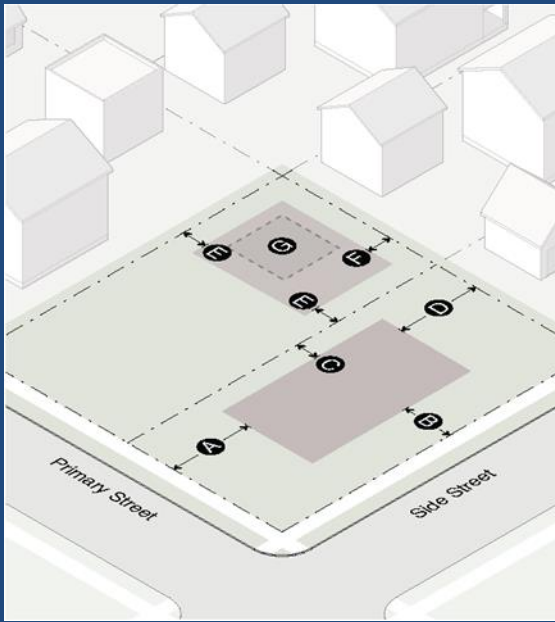
# Official Zoning Map and Future Development Map



**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

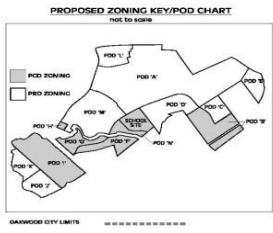
- **Rezoning:** changing property from one zone to another
- **Conditional/Special uses:** keep same zoning but request unusual use that would not normally be allowed
  - Example: particular business use on lot zoned residential
- District Requirements: uses, lot size, parking
- Site design and zoning: density, lot coverage, setbacks, height
- Approve, deny, or approve with conditions
  - Confirm with city/county attorney that decision is legally-defensible



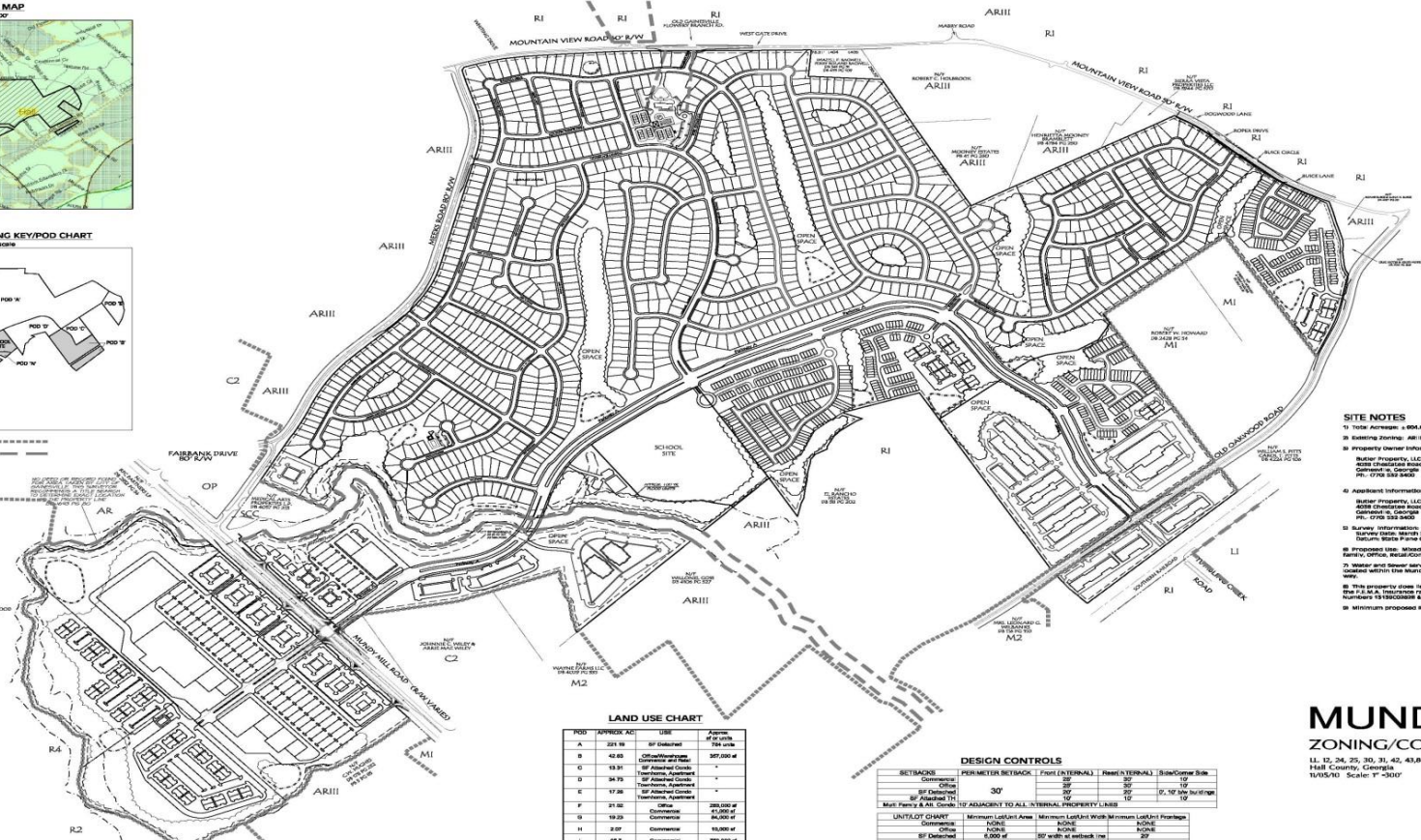
Building Height		
Principal building:		Ⓐ
Lot less than 9,000 SF	see Sec. 2.1.6.B.4	
Lot 9,000 SF or more	2 stories/35' max	
1 story accessory structure	16' max	Ⓑ
2 story accessory structure	25' max	Ⓒ



