An analysis of the inconsistency between zoning decisions made by Atlanta City Council and the land use/ zoning elements of the comprehensive development plan

Emmanuel Thompson Umoh

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AN ANALYSIS OF THE INCONSISTENCY BETWEEN ZONING
DECISIONS MADE BY ATLANTA CITY COUNCIL AND
THE LAND USE/ZONING ELEMENTS OF THE
COMPREHENSIVE DEVELOPMENT PLAN

A MASTER OF PUBLIC ADMINISTRATION DEGREE PAPER
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF PUBLIC ADMINISTRATION

BY
EMMANUEL THOMPSON UMHOH

DEPARTMENT OF PUBLIC ADMINISTRATION

ATLANTA, GEORGIA
MAY 1980

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ABSTRACT
PUBLIC ADMINISTRATION

UMOH, EMMANUEL THOMPSON B.A. Clark College, 1978

An Analysis of the Inconsistency Between Zoning Decisions Made by Atlanta City Council and the Land Use/Zoning Elements of the Comprehensive Development Plan

Adviser: Professor George Kugblenu

MPA Degree Paper Dated April 14, 1980

The intent of this paper is to identify and recommend solutions to the inconsistency between zoning decisions made by the Atlanta City Council and the land use/zoning elements of the Comprehensive Development Plan.

The first section consists of the introduction, which contains the definition of what is meant by zoning. The second section contains the agency's background information. Section three lays out the analytical approach and tools to be used. The last two sections give the analysis of the problem underlying the failure of the City Council to uphold the guidelines and policies of the Comprehensive Development Plan and the recommendations to resolve it.

The main sources of information were interviews, personal observations and findings, numerical analysis and in-depth examination of six selected cases.
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I. INTRODUCTION

Zoning is a land use control mechanism by which the land use designations of a community or urban center are designated in accordance with a land use plan. The zoning device is designed to achieve land use compatibility within a community. Zoning has been defined by many scholars over the years. The definitions have reflected the scholars particular concerns and their biases toward certain problem-solving alternatives.¹

Stuart Chapin defined "Zoning as one of several legal devices for implementing the proposal for land development as set forth in the land use plan."² He further stated that, 

. . . land use objectives are guides to the way in which land development should proceed in fulfillment of basic needs and wants of residents, firms, and institutions of the metropolitan area concerning interaction opportunities, living qualities, costs and minimum levels of health and safety.³

According to Principles and Practices of Urban Planning, published by the International City Manager's Association:

Zoning is essentially a means of insuring that the land uses of a community are properly situated in

³Ibid., p. 359.
relation to one another, providing adequate space for each type of development. It allows the control of development density in each area so that property can be adequately serviced by such governmental facilities as the school, street, recreation and utilities system.4

The presumption is that, in the course of planning the local government, firms, institutions, residents, and various organizations have to be consulted on their development requirements so that a consensus can be reached and the statement of objectives achieved. In the City of Atlanta, zoning is used as a device for protecting single family residential neighborhoods though others may term it as a "means of maximizing the value of property."5 Theoretically, zoning decisions are supposed to be made in the best interest of the city; but it appears that in the City of Atlanta zoning decisions are made by members of the City Council governed by the wishes of their constituents. This type of approach to zoning is not uncommon.

"This abdication of responsibility by the local government to neighborhood groups makes a sham of the presumption of validity that we grant to municipal legislation."6 It is clear that confusion exists as to the distinction between the Comprehensive Development Plan and zoning. In reality, "Zoning


6Ibid., p. 141.
is one of many legal and administrative devices by which city plans may be implemented." But a comprehensive development plan is

... an official public document adopted by a local government as a policy guide to decisions about the physical development of the community. It indicates in general ways how the leaders of the government want the community to develop in the next twenty (20) to thirty (30) years.8

Typically, the 1978 City of Atlanta Comprehensive Development Plan is a compilation of the city's goals, objectives, policies and program/projects for the period 1978-1992. The plan is segmented into functional categories (Urban Development and Neighborhood Preservation, Transportation, Economic Development, Human Development, Recreation and Cultural Opportunities, Environment Protection and Enhancement, Protection of Persons and Property and General Government) and time elements (one (1), five (5), and fifteen (15) year improvements). 9

This paper will focus its attention on an analysis of the inconsistency between zoning decisions made by the Atlanta City Council and the land use/zoning elements of the Comprehensive Development Plan.


