Zoning and Other Tools for Implementation

Why Zoning?

National Model Created in 1921

The Standard Acts
1922
States Began Adopting the Standards Act

The Standard Acts

Zoning is Constitutional

Georgia Constitution – 1983 – Article 9

- The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power.

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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.”
- Includes zoning map and zoning ordinance
- Zoning regulates what can go where

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Benefits of Zoning

- Minimizes incompatible land uses
- Increases predictability
- Protects property values
- Allows for coordinated planning for roads, utilities, schools, etc.

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Drawbacks of Zoning

Following WWII, planners kept adding more zoning categories, further segregating daily needs
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When Zoning Fails: what scale is your community?

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When Zoning Fails: what kind of place are we creating?

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Improper use of Zoning can kill a city through Vertical & Horizontal Overexpansion
Are there Better Tools?

- Planned Unit Development regulations
- Development standards/subdivision regulations
- Overlay Ordinances
- Form Based Codes

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**Planned Unit Development (PUD)**

- A designed grouping of varied and compatible land uses within one contained development
  - Can include housing, recreation, office and commercial components
- Can regulate building placement and form
- Can regulate landscaping
- Can allow for flexibility
- More difficult to manage
- Decreases predictability
- Can be abused

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**Overlay Ordinances**

- The underlying zoning remains in place
- New regulations are “overlaid”
- These regulations can stipulate:
  - Building materials allowed
  - Placement of buildings and parking
  - Allowable locations and size of signage
  - Landscape requirements
  - Density, lot size, & open space requirements
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Code for the Community You Want

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Code for the Community You Want

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On the Practical Side

- **Rezoning** —
  - Changing property permanently from one zone to another:
    - Zoning Map
    - Records of Zoning Decisions
    - District Requirements
    - Uses, Lot Size, Parking, Special Uses
    - Site Design
    - Density
    - Lot Coverage
    - Setbacks
    - Building Height
On the Practical Side

Conditional Use –
- Requires special permission for certain uses within a specific zoning classification

Variance –
- Permission to deviate from usual zoning regulations (setback, height, etc.) because of unusual and unnecessary hardship
  - Zoning Board of Appeals (ZBA, BZA, ZRB, etc.)
  - Decision-making body for variances and administrative appeals
  - Quasi-judicial actions
  - Appeals are to Georgia Superior Court

Subdivision Regulations
- GA Plat Act (O.C.G.A. 15-6-67)
- Administrative Requirements
- Hearing requirements
- Preliminary Plat
  - First draft
  - Infrastructure design review
- Final Plat
  - Legal creation of lots
- Minor subdivisions and exemptions