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Sponsor Contact Person:

Dr. Frank X. Stegert

Director, Atlanta Urban Observatory

Georgia State University

33 Gilmer Street, S.E.

Atlanta, Georgia 30303

Assigned to: School of Architecture

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ZONING PROBLEMS IN ATLANTA:
TWO STUDIES OF POLICY, PRACTICE AND
COMMUNITY ACCEPTANCE AND THEIR
PROBLEM-SOLVING APPLICATIONS

Atlanta Urban Observatory

in cooperation with

Center for Research in Social Change
Emory University

and

Graduate City Planning Program
Georgia Institute of Technology

February 1972

The research and studies forming the basis for for this publication were conducted pursuant to a contract between the Department of Housing and Urban Development and the National League of Cities. The substance of such research and studies is dedicated to the public. This publication has been prepared prior to submission to and acceptance by the Department of Housing and Urban Development of the final report under the contract. The author and publisher are solely responsible for the accuracy of statements or interpretations contained herein.

B13 22

FOREWORD

When Sam Massell became Mayor of Atlanta in 1969, one of the new institutions which he found available to help him understand the problems of the city and generate possible solutions was the Atlanta Urban Observatory. This study is the first "local agenda" project to be requested by the Observatory Advisory Council; as such it represents a feeling on the part of the Council, and particularly the Mayor, that zoning was the most important problem which confronted him upon assuming office, or at least the most important problem which the Observatory, through its resources in the Atlanta university community, might help him resolve. The attention which has been focused on zoning in Atlanta during the past few months appears to have proven that the Mayor was, indeed, correct when he assumed that it would be a major political issue.

The Mayor presented the Observatory staff with a series of questions about zoning. What is, and ought to be, the relationship between zoning and a master plan? What do Atlantans think about zoning, and how might the community's acceptance of rezoning actions be increased? Is there any way of depoliticizing the zoning process? Is zoning as practiced in Atlanta constitutional?

Three institutions were then selected to work on the overall project: the City Planning Program at the Georgia Institute of Technology (Associate Professor Roger F. Rupnow, study director), the Center for Research in Social Change at Emory University (Mr. Frank J. Clarke, study director), and the Urban Observatory (Professor Frank X. Steggert, overall project director).

Each of the three institutions undertook specific tasks, with the Observatory acting as coordinator and responsible for the overall analysis and conclusions. The results of the overall study will be contained in three volumes. The first, an examination of conditional zoning by Dr. Raymond Otwell of Emory University, has already been released. The two reports in this volume present the results of the Emory and Georgia Tech research. The Observatory analysis will be reported in a third volume.

The Georgia Tech portion of the study consisted of an examination of all applications for rezoning in the city during a 12-month period of 1970 and 1971. Professor Rupnow looks at the relationship between zoning and planning and the effect of rezoning changes on land use. He also approaches citizen attitudes from one perspective: the public hearing. How much opposition to rezoning is there, what arguments are presented, and what is the impact of opposition on the Board of Aldermen.

Emory's task consisted of an in-depth analysis of three specific applications for rezoning from filing to final action by the board, with a focus on the causes of "friction" or conflict in the zoning process. This involved interviews with participants--proponents, opponents, adjacent property owners, government officials. These data deal not only with what citizen attitudes are, but also attempt to point out what factors are likely to result in property owners' becoming involved in zoning controversies. It also characterizes the feelings of Atlanta's aldermen on planning and zoning.

In this volume, these studies will be referred to as the "Rupnow Study" and the "Clarke Study," respectively. Both studies contain recommendations for change in the current zoning process. Some are primarily procedural and can be implemented by the City Planning Department and the Board

of Aldermen with little effort. Overall, however, the most important finding of both reports would appear to be the lack of a philosophy, or clearly articulated, understood, and publicized goals for planning and zoning in Atlanta. Conflict is likely to continue as long as this void is not filled.

One aspect of the Mayor's concern, the question of constitutionality, was dealt with in the Otwell report: A Review of Georgia Zoning Law, with Special Attention to the Legality of the Atlanta Practice of Conditional Zoning. In this report, Dr. Otwell, a lawyer on the staff of Emory University, argues generally that the city is within its rights in requiring that developers agree to certain conditions, in addition to the existing zoning restrictions, before their application is approved.

The Observatory undertook three assignments. First, the staff examined the literature to find out what those concerned with planning and zoning--both academics and practitioners-- were saying about the questions presented by the Mayor. Second, it analyzed the local picture as reflected in recent studies of these and related questions and in media reports.

Third, as originally stated in the concept of the research on zoning, the role of the Observatory was to bring together the research conducted at Georgia Tech and Emory and the literature analysis, media review and discussions with local officials conducted by Georgia State. From these data it was to draw general conclusions and recommendations for presentation to the Mayor and the Board of Aldermen.

However, while this research was in progress, the Mayor indicated that one of his major concerns was the impact of zoning on the supply of low-income housing for the city. When the results of an analysis of the replies obtained during an earlier Observatory citizen attitude

survey became available, among the findings were several which concerned planning, zoning, and the location of low-income housing in Atlanta. Since it was already obvious to the Observatory staff from other work that the location of low-income housing was a major related concern to zoning, a decision was made to add the topic to those being studied at Georgia State and report on it together with the research on zoning. Thus, a third volume, which represents the Observatory's attempt to take an overall look at the Otwell, Rupnow, and Clarke reports, as well as the sources discovered on its own expanded research, will be forthcoming. It will present what the principal Observatory personnel (Professors Steggert and H. Coleman McGinnis) feel are the alternative models which the city might adopt to improve its planning and zoning process, and to solve its low-cost housing problem.

Don L. Spicer
Director
Atlanta Urban Observatory

January 1971

ZONING PROBLEMS IN ATLANTA:
TWO STUDIES OF POLICY, PRACTICE AND COMMUNITY ACCEPTANCE
AND THEIR PROBLEM-SOLVING APPLICATIONS

BOOK 1 THE ATLANTA ZONING PROCESS: AN EMPIRICAL ANALYSIS
 Roger F. Rupnow, M.C.P.
 Graduate City Planning Program
 Georgia Institute of Technology

BOOK 2 THE ATLANTA ZONING PROCESS: CASE STUDIES AND PARTICIPANT VIEWS
 Frank J. Clarke, M.S.
 Center for Research in Social Change
 Emory University

THE ATLANTA ZONING PROCESS: AN EMPIRICAL ANALYSIS

by

Roger F. Rupnow, M.C.P.

STAFF

Project Director

Roger F. Rupnow, M.C.P.

Research Staff

Beverly McCoy
James R. Wilburn

Graphics

James C. Fisher, Jr.

Secretary

Dorothy Beaver

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Appreciation is also expressed to Mr. Hilliard Lee and Mrs. Sarajane S. Pickett of the City of Atlanta Planning Department for their advice and assistance in this project.

This study presents the results of an examination of the Atlanta zoning record for a twelve-month period, including the six months immediately prior to the adoption of a new ordinance for the city in August, 1970, and the six months following its adoption.

While its purpose was not to report the history of zoning in Atlanta, the author feels a brief commentary is essential for a better understanding of the present situation. According to a study by Raymond Otwell, the Georgia General Assembly amended the charter of the City of Atlanta in 1920 to create a City Planning Commission with the power "to recommend or make suggestions to the general council [Board of Aldermen] . . . concerning the establishment of zones or districts [and] suggestions concerning the use, height, area and bulk of buildings or structures."¹ One year later the charter was amended again to provide for the enactment of a zoning ordinance, and the city's first such ordinance was enacted on April 10, 1922.

The 1921 act amending the charter provided that the Mayor and General Council of the city could:

. . . in the interest of the public health, safety, order, convenience, comfort, prosperity, or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, dwellings or other uses of property, or for the purpose of regulating the height of buildings or other structures, or for the purpose of regulating the alignment of buildings or other structures near street frontages. The zoning regulations may be based upon any one or more of the purposes above described. The city may be divided into such number of zones or districts and such districts may be of such shape and area as the Mayor and General Council shall deem best suited to accomplish the purposes of the zoning regulations.

The act further provided for preparation of a comprehensive plan by the City Planning Commission and required that such a plan be completed before a zoning ordinance could be adopted.²

In 1926, the Georgia Supreme Court declared that the Atlanta zoning ordinance violated the due process clauses of both the Georgia and United States constitutions and, hence, was null and void. A few months later, the United States Supreme Court considered the question of zoning for the first time and found that, in principle, the practice did not violate the federal constitution. However, this did not alter the Georgia high court's view as it again held the Atlanta ordinance to be a violation of the state constitution.³

The Georgia legislature then submitted to the voters a constitutional amendment which would grant to the legislature the power to authorize certain named cities (including Atlanta) to enact zoning ordinances. The amendment was adopted in the 1928 general election, and the General Assembly proceeded to pass such an enabling act.⁴ Atlanta then adopted a new ordinance in 1928, and it remained basically unchanged until 1954.⁵

In 1954, as a result of "extensive land use studies conducted by the consulting firm of Harland Bartholomew and Associates of St. Louis, Missouri," the city adopted a new ordinance.⁶ Over the subsequent sixteen-year period, the ordinance was modified and amended many times. The City Planning Department undertook a comprehensive review of the ordinance, and the result was the passage of the present zoning ordinance in August, 1970. The changes were aimed primarily at making the law more consistent and complete; basic concepts were not altered.⁷

Planning Atlanta 1970, a publication of the City Planning Department, explains the contents of the ordinance as follows.