II. THE PROBLEM AND ITS SETTING

The writer worked as an intern in the Zoning Division of the Bureau of Planning of the Department of Budget and Planning from the 27th of June, 1979 to the 24th of September, 1979. The intern served as a staff assistant to the Zoning Administrator, Mr. William M. Toliver. The intern's assigned duties were to compile the Quarterly, Mid-year, and End of Year land change activities reports. In addition, the intern was required to attend all meetings dealing with zoning administration, namely, the meetings of the Zoning Review Board, the Board of Zoning Adjustment, and the Development Committee. The intern assisted the Zoning Administrator in the preparation of memoranda to the division's staff and also assisted the zoning staff in the inspection of sites involved in rezoning petitions.

The Zoning Administration Division is a division in the Bureau of Planning. The Zoning Division provides administrative and technical assistance to two (2) boards: the Board of Zoning Adjustment and the Zoning Review Board. In addition, the division supports the Development Committee with regard to zoning-related matters. The duties and functions of each board are as follows:
The Board of Zoning Adjustment.-This board

... is responsible for hearing and deciding appeals
where it is alleged there is error in any order,
requirement or decision made by an administrative
official of the executive branch in the enforcement
of the zoning ordinance of the City of Atlanta.\textsuperscript{10}

The board is empowered to authorize, upon appeal in specific
cases, such variance from the terms of the zoning ordinance
of the City of Atlanta as will not be contrary to the public
interest

... where owing to special conditions, a literal
enforcement of the provisions of the Zoning Ordi-
nance of the City of Atlanta will, in an individual
case result in unnecessary hardship, so that the
spirit of the Zoning Ordinance of the City of
Atlanta shall be observed, public safety, and wel-
fare secured, and substantial justice done.\textsuperscript{11}

Such variance may be granted in such individual cases of un-
necessary hardship upon a finding by the board that:

(1) There are extraordinary and exceptional con-
ditions pertaining to the particular piece of
property in question because of its size, shape
or topography;

(2) The application of the Zoning Ordinance of the
City of Atlanta to this particular piece of
property would create an unnecessary hardship;

(3) Such conditions are peculiar to the particular
piece of property involved, and

(4) Relief, if granted, would not cause substantial
detriment to the public good or impair the pur-
poses and intent of the Zoning Ordinance of the
City of Atlanta; provided, however, that no
variance may be granted for a use of land or
building or structure that is prohibited by the

\textsuperscript{10}Zoning Information, Bureau of Planning, City of
Atlanta, pp. 1-3.

\textsuperscript{11}Ibid.
Zoning Ordinance of the City of Atlanta.\textsuperscript{12}

The Zoning Review Board.-This board

... is responsible for holding public hearings on applications for special use permits and on proposed amendments to the Zoning Ordinance of the city, both text and map. This board shall transmit findings, conclusions and recommendations on each proposed amendment to the Zoning Ordinance of the city or applications for special use permits to the Development Committee of the council, along with the applicable recommendation of the Bureau of Planning.\textsuperscript{13}

The Development Committee.-This committee

... is responsible for proposing recommendations to council on matters pertaining to general community development, zoning, land use planning and other pertinent matters.\textsuperscript{14}

Application and Processing Procedure.-It is the responsibility of the Zoning Administration Division to accept and process applications for rezoning, issue special use permits, approve variances and site plan amendments. Each respective special use permit, variance or rezoning application accepted by the Zoning Administration Division is checked for completeness and correctness (see Appendixes A and B). The applicant is issued a receipt after payment of required fees to the Revenue Division of the Department of Finance. Applications are then drafted into a proposed ordinance by the Zoning Administration staff and filed with the Clerk of the City Council to be placed on the agenda for subsequent council

\textsuperscript{12}\textit{Atlanta Zoning Ordinance, City of Atlanta, Section 16-28002.}

\textsuperscript{13}\textit{Zoning Information, Bureau of Planning, City of Atlanta, pp. 1-3.}

\textsuperscript{14}\textit{Ibid.}
meetings. The ordinance is presented by the clerk to the Council for first reading, after which the clerk sends it to the Zoning Review Board for public hearing. Applications are also forwarded for review and comment to the Neighborhood Planning Units, the Health Department of Fulton County, the Atlanta Board of Education, and the Department of Environment and Streets. This is done in accordance with the provisions of state law, "House Bill 1010." Other affected agencies and departments such as the Atlanta Housing Authority and State Department of Transportation are requested to submit comments. The Zoning Division makes written recommendations after field inspection and other necessary information have been reviewed. The Director of Planning reviews all recommendations and determines the final recommendation in regard to each petition.

Statement of the Problem

In accordance with "Section 3-601, 3-602 and 3-603 of the Charter of the City of Atlanta," the City of Atlanta Code requires the following: that the mayor shall have prepared a one- (1), five- (5), and fifteen- (15) year comprehensive development plan to provide for the physical, social, and economic growth of the city as will best promote the public health, safety and general welfare of the city's


16The City Charter, City of Atlanta; Sections 3-601, 3-602, 3-603.
residents. This must be submitted to the council by the mayor for possible consideration and adoption as required by the charter. Therefore, it is ordained by the council of the City of Atlanta:

(1) That the document entitled, The City of Atlanta 1978 Comprehensive Development Plan is hereby adopted as the official comprehensive development plan as mandated by Sections 3-601, 3-602, 3-603 of the Charter of the City of Atlanta.