# Concept Plan for Rezoning case



SHAWWOOD CITY LIMITS  
GAINESVILLE CITY LIMITS



**LAND USE CHART**

POD	APPROX. AC.	USE	Approx. # of Units
A	241.98	SP Detached	258 units
B	42.83	SP Detached	387,000 sf
C	13.91	SP Attached	-
D	34.76	SP Attached	-
E	17.36	SP Attached	-
F	21.80	Office	288,000 sf
G	59.23	Commercial	81,000 sf
H	2.27	Commercial	30,000 sf
I	88.7	Commercial	780,000 sf
J	22.8	SP Attached	-
K	17.8	SP Attached	-
L	23.76	SP Detached	104
M	79.13	SP Detached	366
N	7.7	SP Detached	16,000 sf
SCHOOL	17.36	-	-

**DESIGN CONTROLS**

SETBACKS	PERIMETER SETBACK	Front (INTERNAL)	REAR (INTERNAL)	Side/Corner Bldg
SP Detached	30'	5'	5'	5'
SP Attached	30'	5'	5'	5'

**UNIT/Lot CHART**

POD	Minimum Lot/Lot Area	Minimum Lot/Lot Width	Minimum Lot/Lot Frontage
SP Detached	5,000 sf	30'	30'
SP Attached	2,000 sf	15'	15'

**BUILDING SEPARATION FOR MULTI-FAMILY AND CONDO**

FRONT TO FRONT	REAR TO REAR	SIDE TO SIDE
30'	10'	10'

- SITE NOTES**
- Total Acreage = 604.88 acres
  - Existing Zoning: AR III / R / A R
  - Property Owner Information: Butler Property, LLC, 4400 Peachtree Road, Atlanta, Georgia 30326, PH: 770 533 3422
  - Architectural Information: Butler Property, LLC, 4400 Peachtree Road, Atlanta, Georgia 30326, PH: 770 533 3422
  - Survey Information: Survey Station: 10/25/2004, Datum: State Plane Coordinate
  - Proposed Use: Mixed Use, including SP Detached, SP Attached, Multi-Family, Office, Retail/Commercial
  - Water and sewer service to be provided by the City of Gainesville, FL and Mundy Mill, GA, respectively.
  - With property lines to within a 100' user flood hazard zone as defined by the FEMA 1% Floodplain and Zone of the County, GA, Community Panel 10A0510.
  - Minimum proposed sidewalk width: 50'

**MUNDY MILL ZONING/CONCEPT PLAN**  
 LI, L2, 24, 25, 30, 31, 42, 43, 46, 48 District, City of Gainesville, FL  
 Hall County, Georgia  
 10/05/10 Scale: 1" = 500'