The Atlanta Zoning Ordinance contains 20 zoning district classifications, 12 of which are residential. R-1, R-2, R-2-A, and R-3 are single-family residential districts. Lot sizes in these districts range from 2 acres in R-1 to less than one-half acre in R-3. The R-4 and R-5 residential districts allow for single-family residential development and under certain conditions, duplexes. R-6 and R-7 are duplex dwelling districts. A maximum density of 16 units per acre can be obtained in the R-7 duplex district.

The townhouse (TH) and apartment-limited (A-L) allow for a relatively low-density apartment development. The A-1 district permits garden apartment development with a density of 16 units per acre. The A-2 district permits garden apartment development of a medium density, as well as highrise, high-density apartment construction.

The Zoning Ordinance contains 6 commercial districts. O-I, the office-institutional district, allows office and public service buildings. The C-L district permits a limited number of office and retail uses. C-1 is the retail business district. C-2, while allowing retail uses as in C-1, is basically a service commercial district. C-3 allows both highrise office development and highrise apartment development. C-3 zoning is found in the corridor extending north from the Central Business District along Peachtree Street to Pershing Point. The C-4 district, the Central Business District zoning category, permits highly intensive commercial and office development.

The city has two industrial zoning categories. M-1 allows light manufacturing and warehousing operation; M-2 is the heavy industrial district.

The present ordinance establishes the following as the procedure to be used in effecting a change in the ordinance. Any such application must be initiated by the "owner or owners," or their "authorized agent," of 51 percent of the property within the area to be changed, and filed on the forms provided by the Planning Department. The steps requisite to amend the ordinance are as follows.

Step 1. File application with the Planning Department (zoning desk). The application must be filed on an official form and include a legal description of the property to be rezoned, a statement of necessity, a survey plat of

the property prepared by a registered surveyor or engineer, and a site plan if conditional zoning is requested. The application must be notarized and accompanied with the application fee--which is \$50 for change within a category or \$100 for a change to a different category. The application is dated and given a filing number which indicates the type of request, year filed, the number within the year, and the geographic location (North "N," South "S," or Central "C").

Step 2. The application is presented to the Board of Aldermen who refer it to the Atlanta-Fulton County Joint Planning Board.

Step 3. The application is reviewed by the planning staff and a recommendation is submitted to the Joint Planning Board.

Step 4. The Joint Planning Board reviews the application, visits the site, and makes a recommendation to the Zoning Committee of the Board of Aldermen. This recommendation must be made within 30 days of the date of referral.

Step 5. Notices of a public hearing are posted on the property located within 300 feet of the property described in the application.

Step 6. The Zoning Committee of the Board of Aldermen holds a public hearing at which the arguments for and against the request are heard. In executive session, the Committee considers the arguments, as well as the recommendations of the planning staff and the Joint Planning Board. (The policy of executive sessions was subsequently discontinued because of action by the 1971 Georgia General Assembly.)

Step 7. The Zoning Committee forwards its recommendations to the Board of Aldermen.

Step 8. The Board of Aldermen act on the Committee's recommendation.

Step 9. The Mayor acts only on those applications that are approved by the Board of Aldermen. If he vetoes an application, the Board may override his veto by a two-thirds vote.

Step 10. If approved, the "paper" with accompanying data is sent to the Planning Department for filing. If denied, the applicant must wait 18 months before filing application on the same property or any part thereof.

The Atlanta Zoning Ordinance of today reflects fifty years of experience with zoning as a device for land use control. This study attempts to look at the effect of that ordinance today.

I. INTRODUCTION AND METHODOLOGY

Zoning is designed as a means to protect single-family property values, to prevent the location of uses that are incompatible with each other, and to implement the various plans developed by a community. Since the adoption by the City of Atlanta of the first ordinance in 1920, zoning has often been both strongly supported and severely criticized. Many feel that it is not serving the function it was charged with years ago. Others feel just the opposite, that it is the protective, implementing tool that the early advocates intended it to be.

The purpose of this study was to examine the zoning record for a period of time to determine what actually is taking place in Atlanta today. Included in the study were the following specific functions:

- (a) develop and analyze the zoning record as it is found in the Atlanta city hall;
- (b) analyze these records to determine if there is a relationship between the zoning decisions and the planning goals;
- (c) determine, if possible, whether the adoption of a "new" zoning ordinance in August, 1970, had any effect on the zoning process.

The results of such a study should be of great assistance to the policy makers, planners and residents of the various neighborhoods in their quest for a land use pattern that is in the best interests of the neighborhood residents and the community at large.

The study is an analysis of 154 rezoning requests in the City of Atlanta over a twelve-month period. Only applications for changes in land use were considered and only those filed and initially acted upon by the Zoning Committee of the Atlanta Board of Aldermen within the time period set forth below were analyzed. Special use permits, variances and amendments to the text of the ordinance were not included in the analysis. The twelve-month period was divided into two six-month periods--February 1, 1970, to July 31, 1970, and September 1, 1970, to February 28, 1971. The month of August, 1970, was chosen as the benchmark so that comparisons could be made between the periods prior to and following the adoption by the Board of Aldermen of a new zoning ordinance in August, 1970. Consequently, those applications on which the Zoning Committee held hearings during the month of August are not included in the data collected and analyzed.

Data was obtained on each of the rezoning requests from the following sources:

- (1) application and docket on file in the Planning Department;
- (2) minutes of the meetings of the Atlanta-Fulton County Joint Planning Board;
- (3) minutes of the meetings of the Zoning Committee of Board of Aldermen (the public hearings);
- (4) recommendations of the Planning Department staff;
- (5) official zoning map;
- (6) Planning Department zoning log book;
- (7) Planning Atlanta 1970;
- (8) 1983 Land Use Plan;
- (9) Major Thoroughfare Plan.

In addition, the staff attended several of the meetings of the Zoning Committee as observers.

For the purpose of analysis, the applications were grouped according to their location by section of the city--North, Central, or South. These sections of the city are consistent with those used by the Planning Department and are shown on the map on page 8.

The Atlanta Zoning Ordinance contains twenty land use districts for which rezoning may be requested. See page 3 for a more detailed statement of the content of the Atlanta Zoning Ordinance. For ease of analysis, these districts were grouped into the following six major categories:

| | |
|-------------------|---|
| R (residential) | R-1 through R-7, and R-8 of the old ordinance |
| A (apartment) | A-1, A-2, A-L, TH, and R-9 of the old ordinance |
| A-C (conditional) | All conditional applications in the apartment category |
| C (commercial) | C-1, C-2, C-3, C-4, and O-I, C-L |
| C-C (conditional) | all conditional applications in the commercial category |
| M (industrial) | M-1 and M-2 |

All approvals and denials shown in the tables are final actions by the Board of Aldermen, unless otherwise stated. Some of the rezoning applications are filed on a "conditional" basis, that is, the application is approved on the condition that the petitioner follow the proposal for use specifically as stated in the application, including site plans, landscaping, etc.⁸ In some of the tables, those applications filed conditionally are separated for analysis.

The data available in the Planning Department records were accepted as accurate. The staff did not field check the statements or evaluate the

