

Planning & Zoning 101

CERTIFICATE OF APPROPRIATENESS (COA)

Alterations to the exterior materials or design of local historic landmarks or properties within locally designated historic districts require review and approval of the **Historic Preservation Commission**. Upon determination that the proposed changes satisfy local historic preservation guideline, the Historic Preservation Commission issues a Certificate of Appropriateness (COA) for the project. A COA must be obtained prior to the issuance of a building permit. The Historic Preservation Commission has identified a list of minor changes that may receive approval through the issuance of a Staff COA and do not require review at the monthly commission meeting.

COMPREHENSIVE PLAN & ZONING

The comprehensive plan is a long-range policy document that looks at the future of the community in twenty-year planning increments. A zoning ordinance is the existing law that spells out the immediate, allowable uses and development standards for each piece of property within the community. In general, zoning should help shape new development into the vision outlined by the comprehensive plan for future growth. Nonetheless, because the comprehensive plan is a long-term guide for growth, current zoning may not always permit the type, breadth or density of development envisioned by the comprehensive plan for a particular area at a given time. The purpose of zoning is to implement the policies of the comprehensive plan over the twenty-year planning time period.

FAR

Abbreviated as FAR, this is a measure of development intensity. FAR is the ratio of the amount of floor area of a building to the amount of area of its site. For instance, a one-story building that covers an entire lot has an FAR of 1, while a one-story building that covers $\frac{1}{2}$ of a lot has an FAR of 0.5. Similarly, a two-story building that covers the entire lot has an FAR of 2, while a two-story building that covers $\frac{1}{2}$ of a lot has an FAR of 1. Minimum FAR requirements can encourage dense development where appropriate (as in downtown areas) as maximum FAR requirements can help restrict development intensities where appropriate (as in neighborhood commercial corridors).

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is a group of seven citizens appointed for 3-year terms by the Mayor & Commission. This body primarily reviews **certificate of appropriateness** applications, but also is responsible for maintaining an inventory of local historic resources and recommending new historic designations and preservation initiatives to the Mayor and Commission.

LOT COVERAGE

Lot coverage refers to the amount of impervious surfaces that comprise a lot's total area, and is often expressed as a percentage. Building footprints, driveways, walkways and other paved or otherwise impervious areas are included in this calculation. Different zones have varying maximum lot coverage requirements, from 100% allowable coverage in the C-D (commercial-downtown) zone to 10% in the AR (Agricultural Residential) zone.

MADISON ATHENS-CLARKE OCONEE REGIONAL TRANSPORTATION STUDY (MACORTS)

MACORTS was formed in 1969 and includes all of Athens-Clarke County and the northern half of Oconee County. The southern portion of Madison County was added in 2002/2003. MACORTS is responsible for implementing the 3-C (comprehensive, cooperative, and continuing) transportation planning process prescribed by the State of Georgia. The organization is composed of a Policy Committee and a Technical Coordinating Committee. MACORTS is one of 14 Metropolitan Planning Organizations (MPO) in Georgia.

The Policy Committee consists of 8 Voting Members (10 non-voting/alternate members). The voting members consist of representatives from Madison County, Clarke County, Oconee County, University of Georgia, and the Georgia Department of Transportation (GDOT). The MACORTS Chairmanship is rotated between Madison County, Oconee County and Athens-Clarke County Chief Elected Officials. Meetings are held on the second Wednesday of the month, usually on a quarterly basis.

The Technical Coordinating Committee (TCC) is composed of staff from Madison County, Athens-Clarke County, Oconee County, University of Georgia, and Georgia Department of Transportation (GDOT) and the Federal Highway Administration (FHWA). The A-CC Planning Department Director is permanent Chairman of the TCC. The TCC is a recommending body to the MACORTS Policy Committee. TCC meetings are held on the fourth Wednesday of each month on an as needed basis.