(2) That as a prerequisite to council action amending the zoning ordinance as required by Section 3-603 of the City Charter, all zoning district changes identified and enumerated in the Comprehensive Development Plan shall be processed as required by law.17

The problem facing the city is implementing the Comprehensive Development Plan according to the established guidelines and policies. Zoning is one area where these problems have arisen because of the failure of the City Council to uphold the Comprehensive Development Plan effectively. This failure of the City Council to adhere to the intent and purpose of the Comprehensive Development Plan negates the efforts of both Atlanta citizens and the Bureau of Planning. The Comprehensive Development Plan is produced by the citizens of Atlanta in collaboration with Atlanta's neighborhood planners and it represents a legally adopted guide to land use decisions; and failure to zone in conformance with the land use plan can be viewed as rejection of not only the citizens' plan.

17The 1978 City of Atlanta Comprehensive Development Plan, p. 7.
efforts to plan their communities but also their right to determine the future of their neighborhoods. Thus, the council in effect is acting against the demand of the citizens which results in a continued distrust of government and alienation from participation in the planning process. During informal talks with some members of the council, the writer found out that some of them do not believe in the Comprehensive Development Plan and would prefer not to handle zoning matters because these are politically controversial. In the 1978 Annual Report from the Zoning Administration Division, there are twelve (12) cases of approved petitions that were in conflict with the Comprehensive Development Plan from June 1978 to January 1979.18

III. METHODOLOGY

Since the writer served as an assistant to the Zoning Administrator during the internship, participatory observation was utilized in this research. The primary data were interviews with officials of the Bureau of Planning and some members of the City Council. The other sources of information were the Zoning Division's logs and files, master list of 1977-78 cases, mid-year reports, annual reports and end of the year reports.

**Delimitation of Study**

In zoning, effects are long term, i.e., one parcel of land rezoned commercial will not change the neighborhood but successive applications for rezoning over time will change the character of an area, e.g., commercial (parking problem, more noise, crowd, traffic, decline of remaining residential property values, etc.).

As a result of the limited duration of the internship, six of the twelve approved petitions against the Comprehensive Development Plan between June 1978 and January 1979 were chosen because of the complexity of each case which might take at least three weeks for the investigation to be completed. The inaccessibility to some relevant data was another limitation of this study. Specifically, the
unavailable data were statistics relating to the approved petitions in conflict with the Comprehensive Development Plan from 1974-1979. Also other data relating to types of commercial districts were unavailable.
IV. AN ANALYSIS OF THE PROBLEM

Definitions of Zoning District Classification

A-1 Apartment
A-2 Apartment - mixed in use
C-1 Community Business District
C-2 Commercial Business District
CL Commercial Limited
M-1 Limited Industrial District
M-2 Heavy Industrial District
O-1 Office - Institutional
R-4 Single Family Residential
R-5 Residential/Church/Institutional Development
R-6 Detached Single Family Residential
R-7 Single/Multi-Family Residential
TH Townhouse

Case Studies

The following section examines six of the twelve approved cases that conflicted with the Comprehensive Development Plan. The six cases were selected because they are a representative sample of the twelve cases.

19 The Atlanta Zoning Ordinance, City of Atlanta, Section 16-2001-16-22001.
Case I: Z-78-22 (A-1, R-7 to O-I). This application was submitted by the Atlanta University Center, Inc. The institution wanted the property to be reclassified from apartment-residential area to office/institution in order to build a new library for the Atlanta University Complex. The site plan included with the rezoning application is problematic. There is a 75 percent reduction in the required parking spaces, one side yard set back requirement is not met and also there are disproportionate amounts of compact car spaces in the vicinity of the proposed building according to the site plan analysis. It appears that a variance will be required because of excessive lot coverage. In addition, problems also exist with the proposed internal traffic circulation on the site and the possibility of traffic bottlenecking on the neighborhood streets.20

No landscaping is indicated on the proposed site for the Atlanta University Center Library. The proposed rezoning of the western portion of the subject tract conflicts with the land use element of the Comprehensive Development Plan. It also conflicts with the directive in the 1978 NPU-T neighborhood plan which called for the "Maintenance of a residential area on the east side of Ashby Street from Fair Street to Martin Luther King, Jr. Drive."21 However, given the predominance of existing institutional land use in the area,

20 The Zoning Division Logs and Files, Master List of 1977-78 Cases, Bureau of Planning, City of Atlanta.
21 Neighborhood Plan (NPU-T), Bureau of Planning, City of Atlanta.
the institutional development of the subject tract would not be incompatible with the surrounding residential area if undesirable spill over effects were avoided. It is likely that the development of the subject tract in accordance with the site plan submitted would adversely affect the adjoining residential neighborhood for reasons outlined in the site plan above. The staff recommended that this application should be deferred, pending the submission of a site plan which meets the following conditions:

(a) Parking layout which is acceptable to the Bureau of Traffic Engineering and the Bureau of Planning in terms of number and types of spaces provided, internal circulation and means of ingress/egress.