ATLANTA

REZONING - REQUEST

LEGEND

N REZONING SECTION LINE

4 WARD LINE

No Final Action

6 mth. Denial

Approval

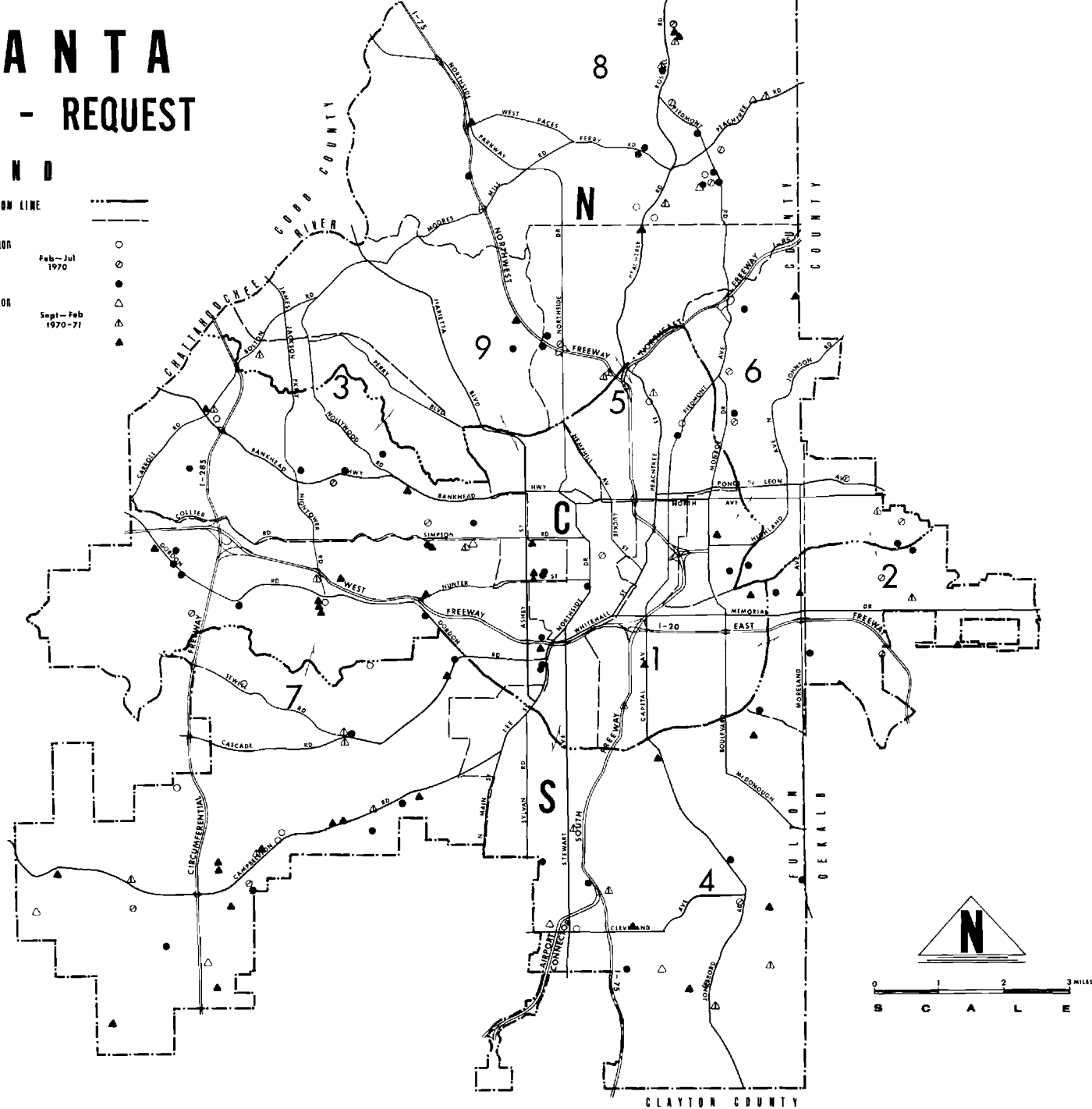
No Final Action

6 mth. Denial

Approval

Feb-Jul
1970

Sept-Feb
1970-71



0 1 2 3 MILES
S C A L E

accuracy of facts set forth on the applications and the supplemental material.

II. HISTORICAL PERSPECTIVE

For purposes of historical perspective, the number of zoning applications filed and the rate of approval during the study period are compared with those filed in the years 1966-1969 in Tables 1 and 2 below.

TABLE 1

Zoning Reclassification by Year

| <u>Zoning Reclassification</u> | <u>1966</u> | <u>1967</u> | <u>1968</u> | <u>1969</u> |
|------------------------------------|-------------|-------------|-------------|-------------|
| Filed | 292 | 240 | 274 | 285 |
| Approved | 127 | 123 | 172 | 123 |
| Percent Approved | 43 | 51 | 63 | 44 |

Source: "Application for Workable Program Re-certification," submitted by the City of Atlanta to the Department of Housing and Urban Development for the calendar years 1966-1969. These figures include amendments to the text of the ordinance as well as amendments to the map (changes in land use).⁹

Note: Remainder of applications (category of "not approved") includes both those denied and those deferred.

TABLE 2

Zoning Reclassification: The Study Period Compared

| <u>Zoning Reclassification</u> | <u>4-Year Average</u> | <u>1970-71*</u> |
|------------------------------------|-----------------------|-----------------|
| Filed | 273 | 154 |
| Approved | 143 | 98 |
| Percent Approved | 49 | 64 |

*The twelve-month period covered by this study: February-July, 1970, and September, 1970-February, 1971.

It is evident at first glance that the number of applications dropped considerably during the twelve months under study. The total for the study period is nearly 40 percent fewer than that for the lowest year in Table 1. Although no data collected in this study provides an explanation for this phenomenon, one could attribute the reduction in the number of applications to the general economic situation. Recent months have not been particularly good for economic growth and development, and the lower number of applications to rezone property for development could be a result of the tight money market. In addition, little undeveloped land remains in the city.¹⁰

A second conclusion which emerges from the tables is the increase in the proportion of applications which was approved during the study period. The average for the prior four years was just under 50 percent and only one year showed a rate over 60 percent; during this twelve-month study period it was 64 percent.¹¹ There are several possible explanations for this. The economic situation might have cut down on the proportion of large developments proposed; the smaller developments might in turn be less controversial and, hence, more likely to win approval. Or, communications among those bodies responsible for zoning matters (the planning staff, joint board, Zoning Committee and full Board of Aldermen) might be improving, resulting in a greater understanding by the first three of what is expected by the board which makes the final decisions. The Planning Department could be having more success in leading applicants to refine their requests along more acceptable lines and in discouraging those applications which have little chance of passage. Any of these explanations is consistent with the first finding as well. Evidence in this study and in the Clarke Study provides some support for these speculations, but totally satisfactory explanations are unlikely.

III. A LOOK AT THE RECORD

The data collected and analyzed as part of this study are shown in a series of tables (see Appendix). The following narrative is designed to assemble for the convenience of the reader what the staff concluded were the significant data related to the "study purpose." Comparisons do appear to be valid in some cases; however, because of the limited sample, few trends can be substantiated.

Of the 154 applications filed during the study period, 82 occurred during the first six months and 72 during the second six months. This indicates that the sharp drop in the number of applications filed, noted above, had already begun prior to the adoption of the new ordinance and, hence, cannot be attributed to the change in law. Breakdowns by geographical location and proposed land use are shown in Tables 3 and 4. Note that the

TABLE 3

Applications by Section of City

| | <u>First Six Months</u> <u>February 1 - July 31</u> | <u>Second Six Months</u> <u>September 1 - February 28</u> | <u>Total</u> |
|---------|--|--|--------------|
| North | 29 (35%) | 15 (21%) | 44 (29%) |
| Central | 30 (27%) | 21 (29%) | 51 (33%) |
| South | 23 (28%) | 36 (50%) | 59 (38%) |
| Total | 82 (53%) | 72 (47%) | 154 (100%) |

South section jumped from 28 percent in the first period to 50 percent in the second, mostly at the expense of the North. Overall, the South accounted for more than its share of applications, 38 percent. It is the most "active" section in terms of development requested. The Central had exactly one-third, and the North only 29 percent.

TABLE 4
Applications by Land Use Category

| <u>Category</u> | <u>First Six Months</u> | <u>Second Six Months</u> | <u>Total</u> |
|-----------------|-------------------------|--------------------------|--------------|
| R | 3 (4%) | 3 (4%) | 6 (4%) |
| A | 21 (26%) | 21 (29%) | 42 (28%) |
| C | 46 (56%) | 42 (58%) | 88 (57%) |
| M | 12 (15%) | 6 (8%) | 18 (12%) |

Overall, commercial rezoning applications account for over half of the total. Apartment zoning is requested in another fourth, with the other two categories trailing far behind. Given the fact that the new ordinance really made no significant changes in overall approaches to land use, one would not have expected it to have a major impact on the kind of rezoning applications presented. Such does turn out to be the case as Table 4 shows no major shift from one category to another. The analysis from this point will, therefore, focus on the overall picture, and breakdowns by time period will be presented only when there are significant differences revealed in the data.

Table 5 shows the breakdown of applications by section of the city and land use requested. Note that commercial applications predominate in the North and Central. While they are also the largest category in the South section, they form a significantly lower percentage, with the difference made up primarily by applications for apartment rezoning, which are almost twice as high in the South. Industrial applications form one-fifth of the total for the Central section and are virtually absent in the other two sections.

TABLE 5
Rezoning Requested by Section of the City

| <u>Category</u> | <u>North</u> | <u>Central</u> | <u>South</u> |
|-----------------|--------------|----------------|--------------|
| R | 1 (2%) | 2 (4%) | 3 (5%) |
| A | 10 (23%) | 9 (18%) | 23 (39%) |
| C | 31 (70%) | 30 (59%) | 27 (46%) |
| M | 2 (5%) | 10 (20%) | 6 (10%) |
| Total | 44 | 51 | 59 |

Two questions which arise from this analysis relate to the size of the parcels for which rezoning was requested and the connections between type of rezoning requested, parcel size, and owner-applicant relationship. The popular image of large developers dominating the zoning process, if true, might be reflected in figures showing agents for property owners making applications for rezoning large tracts while the owners themselves were applying for the smaller tracts.

Tables 6 and 7 show the acreage involved in rezoning petitions broken down by section and land use.

TABLE 6
Acreage Requested for Rezoning by Section (N=138)

| <u>Section</u> | <u>No. Acres Involved</u> | <u>Average Acres per Case</u> |
|----------------|---------------------------|-------------------------------|
| North | 92 (12%) | 2.3 |
| Central | 187 (23%) | 4.3 |
| South | 517 (63%) | 9.8 |
| Total | 797 (100%) | 5.8 |

The average parcel size for the city is 5.8 acres. The average for the South is considerably larger than either of the other two sections, which

is consistent with the larger proportion of apartment rezoning requests (Table 5) which Table 7 shows to contain the largest average acreage of the four land use categories.

TABLE 7

Acreage Requested for Rezoning by Land Use Category (N=138)

| <u>Category</u> | <u>No. Acres Involved</u> | <u>Average Acres per Case</u> |
|-----------------|---------------------------|-------------------------------|
| R | 54 (7%) | 10.8 |
| A | 482 (60%) | 12.0 |
| C | 163 (21%) | 2.1 |
| M | 77 (12%) | 6.1 |
| Total | 797 (100%) | 5.8 |

Tables 8, 9, and 10 present data on owner-applicant relationships. Agents are recorded on 61 percent of the applications in the North and 44 and 43 percent in the other two sections. Thus, agents appear most often in the section showing the smallest average parcel size; it is the most residentially developed section of the city, a fact which is evidenced in the higher number of applications for commercial rezoning.