The Athens-Clarke County Planning Department is designated as the Metropolitan Planning Organization (MPO) by the Governor of Georgia. The Planning Department, in conjunction with GDOT, is responsible for carrying out the transportation planning process as mandated under federal legislation for all urban areas over 50,000 in population. All transportation projects in this area which utilize state and/or federal funds must go through a process in which they are adopted into a regional Long Range Transportation Plan. The projects that are in this plan are, over time, put into the Transportation Improvement Program (TIP) for implementation.

OVERLAY (vs. UNDERLYING) ZONES

In addition to the base zoning applied to each parcel of land, many cities and counties use "overlay zones" to further regulate development in areas of special concern. Lands in downtown districts, along particular corridors, or amid airport flight zones are often subject to having additional regulations "overlain" upon the basic zoning requirements. For example, a lot that is within a commercial general zone and also subject to an airport overlay zone must meet the development requirements of both zones when it is developed. The base zone (of commercial general in this example) is often referred to as the "underlying" zone. All properties within a jurisdiction are assigned an underlying zone while overlays generally apply to specific geographic areas of a particular character.

PLANNING COMMISSION

The Planning Commission is comprised of ten citizens appointed by the Mayor & Commission for 5-year terms. Planning Commission duties include preparation of the comprehensive plan and zoning ordinance and map for Athens-Clarke County, as well as recommendation of any amendments to these documents, including all **rezones**, **planned development**, and **special use** requests.

PLANNED DEVELOPMENT (PD)

A Planned Development is a zoning “overlay” designation appended to a residential, commercial, or other district that provides greater latitude with regard to the application of zoning and development standards for internal site planning, provided that the spirit and intent of such requirements are complied with in the total development plan. It is the intent of the Planned Development to encourage compatible, creative development of mixed land uses through design flexibility. A Planned Development request is reviewed twice by the Planning Commission, first as a preliminary concept and then as a Master Plan. The Planned Development application is ultimately reviewed and either approved, approved with conditions or denied by the Mayor and Commission. Like a Special Use, the site plan and application report of an approved Planned Development are binding, and substantial deviations from the approved plan must likewise be approved by the Mayor & Commission.

If no permits are obtained to begin implementation of a Planned Development within two years of approval, the PD designation “sunsets” and the property is subject to rezoning to the underlying zone or another category compatible with the future land use plan.

PLANS REVIEW

The administrative process by which permit applications are reviewed for all commercial, institutional, and multi-family developments, as well as preliminary subdivision plats creating 5 or more lots. The Plans Review process coordinates a project’s review for code compliance among the A-CC Planning, Building Inspections, Transportation and Public Works, Public Utilities, Fire Marshall, and Solid Waste Departments, as well as the Clarke County Health Department.

Plans Review applications follow weekly submittal deadlines every Tuesday and a subsequent review cycle of nine days culminating in staff-applicant meetings every Thursday of the week following the submittal deadline. Plans that demonstrate compliance with all codes are eligible for permitting subsequent to the Thursday meeting. Those that do not demonstrate compliance require the submittal of revisions to address outstanding issues. Depending upon the complexity of the project and the completeness of the submitted plans, the time span of this permitting process ranges widely from nine days to several months to even longer.

REZONING

The particular zone determines the uses to which land may be put. If a landowner proposes a use that is not allowed in the zone, the local government could approve a rezoning (change in zone) to allow that development. The local **Planning Commission** and the **Mayor and Commission** must hold public hearings before property may be rezoned. The hearings must be advertised in advance. Planning Department staff mail notice directly to surrounding property owners when a rezone request is made. The Mayor and Commission is not obligated to approve requests for rezoning and must deny such requests when the proposed zone conflicts with the comprehensive plan. When a request does conflict with the comprehensive plan, the Planning Commission and Mayor and Commission first consider whether or not an amendment to the comprehensive plan is warranted.

SETBACK

A minimum or maximum distance required by zoning to be maintained between a structure and property lines. The setback often varies from the front to side to rear property line requirements. Minimum and maximum setback requirements contribute to more cohesive streetscapes and patterns of neighborhood design.