(b) An indication of total floor area proposed for the site as well as the location of any buffering and/or landscaping to be provided on the property.22

Case II: Z-78-29 (TH to C-1-C). This application was submitted by Mr. George Wilson for reclassification of the property from existing zoned townhouse to commercial (restaurant). The indicated use as a restaurant represents a less intensive utilization of the subject property than its current use as a sign company which involves a form of product manufacture. The proposed use of the subject property as a restaurant is acceptable from a land use standpoint. The property abuts an industrial district which makes townhouse development unlikely. Unrestricted C-1 zoning, however, would contradict

22The Zoning Division Logs and Files, Master List of 1977-78 Cases, Bureau of Planning, City of Atlanta.
the Comprehensive Development Plan and would allow uses not consistent with the adjacent residential district to the north, as well as constitute spot zoning. In light of the above reasons, the staff recommended that the application should be denied in order to avoid "spot zoning and contradiction with Comprehensive Development Plan."\textsuperscript{23}

**Case III: Z-78-34 (R-5 to C01).** This application was submitted by Mr. James W. Lanner for reclassification of the property from existing residential to commercial. The commercial (C-1) use for the tract allows such commercial activity as a service station which is too intensive to be compatible with surrounding development. The church to the northwest of the tract is a well maintained development and could be adversely affected by the noise, traffic, and lighting generated by the uses permitted in C-1 commercial.

The commercial use of the portion of the subject tract does not appear unreasonable but the requested C-1 (commercial) zoning is incompatible with the existing development in this area. Moreover, the proposed re-zoning is inconsistent with the land use element of the Comprehensive Development Plan.\textsuperscript{24}

The staff denied approval of the application due to its inconsistency with the land use element of the Comprehensive Development Plan.

**Case IV: Z-78-35 (A-2 to M01).** This application was submitted by the Atlanta Board of Education for reclassification

\textsuperscript{23} Ibid.

\textsuperscript{24} Ibid.
of apartment (A-2) to industrial (M-1). Economic benefits would occur from the development of this tract, which currently is vacant. The applicant has stated that employment will be expanded to the proposed location. The location of an industrial use adjacent to residential areas will create conditions detrimental to the residents.

Noise, traffic from heavy trucks, and lighting spill over will all adversely affect the residential area. As noted by the Bureau of Traffic Engineering, the streets serving the tract are not suitable for an industrial development and could create traffic hazards for nearby residents.25

This application was not approved by the staff because the placement of an industrial use adjacent to residents violates the principle of sound land use practices.

Case V: Z-78-37 (R-7 to M-2-C). This application was submitted by the Development Committee for reclassification of residential (R-7) to industrial (M-2). The potential for adverse affects generated by heavy industry located near residential areas is large. It is incumbent upon land use planners to provide adequate safeguards that legally protect residents from noise pollution, truck traffic, etc. Rezoning a large tract of land for heavy industrial use adjacent to a residential area without legally binding safeguards violates sound land use planning principles. After review of this application, the staff maintained that it was impossible to evaluate the merits of the application without a site plan

25 Ibid.
which illustrates the location and extent of the proposed industrial development. The staff therefore recommended deferral until such a time that the following requirements would be met:

An appropriate amendment to the land use element of the Comprehensive Development Plan. The staff required the applicant to submit an area development plan which addressed the following concerns: (a) buffering and screening along all boundaries which directly abut residential districts including the Wesley Avenue School; (b) location, approximate size and function of proposed industrial structures; (c) means of ingress/egress to/from the industrial site; (d) location and approximate number of all parking and loading facilities.26

Case VI: Z-78-52 (R-4 to O-I-C). This application was submitted by Mr. Fain Peek for reclassification of the property from existing residential (R-4) to office-institutional (O-I). The petition is not conditional upon site plan; consequently, it is impossible to analyze the effect of future development on the side. Office-institutional zoning permits a wide variety of development in terms of lot coverage, floor area, building height, etc. Given the nature of surrounding development--commercial to the west, townhouse to the east and south--it appears that a higher density land use classification would be appropriate. However, higher density residential use seems to be more desirable than office/commercial use as the latter would increase pressure on the adjacent parcels to the north which result in detrimental (strip commercial) development along a sensitive, heavily travelled road. The

26Ibid.
staff recommended that the application should be denied due to "incompatible commercial and industrial uses within residential areas as stated in the 1978 City of Atlanta Comprehensive Development Plan--Development Policies."\(^{27}\)

In all the six cases which have been discussed, the staff either rejected or denied approval of the applications until such a time that certain modifications or changes are made. Despite the staff rejection or deferral in all these cases, the City Council approved them.