TABLE 8

Owner-Applicant Relationship by Section of City (N=152)

| <u>Section</u> | <u>Owner</u> | <u>Agent</u> |
|----------------|--------------|--------------|
| North | 17 (39%) | 27 (61%) |
| Central | 28 (57%) | 21 (43%) |
| South | 33 (56%) | 23 (44%) |
| Total | 78 (51%) | 74 (49%) |

The data on owner-applicant relationships by land use category and by parcel size would, however, tend to confound any generalization about

TABLE 9

Owner-Applicant Relationship by Land Use Category (N=152)

| <u>Category</u> | <u>Same</u> | <u>Different</u> |
|-----------------|-------------|------------------|
| R | 4 (67%) | 2 (33%) |
| A | 18 (44%) | 23 (56%) |
| C | 47 (54%) | 40 (46%) |
| M | 9 (50%) | 9 (50%) |

what kinds of applications are filed by agents. Apartment requests do have the highest proportion of agent-applicants, but the variations are not very large. And on parcel sizes, the variations are even smaller.

TABLE 10

Owner-Applicant Relationship by Parcel Size (N=136)

| <u>Parcel Size</u> | <u>Same</u> | <u>Different</u> |
|--------------------|-------------|------------------|
| 0-1 acre | 32 (52%) | 48 (48%) |
| 1.1 - 4.0 acre | 20 (54%) | 17 (46%) |
| 4.1 acre and over | 18 (48%) | 20 (52%) |

The larger parcels are the only ones which have more than half agent-applicants, but the range is only 46 to 52 percent. Lacking information on the type of persons who file the applications, one cannot draw any conclusions about the existence or non-existence of "large developers" (who might be property owners as well), or the association of agent-developers with certain types of proposed developments. The one additional fact which would tend to refute the "large developer" idea is that an examination of the applications revealed only two names which appeared

more than once in 154 applications, and they both appeared only twice.

Character of the Applications

One question consistently arising about zoning applications concerns the character of the surrounding area--what kind of street is it on, how near is it to an intersection, and what is the relationship to adjacent uses? Tables 11 through 15 provide data on these questions.

The first factor which stands out in Table 11 is the high proportion of applications on major thoroughfares in the North section. This is consistent with that section's high percentage of commercial applications.

TABLE 11

Street Classification of Application by Section

| <u>Section</u> | <u>Major</u> | <u>Collector 4-lane</u> | <u>Collector 2 lane</u> | <u>Access</u> |
|----------------|--------------|-----------------------------|-----------------------------|---------------|
| North | 20 (46%) | 8 (18%) | 5 (11%) | 11 (25%) |
| Central | 12 (23%) | 11 (22%) | 11 (22%) | 17 (33%) |
| South | 11 (19%) | 18 (31%) | 15 (25%) | 15 (25%) |
| Total | 43 (28%) | 37 (24%) | 31 (20%) | 43 (28%) |

The Central and South sections are similar to each other, with a somewhat higher proportion of applications on access roads in the former and collector 4-lanes in the latter. For the entire city, the applications are relatively evenly divided among the four categories of streets.

Is there any relationship between street classification and parcel size? It might be expected that the more intensive uses, commercial and industrial, would be located along the major streets while residential areas would be along less traveled streets. Table 12 illustrates that,

TABLE 12

Street Classification and Land Use Requested

| <u>Category</u> | <u>Major</u> | <u>Collector 4-Lane</u> | <u>Collector 2-Lane</u> | <u>Access</u> |
|-----------------|--------------|-----------------------------|-----------------------------|---------------|
| R | 1 (17%) | 2 (33%) | 1 (17%) | 2 (33%) |
| A | 8 (19%) | 8 (19%) | 13 (31%) | 13 (31%) |
| C | 31 (35%) | 27 (31%) | 13 (15%) | 17 (19%) |
| M | 3 (17%) | 0 (00%) | 4 (22%) | 11 (61%) |

while apartment and commercial requests appear to follow the expected pattern, those for industrial fall predominantly along access roads. If these were approved, the traffic patterns could be changed considerably.

Table 13 indicates that 37 percent of the applications filed during the study period were for corner properties. Although no data are available on this point, one would expect that the total amount of property in corner lots is far less than 37 percent of the total number of properties in the city. However, because of their location, corner lots carry a higher value and would be the most likely spots for certain activities,

TABLE 13

Lot Location of Application by Section (N=149)

| <u>Section</u> | <u>Corner</u> | <u>Not Corner</u> |
|----------------|---------------|-------------------|
| North | 16 (36%) | 28 (64%) |
| Central | 21 (43%) | 28 (57%) |
| South | 18 (32%) | 38 (68%) |
| Total | 55 (37%) | 94 (63%) |

especially commercial. As expected, the Central section--the downtown area where blocks are smaller, the street patterns more intense and the number of corners greater--showed the largest proportion of corner applications. The expectation that corner lots would bring a higher proportion of commercial applications holds true, as Table 14 demonstrates, but the relationship is not a strong one. Forty percent of the commercial applications are for corner lots, only 3 percent above the proportion of corner lots which were involved in all rezoning petitions.

TABLE 14

Lot Location and Land Use Requested

| <u>Category</u> | <u>Corner</u> | <u>Not Corner</u> |
|-----------------|---------------|-------------------|
| R | 1 (20%) | 4 (80%) |
| A | 13 (32%) | 27 (68%) |
| C | 34 (40%) | 53 (60%) |
| M | 7 (39%) | 11 (61%) |

As a section, the South shows a higher proportion of applications which are consistent with adjacent uses; the overall differences are not large as no section varies by more than 5 percent from the citywide figure of 56 percent. Relationship to adjacent use is a complex factor to analyze since each piece of property may border on two, three, or more other parcels. In this case, the use is categorized as "similar" if any adjacent property lies in the same zoning district as that requested.

TABLE 15
Relationship to Adjacent Zoning by Section (N=152)

| <u>Section</u> | <u>Similar</u> | <u>Dissimilar</u> |
|----------------|----------------|-------------------|
| North | 24 (55%) | 20 (45%) |
| Central | 25 (51%) | 24 (49%) |
| South | 36 (61%) | 23 (39%) |
| Total | 85 (56%) | 67 (44%) |

Without comparative data from other cities, it is difficult to judge whether the overall figure of 56 percent similarity to adjacent uses for Atlanta rezoning applications is high or low. However, if zoning is supposed to preserve compatible uses, and if the criterion for similarity is that it be the same district as any adjacent parcel, then this figure would seem quite low.

What kinds of applications are similar to adjacent uses, and which are not? One might expect, for instance, that applications for the more intensive uses--commercial and industrial--would tend to be similar more often than those for the less intensive uses, if there is any logic to the categorization of land uses. Table 16 indicates that this is, indeed, the case. With the exception of residential applications, which are too few to really be considered, applications for each more intensive use show

TABLE 16
Relationship to Adjacent Zoning by Land Use Requested (N=152)

| <u>Category</u> | <u>Similar</u> | <u>Dissimilar</u> |
|-----------------|----------------|-------------------|
| R | 5 (83%) | 1 (17%) |
| A | 18 (44%) | 23 (56%) |
| C | 50 (57%) | 37 (43%) |
| M | 12 (67%) | 6 (33%) |

a closer similarity to adjacent zoning than the less intensive uses. However, even for the most intensive use, industrial, similarity is present in only two-thirds of the cases.

One might also expect that applicants would attempt to make the first "incursion" into an area at a corner rather than in the middle of the block, assuming that governing bodies would accept the idea that corners were appropriate for more intensive uses, and that there would be less opposition on the basis of "spot zoning." However, Table 17 indicates that this is not

TABLE 17

Relationship to Adjacent Zoning and Lot Location (N=147)

| <u>Lot Location</u> | <u>Similar</u> | <u>Dissimilar</u> |
|---------------------|----------------|-------------------|
| Corner | 28 (54%) | 24 (46%) |
| Not Corner | 57 (60%) | 38 (40%) |

the case. It may be that the crudeness of the measure of similarity (the existence of similar zoning on any single piece of property adjacent to the proposed parcel) is responsible for this lack of correlation between location and similarity. That is, corner lots, being surrounded by roads on two sides, are, therefore, adjacent to fewer properties on the average than non-corner lots and thus have less chance of being located next to one which is similar in zoning classification.

Finally, is there any relationship between current zoning classification and proposed use? Is there a "pattern of use change" which emerges from the data? Table 18 indicates that, of the 154 applications filed, 103, or 67 percent, were to rezone land then classified R. Note that each classification contains a number of land use districts; some

applications which appear in the table are for a different district within the same classification. The numbers are so small that, beyond the statement that the great majority of all applications were filed for land currently zoned R, it is difficult to make any further generalizations about the relationship of current use to proposed use, or about the tendency of applicants to follow any "natural order." It is interesting to note that 15 (10 percent) of the applications requested a less intensive use than that currently permitted for land; this would seem to indicate that some land had been overzoned in the past, perhaps due to a lack of planning, or that development did not occur as anticipated.

TABLE 18

Rezoning Applications by Present and Proposed Land Use

| Proposed | Present | | | | Total |
|----------|-----------|----------|----------|----------|-------|
| | <u>R</u> | <u>A</u> | <u>C</u> | <u>M</u> | |
| R | 3 (50%) | 1 (17%) | 1 (17%) | 1 (17%) | 6 |
| A | 30 (71%) | 3 (7%) | 4 (10%) | 5 (12%) | 42 |
| C | 59 (67%) | 17 (19%) | 11 (13%) | 1 (1%) | 88 |
| M | 11 (61%) | 6 (33%) | 0 (00%) | 1 (5%) | 18 |
| Total | 103 (67%) | 27 (18%) | 16 (10%) | 8 (5%) | 154 |

Zoning, Planning, and Goal Attainment

One major aspect of the planning process in any community is the formulation or establishment of a set of goals. These goals have usually been delineated by the policy makers, both elected officials and appointed department heads and subordinates, with little participation by the citizenry.