**OWNER / DEVELOPER**  
**BUTLER PROPERTY, LLC**  
 Wendell Sheave

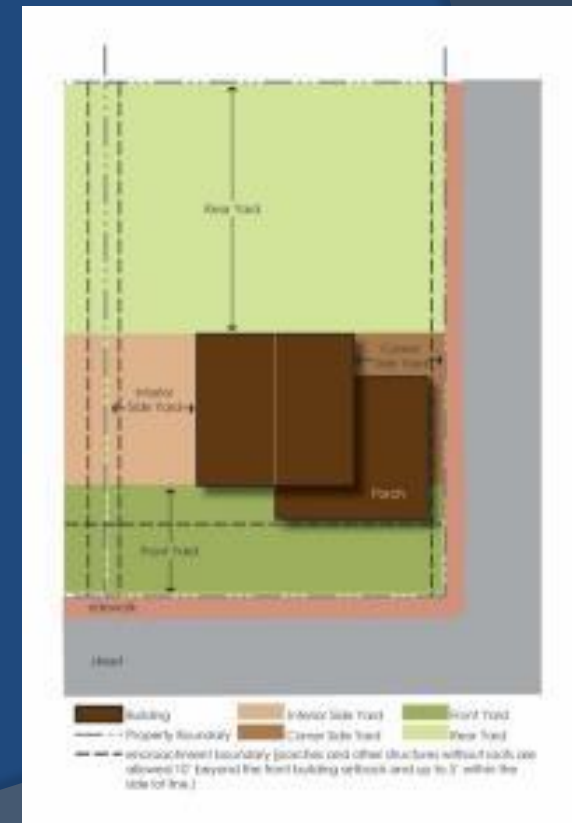
4000 Cherokee Rd.  
 Columbus, Georgia 30606 Phone: 770-533-3400

24 HOUR - EMERGENCY CONTACT

© Right Fee: The Public within Mundy Mill units. All other units are SP Detached. This number of units is based on a 100' user flood hazard zone as defined by the FEMA 1% Floodplain and Zone of the County, GA, Community Panel 10A0510.