A closer examination of the approved rezoning applications in conflict with the Comprehensive Development Plan revealed that most of the cases were sponsored by city agencies or institutions and often have neighborhoods' support for their demands. The City Council action is a result of influence or pressure exerted by local civic associations and neighborhood units which the Council members represent. Moreover, citizens of these neighborhoods or districts do expect to reap some benefits from the approved changes. It will therefore not be far-fetched to conclude that the City Council members, with their eyes set on re-election to another term of office, approved these applications in spite of the staff recommendation simply because of political expediency.

\(^{27}\)The 1978 City of Atlanta Comprehensive Development Plan--Development Policies, p. 32.
Comparative Analysis

In addition to these cases, a comparative analysis is presented here of the conformity rates of the zoning staff, Zoning Review Board, and the City Council.

The numerical analysis is presented in four tables: Table 1 shows the zoning staff recommendation versus the recommendation of the Comprehensive Development Plan. Table 2 shows the zoning staff recommendation versus the Zoning Review Board (ZRB). Table 3 shows the zoning staff recommendation versus the City Council action. Table 4 shows the City Council action versus the Comprehensive Development Plan (CDP).

Each table is divided into six subheadings as follows: Year, Quarter, Applications, Applications Classified, Zoning Staff/Comprehensive Development Plan Conformance, and the Percentage. The reason that not all applications are classified for conformance with the Comprehensive Development Plan is due to the fact that some applications are for changes from one type of commercial district (e.g., CL-commercial Limited) to a different type of commercial district (e.g., C-l - Community Business District). The Comprehensive Development Plan does not distinguish between types of commercial activity, rather it merely classifies land as commercial.

Consequently, these applications are not suited for direct comparison with the Comprehensive Development Plan. The applications are checked every quarter of the year. The
number of applications that are in conformance for the year are divided by the total number of applications that were classified for that year then multiplied by one hundred to get the percentage of conformance with the Comprehensive Development Plan.

As shown in Table 1, the 1978 staff/CDP conformance figures are not steady. In the first three months of 1978, the number of applications classified were seven but only five were in conformance with the CDP; in the second quarter there were sixteen applications with fourteen in conformance; the third quarter had seventeen applications with sixteen in conformance with the CDP and finally seventeen with fourteen in conformance with the CDP. In 1977, the same procedure as used in 1978 was adopted. The most important of all is the percentage of conformance for the entire year which was 78.6 percent. Then for the two years, the total of applications for staff/CDP conformance in 1978 were added to 1977 conformance figures then divided by the total applications classified for 1978 and 1977 and multiplied by one hundred to get the final percentage for the two years which is 83.5 percent. The same procedures are adopted in Tables 2-4.

**Staff Recommendation/Comprehensive Development Plan**

The following Table 1 indicates the conformance between the Bureau of Planning's staff recommendation and the Comprehensive Development Plan (CDP). Lateral changes (e.g., C-1 to C-2) were not classified for purposes of conformance
### TABLE 1

**STAFF RECOMMENDATION/CDP CONFORMITY**  
(REZONING) 1977-78

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter</th>
<th>Applications</th>
<th>Classified</th>
<th>Conformance</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>1st</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>86.0</td>
</tr>
<tr>
<td>1978</td>
<td>2nd</td>
<td>23</td>
<td>16</td>
<td>14</td>
<td>83.5</td>
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<tr>
<td>1978</td>
<td>3rd</td>
<td>23</td>
<td>17</td>
<td>16</td>
<td>85.7</td>
</tr>
<tr>
<td>1978</td>
<td>4th</td>
<td>25</td>
<td>17</td>
<td>14</td>
<td>83.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>80</td>
<td>57</td>
<td>49</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>1st</td>
<td>6</td>
<td>4</td>
<td>3</td>
<td>78.6</td>
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<tr>
<td>1977</td>
<td>2nd</td>
<td>17</td>
<td>9</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>3rd</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>4th</td>
<td>19</td>
<td>12</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>28</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Total 1977-78</td>
<td>128</td>
<td>85</td>
<td>71</td>
<td>83.5</td>
<td></td>
</tr>
</tbody>
</table>


As the Comprehensive Development Plan's land use designations are generic and do not distinguish between categories of office, commercial and industrial land use. Also applications in partial conflict with the Comprehensive Development Plan were not classified, nor did they receive deferral recommendations.