Recently, a few cities, notably Dallas and Los Angeles, have gone through an extensive program of "goals formulation" with elaborate machinery

for the involvement of the general public.¹²

Most of the goals for the City of Atlanta which can in any fashion be considered "official" have been formulated in the traditional fashion. These goals can be found in a series of published documents, reports, and public statements, and they represent the result of research conducted by the staffs of the various city departments, often supplemented by consultants, combined with the perceptions and attitudes of those responsible for decision making. Some are very clear and explicitly stated while others are vague, or difficult to find, or both, hence, are difficult to use.

One of the most explicit statements of the desired future for the City of Atlanta is the 1983 Land Use Plan. This study has not and cannot focus on the question of whether that plan is compatible with goals which the city has established in areas such as education, transportation, housing, and recreation as set forth in various reports.¹³ The question to be investigated here is whether, under current conditions, zoning is being used in its proper role as a tool to implement development in the direction outlined by the 1983 Land Use Plan. This examination of the character of the applications is not based on the assumption that applicants do or should conform to the "goals" which are outlined; this section is merely descriptive. The outcome of these applications, as judged by government officials who have adopted, or at least accepted, these goals, is the subject of a later section.

As Table 19 illustrates, applicants do not appear to know about or to be too concerned with the 1983 plan. Only 40 percent of the applications requested uses which were in conformity with those designated in the plan. Conformity dropped after the adoption of the new ordinance, although the difference is not great. The sections of the city do not show significant

variation in degree of conformity. Neither do the categories of land use applied for. Conformity is simply low across all sections of the city and all categories of zoning.

TABLE 19
Conformity to 1983 Land Use Plan (N=152)

| <u>Section</u> | <u>First 6 Months</u> <u>Agree</u> | <u>Second 6 Months</u> <u>Agree</u> | <u>Total</u> <u>Agree</u> |
|----------------|---------------------------------------|--|------------------------------|
| North | 12/29 (41%) | 4/15 (27%) | 16/44 (36%) |
| Central | 11/28 (39%) | 11/21 (52%) | 22/49 (45%) |
| South | 12/23 (52%) | 11/36 (31%) | 23/59 (39%) |
| Total | 35/80 (44%) | 26/72 (36%) | 61/152 (40%) |

| <u>Category</u> | <u>Agree</u> |
|-----------------|--------------|
| R | 4/6 (67%) |
| A | 14/41 (34%) |
| C | 36/87 (41%) |
| M | 7/18 (39%) |

Several specific land use goals are outlined in the 1983 plan.¹⁴ Data in this study can be examined in relation to some of them. One is to "effectively counter the adverse effects of strip zoning," that is, to develop commercial facilities in centers as opposed to strips along major streets. In view of the fact that only 40 percent of the applications conform with the plan, and that only 56 percent are similar to adjacent uses (Table 15), applicants do not seem to have accepted the fact that strip zoning is necessarily undesirable.

The second goal is to encourage "higher density residential uses." The second largest number of applications (28 percent) was for apartment rezoning, and this included 60 percent of the total area petitioned for

rezoning. Applicants do appear to be willing to develop apartments, but in view of the low conformity with adjacent zoning (44 percent, the lowest of any of the four categories), applicants for apartment zoning do not appear to be following the second portion of this goal, to "preserve amenities and desirable environment associated with single-family residences." Another goal is the "continued development of industrial areas in relation to major transportation arteries." Sixty-one percent of the industrial applications filed were located on access roads (Table 12), which is not in keeping with this goal. Overall, applicants for rezoning do not appear to be concerned with the 1983 Land Use Plan or other land use goals as stated by the City Planning Department.

Summary

Thus, the character of the 154 applications for rezoning filed during the twelve months under study appears as follows: 1) the South sector had more activity than the other two, although not by a wide margin; 2) a majority of the applications requested commercial land use, with over three-fourths of the total being residential at the time of the application; 3) the average parcel size was 5.8 acres, with the South having the highest average and the most requests for apartment rezoning, which overall carried the largest average size, 12 acres, as opposed to the 2.1 acres for the average commercial request; 4) the owner was the applicant in 51 percent of the cases, with the North sector showing the highest proportion of agent-applicants; there was little relationship between owner-applicant and either parcel size or land use requested; 5) the applications were

divided fairly evenly among the four categories of streets, but 46 percent of the applications in the North were on major streets, and 61 percent of the industrial applications were on access streets; 6) corner lots accounted for 37 percent of the applications, with the proportion highest in the Central section; there was little difference across land use category requested; 7) 56 percent of the applications were for uses similar to those on adjacent properties, with apartment requests showing the lowest conformity and industrial the highest; lot location was not important; and 8) only 40 percent of the requests were in conformity with the 1983 Land Use Plan, with little difference across sections of the city or categories requested.

Overall, the most significant findings here appear to be the high proportion of commercial requests (with apartments ranking a close second in the South), the lack of relationship between agent-applicants and character of the application, and the general lack of conformity to the 1983 Land Use Plan or to adjacent zoning.

IV. FROM APPLICATION TO ACTION

The Board of Aldermen has the final authority on zoning actions in Atlanta but, like most legislative bodies, it works through a committee system. The Zoning Committee, which is made up of four members, holds a public hearing, receives the recommendations of the planning staff and Joint Planning Board, and takes one of three actions: it recommends approval or denial to the full Board of Aldermen, or it defers the application (either to itself or back to the joint board).

Overall, the Zoning Committee recommended approval for almost 70

percent of those applications on which it had taken a definite action by the end of the study period. The approval rate was highest for the Central section and lowest for the North.¹⁵ Except for applications for residential zoning, which again are too few to really examine, the committee's recommendations did not vary significantly from one category to another, with apartment and commercial requests showing an almost identical approval rate, and industrial somewhat lower. Neither area of city nor type of rezoning requested appears to have much effect on the Zoning Committee's actions.

TABLE 20
Zoning Committee Action by Section of City

| <u>Section</u> | <u>Approved</u> | <u>Denied</u> | <u>(No Action)</u> |
|----------------|-----------------|---------------|--------------------|
| North | 24 (60%) | 16 (40%) | (4) |
| Central | 36 (78%) | 10 (22%) | (5) |
| South | 38 (68%) | 17 (32%) | (4) |
| Total | 98 (70%) | 43 (30%) | (13) |

TABLE 21
Zoning Committee Action by Land Use Requested

| <u>Category</u> | <u>Approved</u> | <u>Denied</u> |
|-----------------|-----------------|---------------|
| R | 1 (25%) | 3 (75%) |
| A | 27 (71%) | 11 (29%) |
| C | 60 (72%) | 23 (28%) |
| M | 10 (62%) | 6 (38%) |

A total of twenty-eight applications, eleven for apartment zoning and seventeen for commercial, were conditional. One might expect that such requests, by which the committee could be assured that, by law, the applicant had to follow through on his stated plans, might meet with a more favorable response. As Table 22 shows, the committee was indeed more likely to approve conditional requests for apartments. In the case of commercial requests, the attachment of conditions did not make much difference. These numbers are too small to make generalizations;

TABLE 22

The Effect of Conditional Requests on the Zoning Committee

| <u>Zoning Requested</u> | <u>Approved</u> | <u>Denied</u> |
|-------------------------|-----------------|---------------|
| A | 18 (67%) | 9 (33%) |
| A-Conditional | 9 (82%) | 2 (18%) |
| C | 48 (73%) | 18 (27%) |
| C-Conditional | 12 (71%) | 5 (29%) |

however, it is clear, first, that conditional zoning requests make up only about 25 percent of the requests in these two categories (and 20 percent of the total requests) and, second, that conditional requests do not stand a much better chance of receiving a favorable recommendation from the committee than do those with no conditions attached.

This section has focused solely on actions by the Zoning Committee. Factors associated with agreement or disagreement among those people responsible for zoning decisions (City Planning Department, Joint Planning Board, Zoning Committee, Board of Aldermen) will be discussed in the next section. However, it is worth noting here that the opinions of the Zoning

Committee and the full board appear to be very consistent. This congruence is reflected in Table 23.

TABLE 23

Approval Rates of Zoning Committee and Board of Aldermen*

| <u>Section</u> | <u>Committee</u> | <u>Board</u> |
|----------------|------------------|--------------|
| North | 24 (60%) | 22 (58%) |
| Central | 36 (78%) | 35 (76%) |
| South | 38 (68%) | 36 (69%) |
| Total | 98 (70%) | 98 (68%) |

| <u>Category</u> | | |
|-----------------|----------|----------|
| R | 1 (25%) | 1 (20%) |
| A | 27 (71%) | 25 (74%) |
| C | 60 (72%) | 56 (70%) |
| M | 10 (62%) | 11 (65%) |

*Of the total of 154 cases involved, the committee had taken no action on 13, the board on 18 when the study period ended; hence, slight differences could be attributed to the different number of cases involved.

The remainder of this analysis will concentrate on the Board of Aldermen, both because it has the final authority in zoning matters and because of the close agreement between the bodies.

The Effects of Deferral

Of the 154 applications filed during the study period, 136 had moved through the process completely and received final action by the Board of Aldermen.¹⁶ An even 100 of these were decided at the earliest opportunity by both the Zoning Committee and the full board, while 36, or 26 percent,

were deferred at some stage before final action. Deferrals might result from the desire of the committee or the board for more information (with unpredictable effects on the final action), or from the desire of certain people in the process to work out a compromise (which would enhance the petition's chances of success). While for the total city deferral seemed to make no difference whatsoever in the outcome, as seen in Table 24, there are some differences among both sections and land use requests.