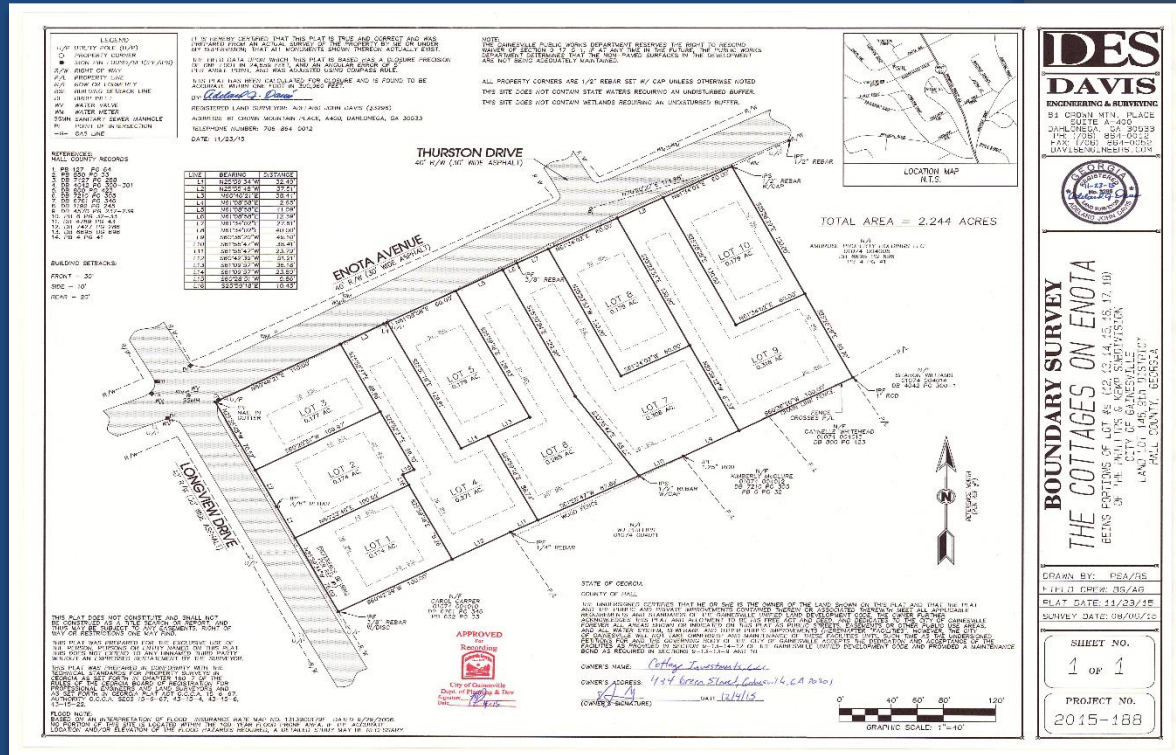
# Variances

- 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



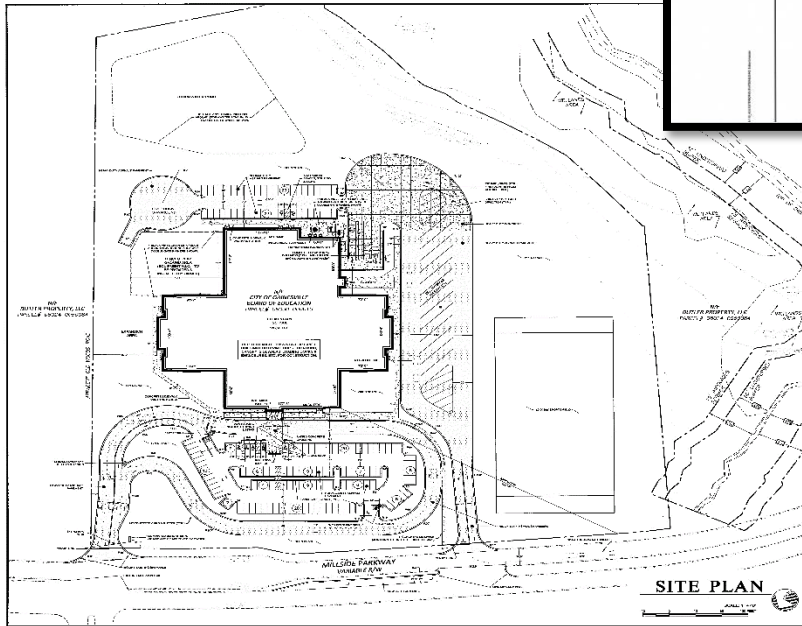
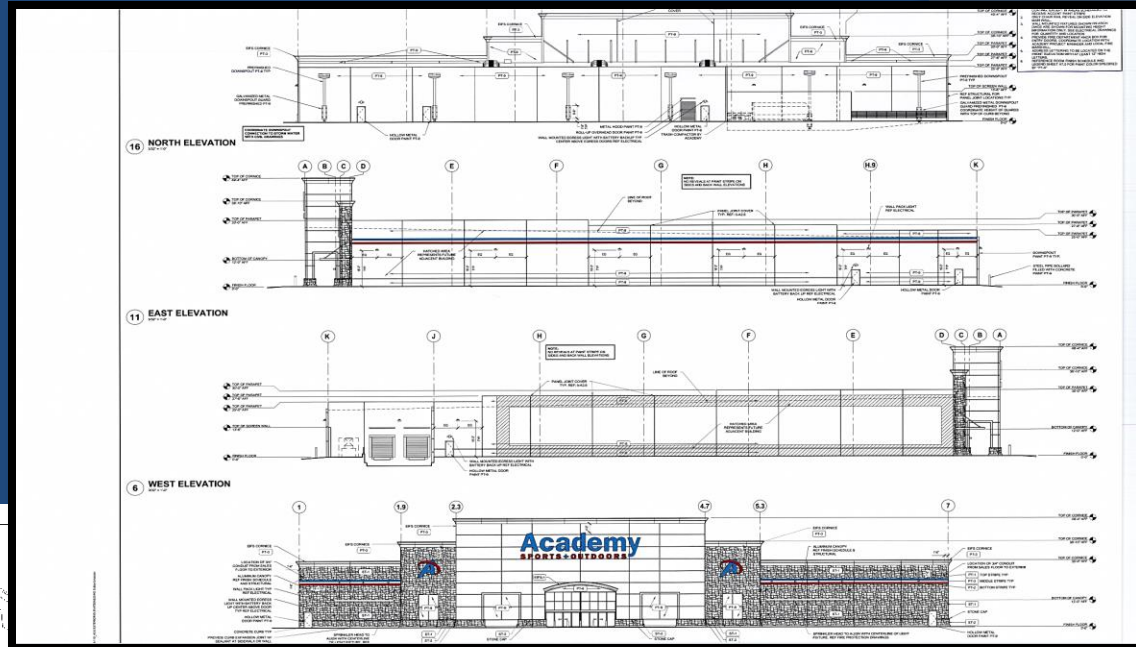
# Subdivision of Land

- 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



**VICINITY MAP**

**GENERAL NOTES**

1. THIS PROJECT IS THE PROPERTY OF THE CITY OF DOVER, DELAWARE.
2. THE CITY OF DOVER, DELAWARE, IS THE OWNER OF THIS PROJECT.
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**SITE ANALYSIS**

PROJECT NAME	ACADEMY SPORTS & OUTDOORS
OWNER	CITY OF DOVER, DELAWARE
DATE	10/1/16
SCALE	AS SHOWN

**811** CITY OF DOVER, DELAWARE  
UNIVERSITY AVENUE  
DOVER, DELAWARE 19901

**10-1-16**  
**10-2-16**  
**C-1**

# 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