The staff continues to recommend against the Comprehensive Development Plan only where there are compelling reasons to do so. Proposals which are unacceptable for reasons of conflict with the Comprehensive Development Plan...
receive a recommendation of denial, pending review and change in the Comprehensive Development Plan. In all cases, the staff attempts to give the rationale for its recommendation.

Staff Recommendation/Zoning Review Board

The following Table 2 gives the conformity between the Bureau of Planning staff recommendation and the recommendation of the Zoning Review Board (ZRB). In many cases involving two-part recommendations by the Zoning Review Board, the wording of the staff report was checked against the Zoning Review Board minutes to determine if substantially similar concerns

TABLE 2

STAFF RECOMMENDATION/ZRB CONFORMITY (REZONING) 1977-78

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter</th>
<th>Applications Classified</th>
<th>Staff/ZRB Conformance</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>1st</td>
<td>9</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>1978</td>
<td>2nd</td>
<td>23</td>
<td>22</td>
<td>17</td>
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<tr>
<td>1978</td>
<td>3rd</td>
<td>23</td>
<td>21</td>
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<tr>
<td>1978</td>
<td>4th</td>
<td>25</td>
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<td>23</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>80</td>
<td>76</td>
<td>67</td>
</tr>
<tr>
<td>1977</td>
<td>1st</td>
<td>6</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>1977</td>
<td>2nd</td>
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<td>1977</td>
<td>3rd</td>
<td>6</td>
<td>5</td>
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<tr>
<td>1977</td>
<td>4th</td>
<td>19</td>
<td>19</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>47</td>
<td>39</td>
</tr>
<tr>
<td>Total 1977-78</td>
<td>128</td>
<td>123</td>
<td>106</td>
<td>86.2</td>
</tr>
</tbody>
</table>

existed. The staff's deferral recommendations were discounted.

The staff/Zoning Review Board conformity rate continues to be quite high. Although the data has not been compiled, the Zoning Review Board/Comprehensive Development Plan conformity rate would almost certainly be in the 70-80 percent range, as indicated in the staff/Comprehensive Development Plan and staff/Zoning Review Board conformity figures. A reasonable deduction from this data is that the staff and the Zoning Review Board generally share a similar approach to land use through zoning.

Staff Recommendation/Council Action

Table 3 gives the conformity between staff recommendations and final City Council action. Deferral recommendations by the staff were discounted. The staff/Zoning Review Board share similar approaches to land use change through zoning but the data presented show that the percentages of staff/ZRB conformity rate and staff/Comprehensive Development Plan conformity rate are much higher in comparison to the percentage of staff/Council action conformity rate and Council action/CDP conformity rate. It is therefore safe to assume that as the number of applications increases, there is a probability that the Council's conformity rate will decrease.
### TABLE 3

**STAFF RECOMMENDATION/COUNCIL ACTION CONFORMITY (REZONING) 1977-78**

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter</th>
<th>Applications</th>
<th>Classified</th>
<th>Conformance</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>1st</td>
<td>9</td>
<td>8</td>
<td>6</td>
<td>78.9</td>
</tr>
<tr>
<td>1978</td>
<td>2nd</td>
<td>23</td>
<td>23</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>3rd</td>
<td>23</td>
<td>20</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>4th</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>76</strong></td>
<td><strong>60</strong></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>1st</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>2nd</td>
<td>17</td>
<td>17</td>
<td>11</td>
<td>69.6</td>
</tr>
<tr>
<td>1977</td>
<td>3rd</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>4th</td>
<td>19</td>
<td>19</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>48</strong></td>
<td><strong>46</strong></td>
<td><strong>32</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total 1977-78</strong></td>
<td><strong>128</strong></td>
<td><strong>122</strong></td>
<td><strong>92</strong></td>
<td><strong>75.4</strong></td>
</tr>
</tbody>
</table>


**Council Action/Comprehensive Development Plan**

Table 4 indicates the conformity between the land use designation in the Comprehensive Development Plan and the final action taken by the City Council.
### TABLE 4
COUNCIL ACTION/CDP CONFORMITY (REZONING) 1977-78