TABLE 24

The Effect of Deferral on Decision Outcome

| <u>Section</u> | <u>Not Deferred</u> <u>Approved</u> | <u>Deferred</u> <u>Approved</u> | <u>Total</u> <u>Approved</u> |
|----------------|--|------------------------------------|---------------------------------|
| North | 15/30 (50%) | 7/8 (88%) | 22/38 (58%) |
| Central | 26/34 (76%) | 9/12 (75%) | 35/46 (76%) |
| South | 27/36 (75%) | 9/16 (56%) | 36/52 (69%) |
| Total | 68/100 (68%) | 25/36 (69%) | 93/136 (68%) |

| <u>Category</u> | | | |
|-----------------|-------------|-------------|-------------|
| R | 1/5 (20%) | ----- | 1/5 (20%) |
| A | 17/25 (68%) | 8/9 (89%) | 25/34 (74%) |
| C | 40/58 (68%) | 16/22 (73%) | 56/80 (70%) |
| M | 10/12 (83%) | 1/5 (20%) | 11/17 (65%) |

Deferred cases appear to have a considerably better chance of succeeding in the North (although the number of deferrals was small), especially compared to the South. By land use category, apartment requests which are deferred stand a better chance of gaining approval, while the opposite is true for industrial applications although, again, caution should be exercised in interpreting these results because of the small number

of cases. For instance, apartment requests are found most frequently in the South. Deferred apartment requests were approved in 89 percent of the cases, but overall, the South showed the lowest approval rate for deferred cases.

Table 25 looks at the same data from a different perspective. Were applications in a specific section or for a particular use category more likely to be deferred? Deferrals appear to occur more often for applications from the South, but the differences are not great. There are almost no differences in the rate of deferral for different land uses requested.

TABLE 25
Deferrals by Section and Land Use Requested

| <u>Section</u> | <u>Not Deferred</u> | <u>Deferred</u> |
|----------------|---------------------|-----------------|
| North | 30 (79%) | 8 (21%) |
| Central | 34 (74%) | 12 (26%) |
| South | 36 (69%) | 16 (31%) |

| <u>Category</u> | | |
|-----------------|----------|----------|
| R | 5 (100%) | 0 (00%) |
| A | 25 (74%) | 9 (26%) |
| C | 58 (72%) | 22 (28%) |
| M | 12 (71%) | 5 (29%) |

Finally, Table 26 examines the questions of whether conditional applications are treated any differently from regular apartment and commercial applications, both as to rate of deferral and likelihood of eventual approval if deferred. Again, the small numbers suggest caution in making generalizations. It does appear, however, that conditional

requests have a better chance of gaining approval after being deferred; if they go through the procedures with no such delay, they are less likely than regular applications to be approved. Deferral is more likely for conditional requests than for regular (unconditional) requests by a margin of nearly three to one. One explanation for this might be that conditional

TABLE 26

Effect of Conditional Zoning Applications on Deferrals

| <u>Category</u> | <u>Not Deferred</u> | <u>Deferred</u> | <u>Not Deferred Percent Approved</u> | <u>Deferred Percent Approved</u> |
|----------------------------------|-------------------------|-----------------|--|--------------------------------------|
| A | 21 (81%) | 5 (19%) | 67 | 80 |
| A-Conditional | 4 (50%) | 4 (50%) | 75 | 100 |
| C | 47 (74%) | 17 (26%) | 72 | 71 |
| C-Conditional | 11 (71%) | 5 (29%) | 54 | 80 |
| A & C | 68 (76%) | 22 (24%) | 71 | 73 |
| A-Conditional & C-Conditional | 15 (62%) | 9 (38%) | 62 | 89 |

requests have more factors which must be reviewed and approved; hence, the process would take more time. Another possibility is that conditional requests could be filed when the applicant expects controversy; the conditions would reflect his attempt to work out a development proposal acceptable to those involved. Where controversy exists, the committee or the board might reasonably desire more information, or it might want to give the parties additional time to further refine the compromises. In either case, it would defer the application. These efforts to work out solutions at least generally acceptable to most of those involved would naturally take more time, but the likelihood is that such proposals would be more

satisfactory and more likely to win approval. Such was indeed the case, as Table 22 illustrated, although the difference was not great.

The Board's Actions: Character of the Applications

Discussion in an earlier section focused on the character of the applications filed during the study period. Did the board's reaction to the 154 petitions reflect any tendency to favor certain types of applications over others? That question is examined below.

On parcel size, data is available for 138 cases, of which 120 had completed the process at the end of the study period. Citywide, the moderate sized parcels, those of between one and four acres, gained approval at a very high rate, 87 percent, while those smaller and larger were just over 60 percent. The larger parcels were most likely to be

TABLE 27

Board Action by Parcel Size and Section of City
Percent Approved (N=120)

| <u>Parcel Size</u> | <u>North</u> | <u>Central</u> | <u>South</u> | <u>Total</u> |
|--------------------|--------------|----------------|--------------|--------------|
| 0 - 1 Acre | 9/19 (47%) | 19/25 (76%) | 8/14 (57%) | 36/58 (62%) |
| 1.1 - 4.0 Acres | 8/10 (80%) | 11/11 (100%) | 8/10 (80%) | 27/31 (87%) |
| Over 4.0 Acres | 3/6 (50%) | 0/3 (0%) | 16/22 (73%) | 19/31 (64%) |

approved in the South (the least developed section of the city, where apartment applications were frequent) while the smaller ones had a considerably better chance in the Central section than elsewhere.

Table 28 presents data on street classification, with applications on collector 4-lane streets showing the highest rate of approval and those for access roads having the lowest rate. The development which

TABLE 28

Board Action by Street Classification and Section of City
Percent Approved (N=136)

| <u>Classification</u> | <u>North</u> | <u>Central</u> | <u>South</u> | <u>Total</u> |
|-----------------------|--------------|----------------|--------------|--------------|
| Major | 9/16 (56%) | 9/10 (90%) | 5/8 (62%) | 23/34 (68%) |
| Collector 4-Lane | 5/7 (71%) | 9/10 (90%) | 13/17 (76%) | 27/34 (79%) |
| Collector 2-Lane | 3/5 (60%) | 5/10 (50%) | 11/13 (85%) | 19/28 (62%) |
| Access | 5/10 (50%) | 12/16 (75%) | 8/19 (57%) | 25/40 (62%) |

would result from a large number of zoning changes along a street would in turn generate more traffic. The implication, therefore, of the 79 percent approval figure for collector 4-lane roads is that the policy makers may well be effectively changing street types and consequently compelling an adjustment of traffic patterns and construction plans by their actions, in all likelihood without being aware of these consequences.

Lot location does not appear to have much impact on the board's action. Only in the Central section is there a significant difference between the

TABLE 29

Board Action by Lot Location and Section of City
Percent Approval (N=134)

| <u>Lot Location</u> | <u>North</u> | <u>Central</u> | <u>South</u> | <u>Total</u> |
|---------------------|--------------|----------------|--------------|--------------|
| Corner | 9/15 (60%) | 14/21 (67%) | 13/17 (76%) | 36/53 (68%) |
| Not Corner | 14/23 (61%) | 21/24 (87%) | 24/34 (71%) | 59/81 (73%) |

two categories; non-corner lots receive a 20 percent higher rate of approval. This might be explained because of a relationship to traffic patterns; with the section already heavily impacted by transportation resulting from downtown activities, the board may well feel that less intensive uses are

no longer feasible in this area.

The board appears to treat applications for each land use category about equally; apartment, commercial, and industrial applications all stand approximately a two-thirds chance of gaining approval. Does the classification in which the parcel rests at the time of the application make any difference to the board? See Table 30. One might expect that

TABLE 30

Board Action by Present and Proposed Zoning Category (N=137)

| <u>Proposed</u> | <u>Present</u> | | | |
|-----------------|----------------|-------------|------------|------------|
| | <u>R</u> | <u>A</u> | <u>C</u> | <u>M</u> |
| R | 1/3 (33%) | 0/1 (00%) | 0/0 --- | 0/1 (00%) |
| A | 18/24 (75%) | 2/2 (100%) | 3/3 (100%) | 2/5 (40%) |
| C | 38/56 (68%) | 10/14 (71%) | 7/9 (78%) | 1/1 (100%) |
| M | 5/10 (50%) | 5/6 (87%) | 0/0 (00%) | 1/1 (100%) |

the board would be more willing to grant the applicant the next most intensive use for his parcel than any more intensive use, if the order of land uses as outlined in the ordinance were based on any rationale for orderly growth. This is indeed the case for land zoned residential at the time of the application. The approval rate is highest for apartment requests and drops in order for commercial and industrial. Industrial requests for apartment district land were more likely to be approved than were commercial requests, contrary to the expected order, but here the numbers are too small to conclude that the board is violating the intent of the ordinance to any great extent. Since two-thirds of the requests for rezoning examined here were for land currently zoned residential, that is the only category with enough cases to examine closely. There the board is following the order in the sense that it is more likely to

grant requests for a one-step increase than for more intensive uses, but even here one might question the fact that 68 percent of the requests for commercial rezoning are approved, as are 50 percent of the requests for industrial, a three-step increase. This might be explained by data reported on Table 16. Industrial requests tended to be similar to adjacent uses more often than either commercial or apartments, and this similarity could be offsetting the more radical change in land use requested as far as the board is concerned.

