

General information

Agenda Section:	Presentation
Applicant:	Planning and Zoning Department
Action Requested:	Discussion
Proposed Subject:	Application of Zoning Overlay Districts

Facts and Issues

I. What is a zoning overlay District?

The term **“Overlay District”** refers to the superimposition of the new district lines on the zoning maps district regulation. “An overlay can be coterminous with the existing zoning districts or contain only part of one or more such districts.” (Bravoso and Jones, 1996) and **Overlay Zone** can be defined as a set of zoning requirements that are described in the ordinance text, mapped, and subsequently imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones they are usually employed to deal with special physical characteristics such as floodplains, historic preservation, steep slopes, shorelines, or other environmentally sensitive areas but they have other applications as well.

Some Overlay Districts are viewed as a means to create sustainable communities, which protect the environment, promote good urban design, foster walkable accessible areas, and utilize appropriate incentives (e.g., in conjunction with the Atlanta regional commission (ARC) successful Livable Centers Initiative (LCI). Through the overlay zoning, new development strategies and options including clustering of development in higher intensities and densities of mixed use can be realized. Transit-oriented developments (TODs) and traditional neighborhood developments (TNDs) ordinances have included overlays, along with watershed protection and historic preservation ordinances. Overlay districts (which like traditional zoning consist of maps and texts) are being considered a part of the arsenal of economic development resources to spur quality growth and community

II. The purpose of the overlay District

The purpose of the overlay District will vary with the intent established by the jurisdiction (i.e., the legislature by which it is created). But generally, the board purpose can include some common factors such as:

1. Conserve natural and historic resources
2. Realize development objectives (without unduly disturbing expectations created by the existing zoning)
3. Provide for transportation facilities to promote safe and convenient pedestrian access and to reduce dependence on automobile travel to mitigate the effects of congestion and pollution.
4. Enforce land-use regulation (under the terms of the law or ordinance, adopting the overlay District).
5. Provide for unique developments (with flexibility and variation from the specific application of the ordinance).
6. Encourage development and redevelopment of properties within the district which enhances economic stability.
7. Permit special regulations to exist within parts or the entire district.
8. Make less restrictive regulations (e.g., fewer parking spaces required) within all or parts of the district.
9. Allow for innovative design and flexibility in projects which are planned for development as a cohesive high-quality development.
10. Allow for conceptual zoning or large land parcels into planned uses for future development.

The overlay District is made operational through the adoption and implementation of a specific zoning overlay ordinance. The overlay District is being utilized more and more in urban environments where the need to create economic development is very critical. The traditional economic development concepts of making community more "wealthy" (meaning creating more jobs and expanding the tax base) is not the complete intent of the overlay. The "sustainability" consideration should be part of the overlay content.

The concept of economic development and sustainability has been couched as follows: "whereas economic growth is defined as more development, more jobs, more taxes, and so on, we defined economic development as raising standards of living and improving the quality of life through a process that specifically lessens inequalities in metropolitan development and the Metropolitan populations standard of living. Further, our distinction between growth and development is not oriented solely to the present because ***economic development is sustainable***. It is growth and change that neither contributes to rising inequalities nor diminishes opportunity for future generations (Fitzgerald and Leigh, 2002).

Some of the most common characteristics of the overlay ordinance include:

- a) contributing to the reuse of existing buildings.
- b) Encourage pedestrian-oriented design of new facilities
- c) enhance the efficient usage of parking (e.g., shared parking)
- d) protect and enhance visual quality.
- e) Create housing options and public open spaces.

III. Characteristics of overlay districts

the types and characteristics of overlay districts will differ depending on the location, existing urban development pattern, infrastructure, availability of transportation systems (i.e., mass transit), and so on. These types of overlay districts include the following:

1. Natural Resources Overlay (conservation)

protection and preservation of natural environment is a key intent in many overlay District ordinances. In rapidly urbanizing communities a great deal of attention is paid to the acquisition of green/open space and maintenance of the natural environment. Through the overlay District view sheds, watershed and stream corridors can be preserved by dedications, easements and various legal mechanisms. These specific approaches are also controlled by the site plan review process in development regulations.

2. Historic Preservation Overlay

conservation of land within environmentally constrained areas can also be an objective of this type of overlay District. The protection of historically significant places, facilities and archaeological artifacts can be accomplished within the specific historic preservation overlay District. The integration of historical elements is much easier to pursue one part of the defined district with related procedures and requirements. Local, state and federal laws relate to these requirements and can be effectively applied.

3. Design Review Overlay

the design review overlay District provides communities with the option to make specific design criteria applicable to development activities within the defined area. The Township of lower Merion, Pennsylvania set the following ten architectural design standards and its overlay :

- a. Promotes structures closer to the front of the lot and easily accessible to pedestrians and requires parking to be located at the rear of the property;
- b. Require structures to face the street and prevents blank walls along the street;
- c. Prohibits parking and loading in the front of buildings;
- d. Allows for public spaces within setbacks;
- e. Creates building height parameters;
- f. Establishes off-street parking controls;
- g. Requires garage parking to be pedestrian-friendly by placing residential or commercial uses on the first floor;
- h. Maintains character of historic districts and villages;
- i. Enhances the visual quality of the sides with window, material, and roof requirements; and
- j. Relates architectural features to adjacent historic buildings.