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter</th>
<th>Applications</th>
<th>Classified</th>
<th>Council/CDP Conformance</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>1st</td>
<td>9</td>
<td>6</td>
<td>4</td>
<td>67.2</td>
</tr>
<tr>
<td>1978</td>
<td>2nd</td>
<td>23</td>
<td>11</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>3rd</td>
<td>23</td>
<td>19</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>4th</td>
<td>25</td>
<td>17</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>80</td>
<td>58</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>1st</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1977</td>
<td>2nd</td>
<td>17</td>
<td>9</td>
<td>5</td>
<td>58.6</td>
</tr>
<tr>
<td>1977</td>
<td>3rd</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>4th</td>
<td>19</td>
<td>12</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>29</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Total 1977-78</td>
<td>128</td>
<td>87</td>
<td>56</td>
<td>64.4</td>
<td></td>
</tr>
</tbody>
</table>


**Summary**

The data presented in the study show that zoning and land use activity dramatically increased in 1978 as compared to 1977. The staff recommendation/CDP conformity rate (rezoning) 1977-78 was 84 percent; the staff recommendation/ZRB conformity rate (rezoning) 1977-78 was 86 percent. The staff recommendation/Council conformity rate was 75 percent and the Council action/CDP was 64 percent. The data indicate that the staff and the Zoning Review Board shared similar approaches.
to zoning with regard to land use/zoning elements of the CDP due to their higher conformity rates while the Council's lower conformity rates seem to highlight the indifference of the Council to the importance of zoning.

In addition to the factors discussed, the present Atlanta Zoning Ordinance contributes to some of the existing problems. Some of the features of the existing ordinance such as:

(a) No building may be used except for a purpose permitted in the district in which it is located;
(b) no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building be used except for a use permitted in the district in which the building is located; (c) no building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located--barriers to effective zoning.28

Because of these elements of the ordinance, it becomes a bit frustrating for the citizens to convert unused buildings in their neighborhoods to other purposes beneficial to the neighborhood residents. The ordinance also restricts any expansion of institutions or industries that are already located in the neighborhoods or districts. As a result of this, existing institutions which may employ more workers through expansion are prevented from doing so.

Since inconsistency between zoning decisions and land use/zoning elements of the Comprehensive Development Plan is

28 The Atlanta Zoning Ordinance - Compliance with Part; City of Atlanta, Section 16-2005.
a problem in the Zoning Division of the Bureau of Planning, the writer interviewed officials with the Bureau and some members of the City Council to ascertain their viewpoints on this problem. In an interview with Mr. James Bond, who is currently the Acting President of the City Council, he cited the following as contributing factors to the problem:

1. The Atlanta Zoning Ordinance that was adopted in 1976 is old and needs to be reviewed and updated to meet the needs of a rapidly growing city like Atlanta.

2. That a substantial time period should be given to the Council by the mayor to enable them to study the whole detail of the Comprehensive Development Plan before adoption by the Council.

3. The procedure by which the present Comprehensive Development Plan was prepared was not done district by district to include all the areas of the city.

4. The Neighborhood Planning Unit (NPU) planners' inability to play a leading role in the drawing up of the Comprehensive Development Plan to avoid inconsistency.

Mr. Bond's fourth assertion was supported by an article from Intown-Extra of the Atlanta Constitution/Journal entitled "Neighbors and City Planners," dated September 1979, which stated that:

NPUs have been charged that they do not adequately represent the majority opinion in their areas, have lost their focus by moving away from planning and

29 Mr. James Bond, interview held at the Atlanta City Hall, 12th October 1979.
zoning issues to deal with schools and consumer complaints and have become too political.  

In a similar interview with Mr. James Howard who is a Council member representing the Third District, he shared the same opinion expressed by Mr. Bond. But he agrees more with the views expressed by Banfield in an article entitled "Emerging Views of Planning." In that article, Banfield considers comprehensive master planning an impossible ideal due to the following reasons:

An inability to predict the future much beyond five (5) years at a time, an inability to discover the goals of a community on which all can agree, the decentralized character of our political system and lack of knowledge of effective means to achieve ends.

The former Zoning Administrator, Mr. William M. Toliver, supported the Council members' views on the Atlanta Zoning Ordinance and further maintained that it is like any piece of legislation which needs to be reviewed and updated. He rejected any suggestion of a separate non-political body to handle zoning matters but recommended more qualified personnel to be employed in the Zoning Division of the Bureau of Planning.

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32Mr. William M. Toliver, interview held with the former Zoning Administrator, Bureau of Planning, City of Atlanta, 11 October 1979.
In an informal talk with Mr. Stephen Grilli, who is a planner and technical assistant in the Zoning Division of the Bureau of Planning, he revealed that a new Atlanta Ordinance was in progress which will attempt to eliminate some of the zoning related problems caused by the old Ordinance.

In an article by Keith Graham, he quoted the new director of the Bureau of Planning, Ms. Panke Bradley, as saying that "more focus on planning at least in terms of technical support from the city is necessary in the future."³³ There is a consensus among all the people that were interviewed that certain measures should be taken to tackle the zoning problem prevalent in the city.