If the board considered planning criteria significant, one would expect that it would approve more applications which were similar to adjacent zoning and which conformed to the 1983 Land Use Plan. Tables 31 and 32 indicate, however, that these two factors do not appear to have much influence on the board's actions at all. There is a 6 percent

TABLE 31

Board Action and Relationship to Adjacent Uses (N=134)

| <u>Relationship</u> | <u>Approved</u> | <u>Denied</u> |
|---------------------|-----------------|---------------|
| Similar | 56 (71%) | 23 (29%) |
| Dissimilar | 36 (65%) | 19 (35%) |

TABLE 32

Board Action and Conformity to 1983 Land Use Plan (N=135)

| <u>Conformity</u> | <u>Approved</u> | <u>Denied</u> |
|-------------------|-----------------|---------------|
| Conform | 31 (71%) | 14 (29%) |
| Not Conform | 56 (67%) | 28 (33%) |

difference in the relationship to adjacent uses category and a 4 percent difference in the conformity to plan category; neither of these are significant when compared to other variables that have been considered. Since applications which do not conform to the plan are being approved at almost as high a rate as those which do, it should be obvious that the city is not moving in the direction called for by that plan.

Summary

Overall, the data do not show that many major kinds of applications are treated more favorably or unfavorably than similar applications by the Board of Aldermen. The overall approval rate for the city, for those cases which had reached a conclusion by the end of the study period, was very close to 70 percent. Approval is highest for those applications from the Central section, lowest for the North. The difference is 20 percent. Apartment and commercial requests both gain approval in about 70 percent of the cases, with industrial slightly lower. Conditional requests for apartments are more likely to gain passage, but conditional commercial requests are less likely to do so. Deferral is most likely to help petitions from the North and hurt those from the South, to help apartment requests and hurt industrial. Deferral is most likely to occur in cases from the North, least likely for those from the South; almost no difference appears by type of land use requested. Petitions most likely to be approved, by character of the parcel, include those of medium size (1.1 - 4 acres), lying on collector 4-lane roads, and not located at an intersection; least likely to win passage are those of the smallest size (less than one acre), lying on collector 2-lane or access roads, and located at an intersection.

V. THE ZONING PROCESS AND POLITICS

The requirement for a public hearing before the Zoning Committee can be interpreted as an acknowledgement by those responsible that the general public has a "right to be heard" on zoning applications. Without such a hearing, the committee would have only information from the application and the evaluations of the Planning Department and Joint Planning Board. The petitioner, obviously, would be an advocate; the planning staff and joint board are not necessarily advocates, but the criteria by which they evaluate applications might not be the same as those of citizens who are affected by the zoning change requested. One would expect, therefore, that the information provided at the public hearing, which the committee would not otherwise obtain, centers primarily around the opinions of affected citizens, and that these opinions are, more often than not, in opposition to the proposed change. What do the arguments advanced at the public hearing reveal about the attitudes of those involved in the zoning process?

The Arguments

Minutes of Zoning Committee public hearings sometimes outline the arguments presented for and against particular applications. Since these minutes are not kept in any systematically quantified manner, no attempt was made to "count" the number of times a particular argument was advanced. Rather, it was evident from an examination of these minutes that certain arguments were repeated in a great majority of the cases, and those arguments are presented here.

Most of these arguments are strictly opinions of the people presenting

them, based on everything from varying amounts of knowledge from prior experience with the results of zoning changes to "feelings" based on no evidence whatsoever. Sometimes documentary supporting evidence is presented, in the form of studies by consulting firms or statements from city departments which might be affected by the proposed change.¹⁷ It should be kept in mind that what is being presented here are arguments; no attempt is made to evaluate their accuracy.

Opponents' arguments can be divided into five basic categories: traffic and congestion, inadequate community facilities, change in character of the neighborhood, strip zoning, and spot zoning. The order in which they are listed does not indicate the number of times that they appeared in the minutes.

(1) Traffic and congestion: These problems were cited as major reasons for discouraging heavy-traffic generating uses, e.g., commercial activities. The conditions cited included heavy traffic volumes, narrow streets, inadequate traffic lights, and the absence of sidewalks.

(2) Inadequate community facilities: A concern about the impact of increasing densities was evident. Due to increased densities, the opponents argue that additional burdens are being placed on sewerage and water systems, garbage collection, police and fire protection, park and recreational facilities and, most often, educational systems.

The extreme overcrowding of Atlanta public schools was expressed as a major point of opposition against rezoning for higher density uses, with apartments obviously being the most objectionable to many citizens. Conditions such as overcrowded classrooms, shortage of teachers, and insufficient playground and other school facilities were cited.

(3) Change in character of neighborhood: The "encroachment" of multiple-family, commercial and industrial uses on single-family residential areas was felt to bring about a lowering of single-family residential property values. These uses were also believed to effect an unwanted change on residential areas in terms of its character, traffic, noise, undesirable persons, etc.

(4) Strip zoning: The proliferation of ribbon commercial developments along major traffic arteries was cited as undesirable. The volume of traffic and the unaesthetic qualities of this type of development were primary reasons for opposing commercial uses along heavily traveled roads.

(5) Spot zoning: The location of a "foreign" use in a homogeneous district, particularly a residential district, was opposed.

In addition to these five basic categories, less frequently cited arguments included the lack of need for the proposed development in the area, lack of need to increase densities, and lack of conformity with the 1983 Land Use Plan.

The reasons offered by the proponents do not really seem to be offered in support of the proposition but were rather designed to counter the arguments advanced by the opposition. They suggested, for example, that the new use would not increase traffic, would not lower property values, or would not cause a burden on schools or other public facilities.

However, when proponents did advance generally supporting arguments, they tended to center around the character of the area or of the property itself.

(1) Character of the area: An application was defended on the basis that the proposed use was appropriate for the area's needs, or that similar

uses were located in the vicinity of the property in question and consequently the proposed use was only a reasonable extension of an existing situation.¹⁸

(2) Character of the property: The argument was advanced that the proposal was the "highest and best use" possible, or that no other use could be made of the property because of an unusual size or shape, its location, or its topography.

In sum, the arguments presented by both sides are not very different from case to case; focus appears to be on the character of the property itself and the estimated effects of the change on the neighborhood. It is interesting that planning criteria in general, and the 1983 Land Use Plan in particular, are conspicuous by their absence from such discussions. Since only 40 percent of the applications submitted during the study period conformed with the plan, one would not expect proponents to talk much about it. But the fact that opponents do not hit hard on that point, or talk about "good planning" in their arguments, indicates that they, apparently, do not know about the plan or understand the concept of "planning," that they do not consider such criteria important themselves, or that they do not believe that the aldermen consider them important. One might expect that the number of citizens familiar with specifics of the land use plan (whether or not they know of its existence) is probably low. The Clarke Study has some additional data on this point.

It seems fairly clear from this evidence that the public hearing does not focus on the "planning" aspects of rezoning applications.

The Volume of the Public Voice

One might hypothesize that the aldermen, being elected officials,

might well be swayed not only by what is said at the hearing but also by how many are saying it.¹⁹ Does the appearance of large groups at the hearing show any relationship to the outcome of the petition? Unfortunately the Zoning Committee records are not complete--there was no indication in 50 of the 154 cases (32 percent) of how many persons appeared at the hearing.²⁰ The following analysis, then, is based on 104 petitions. Since these 104 cases are a "sample" of the total universe, and since their selection is based on no scientific criteria (such as random sampling) but was necessitated by the incomplete nature of the city records, it is first necessary to ask just how representative of the total universe this sample is. Table 33 demonstrates that with respect to at least two factors,

TABLE 33

Representativeness of the Sample of 104 Cases

| <u>Category</u> | <u>Percent Sample</u> | <u>Percent Total Cases</u> |
|--------------------------------|-----------------------|----------------------------|
| R | 3 | 4 |
| A | 32 | 28 |
| C | 54 | 57 |
| M | 11 | 12 |
| <u>Final Action (Approved)</u> | | |
| R | 33 | 33 |
| A | 74 | 80 |
| C | 70 | 64 |
| M | 70 | 65 |

the distribution of land use requested and the final outcome broken down by land use category, the cases are indeed a reasonably representative sample. The greatest difference between the sample and the universe in any category is 6 percent.

How often do citizens appear at these hearings to make their views

known? How many come? Do they usually support or oppose applications?

Table 34 indicates that, on the last question at least, there is a clear

TABLE 34

Size of Groups Appearing at Hearing (N=104)

| <u>Action</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|---------------|-------------|-------------|---------------------|
| Favor | 15 (14%) | 84 (82%) | 5 (4%) |
| Oppose | 37 (36%) | 36 (34%) | 31 (30%) |

answer. The citizens who appear in "groups," particularly when ten or more appear, are overwhelmingly likely to be in opposition. It is interesting to note, however, that in more than one-third of the cases, no opposition appeared. This would seem to refute the idea that citizens feel all rezoning is bad and, therefore, there will always be opposition to petitions. Given the requirements in the ordinance for informing adjacent property owners, a lack of knowledge cannot explain such failure to appear. These citizens may not appear because they have little interest in the outcome, they may feel that they stand to gain by the action (although not enough to take the time to appear in support of it), or they may feel that their appearance has no influence on the outcome.

In an overwhelming number of cases, 66 percent, the number of proponents is from one to four people (primarily the owners and developers). In only 4 percent of the cases did a large group appear to support a petitioner.

The opposition, however, frequently turns out in large numbers. In 30 percent of the cases, more than ten people show up to protest.

What kinds of cases tend to bring out the most opposition? Table 35 makes it clear that requests for apartments are the most frequently challenged by large groups. The amount of opposition is broken down into three categories based on the recorded minutes. These categories are: none, from one to ten, and more than ten, with the latter referred to in the narrative as a "large group."