SPECIAL USES

Most zoning ordinances identify certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a Special Use permit (sometimes called a conditional use permit or a CUP). These might include community facilities (such as hospitals or schools), public buildings or grounds (such as fire stations or parks), temporary or hard-to-classify uses (such as Christmas tree sales or boarding houses), or land uses with potentially significant environmental impacts (hazardous chemical storage or a waste transfer facility).

The local zoning ordinance specifies those uses for which a Special Use permit may be requested, which zones they may be requested in, and the public hearing procedure. As with rezoning and planned developments, public hearings must be held to consider a Special Use. The initial hearing before the planning commission may result in a recommendation to approve or deny the request. The planning commission may alternatively table the request, giving the applicant time to address problematic issues that often arise in the review or public input and asking for application revisions to address these. The final public hearing is before the Mayor and Commission, in which a vote is cast for approval of the use, for approval subject to certain conditions, or for denial of the use for failure to meet the special use criteria of the ordinance. A Special Use application's report and site plan are binding upon approval, meaning that any substantial deviation from the activities and site development described therein requires further approval through the public process.

If no permits are obtained to begin implementation of a Special Use within one year of approval, the permit shall be deemed revoked.

SUBDIVISION, MAJOR

The creation of five or more lots is classified as a major subdivision, requiring the initial submittal of a Preliminary Plat through the **Plans Review** process. Upon approval of the basic lot layout, density, and general road and utility locations identified by the preliminary plat, engineered site construction plans are submitted for review, again through the **Plans Review** process. Site construction plans must numerous construction details, from grading plans, tree management plans, stormwater management plans, and road and utility construction to proposed architectural elevations for subdivisions with minimum architectural design standards. Only upon approval of the site plan may a site begin to be cleared. After road and utility construction is complete or bonded, the final plat approval process described under **SUBDIVISION, MINOR** may begin.

SUBDIVISION, MINOR

The creation of four or fewer lots is classified as a minor subdivision. A property owner or his agent submits to the Planning Department a Final Plat application, including a survey indicating the proposed new lots, an application form and fee. Applications are accepted daily, and reviewing departments (including Planning, Public Utilities, and Public Works) have ten days to complete an initial review. If revisions are required to meet minimum requirements for subdivision approval or

plat standards, comments are conveyed to the applicant's surveyor. Upon submittal of a revised plat, departments may take up to an additional ten days review the survey. Approved plats are signed by department directors and recorded with the Clerk of Superior Court. Once recorded, building permits may be issued for the new lots.

VARIANCES

A variance is a limited waiver of development standards for a use that is otherwise permitted in that zone. The city or county may grant a variance in special cases where: (1) application of the zoning regulations would deprive property of the uses enjoyed by nearby, similarly zoned lands; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege. Typically, variances are considered when the physical characteristics of the property make it difficult to develop. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed.

A city or county may not grant a variance that would permit a use that is not otherwise allowed in that zone (for example, a commercial use could not be approved in a residential zone by variance). Variances also cannot be granted to increase residential density beyond that permitted by the underlying zone.

Variance requests require a public hearing, usually before the **Hearings Board**, known in some jurisdictions as the board of zoning adjustment. Neighbors are given the opportunity to testify. The local hearing body then decides whether to approve or deny the variance.

ZONES

Under the concept of zoning, various kinds of land uses are grouped into general categories or "zones" such as single-family residential, mixed-density residential, commercial neighborhood, employment-industrial, agricultural residential, etc. A typical zoning ordinance describes 15 or more different zones that may be applied to land within the community. Each piece of property in the community is assigned a zone listing the kinds of uses that will be allowed on that land and setting standards such as minimum lot size, maximum building height, and minimum front yard depth. The official zoning map is used to keep track of the zoning for each piece of land.

Zoning is adopted by ordinance and carries the weight of local law. Land may be put only to those uses allowed by the applicable zoning classification. A zoning ordinance has two parts: (1) a precise map or maps illustrating the distribution of zones within the community; and, (2) a text which identifies the specific land uses and development standards allowed in each zone.