V. CONCLUSION AND RECOMMENDATION

The analysis of the six cases, comparison of rezoning numerical tables and personal observation clearly demonstrate that there indeed is a problem with regards to zoning decisions made by the City Council vis-a-vis the land use/zoning elements of the Comprehensive Development Plan. In addition, interviews and findings also indicate that there are other contributing factors such as the outdated Atlanta Zoning Ordinance, the procedure by which the present Comprehensive Development Plan was prepared which excluded a large area of the city and the six weeks' time frame that was given by the mayor to the Council to approve and adopt the Comprehensive Development Plan.

In order to resolve the problem of the inconsistency between zoning decisions made by the Atlanta City Council and land use/zoning elements of the Comprehensive Development Plan in the Zoning Division of the Bureau of Planning, the following recommendations are offered:

1. Atlanta Zoning Ordinance should be reviewed and updated to meet the demand of a growing city.

2. The present Comprehensive Development Plan should be reviewed by all of the Neighborhood Planning Units of the Bureau of Planning, City Task Force, Department of Budget and
Planning and Citywide Development Division in order to insure input from all sections of the city.

3. The Council members should be given enough time by the mayor to study the Comprehensive Development Plan/map in order to acquaint themselves with the necessary details of the Comprehensive Development Plan. In addition, a planner should be made available to the Council members to provide technical assistance during their deliberation.

4. The staff recommendation should be the basic guidelines for all decisions involving zoning, land use/zoning elements of the Comprehensive Development Plan.
APPENDIX A

CHECK LIST - REZONING REQUEST
APPENDIX A

Check List - Rezoning Request

1. Original application and three (3) copies typewritten
   a. Existing zoning checks with field books
   b. Description of property checks with legal
   c. Applicant and ownership
   d. Notary Public signature

2. Four (4) copies of legal description

3. Four (4) copies of statement of necessity

4. Original and three (3) copies of Affidavits A or B (if applicable)

5. One (1) copy of survey by registered surveyor or engineer with current or valid seal or number.

6. If residential, townhouse, apartment, or commercial zoning (which allows residential uses) is requested, you should respond directly to the Atlanta Public Schools, concerning vital information for school planning purposes. A form letter will be provided by the Planning Bureau.

7. Four (4) copies of the site plan by a registered architect, landscape architect, land surveyor, engineer, AIP planner (having full membership) for conditional zoning showing, but not limited to, the following:
   a. Location of existing and proposed buildings, square footage and height of each structure
   b. Exact dimensions and acreage
   c. Parking spaces and truck loading spaces (a diagram of parking arrangements may be be picked up at the Bureau of Planning)
   d. For apartments - number of units, density per acre and percentage lot coverage
e. Location of means of ingress and egress
f. Zoning Ordinance setback and dimensions indicated on plan, plus buffer if any
g. Abutting streets and building setback lines
APPENDIX B

CHECK LIST - SPECIAL USE PERMIT
APPENDIX B

Check List - Special Use Permit

1. Original application and three (3) copies typewritten
   a. Description of property checks with legal
   b. Applicant and ownership
   c. Notary Public signature

2. Four (4) copies of legal description

3. Four (4) copies of statement of necessity

4. Original and three (3) copies of Affidavits A and B (if applicable)

5. One (1) copy of survey by registered surveyor or engineer with valid and current seal of number

6. If this use permit or exception is for a residential use, you should respond directly to the Atlanta Public Schools concerning vital information for school planning purposes. A form letter will be provided by the Planning Bureau.

7. Four (4) copies of the site plan by a registered architect, landscape architect, land surveyor, engineer, AIP planner (having full membership) for conditional zoning showing, but not limited to, the following:
   a. Location of existing and proposed buildings with square footage and height of structure
   b. Exact dimensions and acreage
   c. Parking spaces and truck loading spaces
   d. Seating capacity for church (generally one (1) parking space required per each four (4) seats. Parking diagram available through Planning Bureau
   e. Location of means of ingress and egress
   f. Zoning Ordinance setback requirements
   g. Abutting street and building setback lines
   h. Topographic information, if essential
BIBLIOGRAPHY


Atlanta Zoning Ordinance, City of Atlanta.


Bond, James. Interview held at the Atlanta City Hall. 12 October 1979.


Neighborhood Plan (NPU-T). Bureau of Planning, City of Atlanta.


The City Charter. City of Atlanta.

The 1978 City of Atlanta Comprehensive Development Plan.

The Zoning Division Log and Files, Master List of 1977-78 Cases. Bureau of Planning, City of Atlanta.

Toliver, William M. Interview held with the former Zoning Administrator, Bureau of Planning, Atlanta. 11 October 1979.

Zoning Information. Bureau of Planning, City of Atlanta.