Some jurisdictions (e.g., Atlanta, Georgia's Special Purpose Overlay Districts (s) utilized a review to ensure that "more opportunity for public input, more political cover, and broader perspective is provided then reviews by staff only"(community choices toolkit). With respect to design, the overlay District regulations break sharply with the underlying traditional or Euclidean zoning. The overlay District may be made to relate to more closely (form-based) zoning codes. By contrast, form-based codes while

allowing greater freedom in determining uses, establish definitive criteria for essential urban and architectural design elements.

These elements include street networks and block patterns; layout and configuration of public open spaces for parks and classes; disposition of buildings, drives and parking; and height, volume and even façade design requirements were both general building types and special buildings. In addition, form-based codes can more effectively relate to development of civic and institutional structures, schools retail shopping, and entertainment and sports venues. Form-based zoning does not however “overlay” the existing regulation should a community not choose to address design control through an overlay district, it can alternatively employ the following approaches (1) more restrictive standards throughout the community, (2) private covenants, (3) more conventional districts, and (4) special exceptions (community choices toolkit). Each of these choices have consequences for the regulatory entity and the community as a whole.

IV. Types of Overlay Districts in Specific Communities

The overlay District has been effectively utilized as indicated to address conditions which can be unique or similar in the various communities throughout the United States. There are many communities around the country which of establish different kinds of overlay districts including Mesa, Arizona; North Phoenix, Arizona; DeKalb County, Georgia (Stonecrest, Georgia); Fayette County, Georgia; Fulton County, Georgia; Snellville, Georgia; Wichita Kansas; Baton Rouge, Louisiana; Raleigh, North Carolina, and Merion, Pennsylvania.

DeKalb County, Georgia

DeKalb County, Georgia adopted three overlay districts on May 2002, (other overlays were subsequently adopted) they include:

- The Stonecrest Compatible Use Overlay District
- The Chandler Road compatible use overlay District
- The Dunwoody zoning compatible use overlay District

The DeKalb County overlay districts were designed to preserve, improve and enhance the urban design character and to further long-term economic viability within the selected areas:

The Stonecrest compatible use overlay District

the Stonecrest overlay District is located in the City of Stonecrest Georgia , along the interstate 20 East and includes the Stonecrest Mall at the interchange with Turner Hill Road.

The purpose and intent of this district is to:

- a) implement the policies of the comprehensive plans;
- b) establish and maintain a balance between individual, commercial and residential growth to ensure a healthy tax base;
- c) support higher density housing and office mixed use (Smart growth) centers;

- d) encourage and efficient land use and development plan by forming a live-work and play environments;
- e) encourage development densities and land-use intensities, which make productive use of alternative transportation modes (including bus transit, rail transit, ridesharing, bicycling, and walking;
- f) encourage formation of a well-designed pedestrian friendly activity Center;
- g) protect established residential areas from encroachment;
- h) promote uniform and visually aesthetic architectural features.

The Stonecrest overlay District is unique in that it was created primarily to affect growth of “greenfield developments”. Built on over one thousand three hundred acres of undeveloped land the district was designed to overlay the existing zoning classification. In doing so, three tiers of development regulations were superimposed. Within each of the tiers and increase in intensity of land use is permitted:

- 1) Tier I: High-Rise Mixed-Use Zone
- 2) Tier II: Mid-Rise- Mixed-Use Zone
- 3) Tier III: Low-Rise Mixed-Use Zone

Public spaces are required to be a percentage of developments proposed in the district, thereby conserving open space and natural areas. Design criteria have also been established. However, since the largest use in the area is a 1.3 million square-foot super regional Mall and associated uses more restrictive covenants and design requirements were generated by the developer. Nevertheless, design guidelines were adopted by DeKalb County government and subsequently the city of Stonecrest which cover the entire overlay District area. The ordinance addresses such factors as landscaping, traditional buffers, street design, and utilities.

Also, inter-parcel access (i.e., Connection of streets, walkways, and parking lots) with easements, if required. A Multimodal Access plan showing linkages (access) between buildings, connection to bike paths, and the public transportation system is required. The tier system indicated that requirements related to specific zones in the Stonecrest overlay District. Specific mixes of permitted uses have been introduced to the district, which we find the underlying zoning; permitting new uses and eliminating others. Height restrictions have been varied to allow for taller structures than under the original zoning. Floor area ratios (F. A. R.) And parking open -space ratios (OS R) have been defined.

To encourage more mixed-use development better connectivity and higher density housing, density bonuses were proposed. These requirements and the sinners vary depending on the tier in which the development is proposed. Conceptual plans must be documented by the developer, certified and reviewed by the planning staff to ensure compliance before development is allowed in the overlay District. The district is currently building out with quality commercial and residential uses.

Unfortunately, no true mix use concepts have yet to be developed. A major incentive package utilizing commercial revenue bonds and tax abatements were used to encourage development in this overlay District. The benefits notwithstanding, overlay districts must be properly designed to prevent

counterproductive or under intended consequences through conflicts with underlying zoning designations and so on. Moreover, a plethora of overlay districts without adherence to time-consuming and costly administrative costs as well as burdensome numerous reviews by limited staff can cause problems with efficiency and effectiveness. Therefore, review and revision of overlay districts may be warranted over time.