TABLE 35
Opposition and Land Use Category

| <u>Category</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|-----------------|-------------|-------------|---------------------|
| R | 0 (0%) | 2 (50%) | 2 (50%) |
| A | 7 (21%) | 12 (36%) | 14 (42%) |
| C | 24 (43%) | 18 (32%) | 14 (25%) |
| M | 6 (56%) | 4 (36%) | 1 (9%) |

Large groups are likely to appear to oppose apartment requests 42 percent of the time, while that is true of 25 percent of the commercial requests and only 9 percent of the industrial. One might speculate that apartments are opposed both because of their size (the highest average acreage of any of the land uses) and because they are the first kind of "incursion" into the single-family residential neighborhood. Once apartments arrive, commercial tracts can be expected to follow, and therefore there is less reason to oppose the latter. The major effort comes with the first attempt to "develop" an area.

It was mentioned earlier that one reason why an applicant might apply for conditional zoning is that he feels his development will be controversial and he hopes that he can work out a compromise with the residents of the area, the planners, and the aldermen, to which he would be bound by the

conditions stated. Table 36 illustrates that while the developer (if our assumptions are correct) was right to expect that his would be a controversial proposal, his attempts to attach conditions to the proposal do not seem to mollify the opposition. The conditional proposals are more likely to be opposed by large groups (39 percent to 29 percent); the small numbers involved should caution one against making any broad generalizations.

TABLE 36
Conditional Applications and Opposition

| <u>Category</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|------------------------------------|-------------|-------------|---------------------|
| A | 4 (18%) | 9 (41%) | 9 (41%) |
| A-Conditional | 3 (27%) | 3 (27%) | 5 (46%) |
| C | 21 (48%) | 13 (29%) | 10 (23%) |
| C-Conditional | 3 (25%) | 5 (42%) | 4 (33%) |
| A & C | 25 (38%) | 22 (33%) | 19 (29%) |
| A-Conditional and C-Conditional | 6 (26%) | 8 (36%) | 9 (39%) |

What section of the city tends to bring out the most opposition?

Table 37 shows that the North has large groups in opposition more often than either of the other sections. This is interesting in view of the

TABLE 37
Opposition and Section of City

| <u>Section</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|----------------|-------------|-------------|---------------------|
| North | 10 (32%) | 9 (29%) | 12 (39%) |
| Central | 12 (39%) | 12 (39%) | 7 (22%) |
| South | 15 (36%) | 14 (33%) | 13 (31%) |

fact that it was apartment requests which tended to bring out the opposition when compared with other land use categories, and these were predominately located in the South. Therefore, there must be some other factors about the North section of town which push its people in the direction of more involvement in the political process.

Earlier discussions of lot location indicated an assumption that the applicants would be more likely to "start" with corner lots and that such lots, because of their location, were better suited for certain more intensive uses. One might also assume that the neighbors would think that way and would strongly oppose this "first step" into the neighborhood. Table 38 indicates that large groups are more likely to oppose applications for corner lots, but the difference is not very great. Apparently

TABLE 38
Opposition and Lot Location (N=101)

| <u>Lot Location</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|---------------------|-------------|-------------|---------------------|
| Corner | 8 (27%) | 11 (37%) | 11 (37%) |
| Not Corner | 28 (39%) | 22 (31%) | 21 (30%) |

neighborhood citizens do not share this perception of corner applications as crucial; they are more likely concerned with the first incursion, wherever it might be, and Table 17 showed that corner lots are not much less likely than non-corner lots to be out of character with adjacent zoning.

One might expect that rezoning applications would meet opposition increasingly as one goes down the scale of road classification, since the major highways are most likely to attract development quickly, while the

smaller streets run through residential neighborhoods which would resist new zoning. However, there does not appear to be any rational "order" in Table 39. Major highways and collector 2-lane roads abut properties which

TABLE 39

Opposition and Street Classification (N=104)

| <u>Street Classification</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|------------------------------|-------------|-------------|---------------------|
| Major | 9 (30%) | 11 (35%) | 11 (35%) |
| Collector 4-lane | 10 (38%) | 10 (38%) | 6 (23%) |
| Collector 2-lane | 5 (22%) | 9 (39%) | 9 (39%) |
| Access | 13 (54%) | 5 (21%) | 6 (25%) |

bring out more opposition than the other two categories. Data relating to types of applications along each category of street do not provide an explanation of this outcome nor does section of the city; the result cannot be explained within the limits of this data. This data, however, may well explain the outcomes detailed in Table 28; the approval rate for collector 4-lane applications was highest.

Parcel size might be expected to be related to opposition in that larger developments would affect more people and hence bring out greater numbers to make their views known at the hearings. This does indeed turn out to be the case, as Table 40 shows. Large groups show up to

TABLE 40

Opposition and Parcel Size (N=95)

| <u>Parcel Size</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|--------------------|-------------|-------------|---------------------|
| 0-1 acre | 19 (49%) | 13 (33%) | 7 (18%) |
| 1 - 4.0 acres | 9 (29%) | 13 (42%) | 9 (29%) |
| 4.1 and over | 3 (12%) | 7 (28%) | 15 (60%) |

oppose the bigger parcels 60 percent of the time, smaller ones less than 30 percent. Apartment zoning requests had the highest average parcel size and also the highest opposition rate of any of the land uses; one wonders whether it is the size or the apartments which are being opposed. In all probability it is a combination of both.

Relationship to adjacent uses is another variable which one would hypothesize is related to opposition. Where there was similarity, the precedent for that use in the area would already be established, and hence the neighborhood resigned to incursions, at least those of a certain type. Table 41 bears out this assumption; large groups show up to oppose a use similar to adjacent zoning only 23 percent of the time while for dissimilar uses it is 39 percent.

TABLE 41

Opposition and Adjacent Use (N=103)

| <u>Adjacent Use</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|---------------------|-------------|-------------|---------------------|
| Similar | 25 (44%) | 19 (33%) | 13 (23%) |
| Dissimilar | 12 (26%) | 16 (35%) | 18 (39%) |

Finally, does the opposition relate to whether or not the proposed development is in conformity with the 1983 Land Use Plan? Given the lack of apparent concern with the plan on the part of either citizens or government officials which data in the previous section seemed to indicate, one would not expect much relationship. Table 43 shows that large groups are indeed more likely to appear in opposition to an application which does not conform with the plan than they are for one which does, but only by a margin of 33 to 26 percent. One doubts that this difference is attributable to

the relationship of the application to the plan per se; rather it is a likely result of the types of applications which do and do not conform. Apartment requests, for instance, draw the most opposition, and they show the least conformity with the plan.

TABLE 42

Opposition and Conformity to 1983 Plan (N=103)

| <u>Conformity</u> | <u>None</u> | <u>1-10</u> | <u>More than 10</u> |
|-------------------|-------------|-------------|---------------------|
| Agrees | 16 (41%) | 13 (33%) | 10 (26%) |
| Disagrees | 21 (33%) | 22 (34%) | 21 (33%) |

In sum, the following factors, generally in descending order, are associated with opposition by large groups: parcel size (larger), type of rezoning requested (apartments), relationship to adjacent uses (dissimilar), section of city (North), conformity to 1983 plan (disagrees), and street classification (collector 2-lane). Only lot location appears to have very little relationship to intensity of opposition. The most interesting fact which emerges from this data is the fact that opposition is greatest in the North section of town, in spite of the fact that it ranks at the bottom on parcel size and second but close to the bottom on proportion of apartment rezoning applications, both of which are associated with less opposition. The Clarke Study discusses some reasons why political activity may occur more frequently in the North.

Finally, what effect does the appearance of large groups have on the outcome? Do elected officials listen to their constituents, at least where zoning is concerned, or do they appear to reach a decision independent of the amount of public pressure (as measured by the admittedly crude device

of counting heads at the public hearing)? Table 43 seems to indicate that the amount of opposition bears a strong relationship to final actions--a much stronger relationship, in fact, than any other variable concerning the character of the application which has been examined here. Applications which are unopposed gain approval in 81 percent of the cases; where large groups appear, the approval rate is only 29 percent. The board also has a tendency to put off applications which bring out opposition, with a deferral rate four times that on petitions which are not opposed at all. Overall, it appears that the "voice of the people" is being heard, and heeded, when it comes to zoning applications in Atlanta.

TABLE 43
Opposition and Case Outcome

| <u>Opposition</u> | <u>Approved</u> | <u>Denied</u> | <u>Deferred</u> |
|-------------------|-----------------|---------------|-----------------|
| None | 30 (81%) | 5 (14%) | 2 (5%) |
| 1-10 | 21 (58%) | 8 (22%) | 7 (20%) |
| More than 10 | 9 (29%) | 15 (48%) | 7 (23%) |

One might speculate that large groups do a better job of presenting arguments to the board. The previous section indicated that the content of the arguments does not vary much from case to case. However, it would be natural for a body of elected officials to be conscious of the number of people claiming they would be adversely affected by a petition. It might also be hypothesized that large groups reflect a better organized community, perhaps one which has had considerable experience with rezoning applications. These factors might, in turn, enable the group to be better prepared, in terms of clarity, coherence of arguments, and substantiating evidence, which might tend to sway the committee even though the content of

the arguments was no different from that presented by smaller opposition groups. Mr. Clarke provides additional data on these questions in his study.

Disagreement in the Review Process

Each zoning application is subject to review by the City Planning Department, the Joint Planning Board, the Zoning Committee of the Board of Aldermen, and the full Board of Aldermen. The first three make recommendations for approval or denial to the next body in order (with the latter two having the power to defer for a stated period), while the Board of Aldermen makes the final decision. One would hypothesize that the major points of disagreement would come between the appointed officials (the planning staff and joint board) who are concerned solely with planning, and the elected officials, members of the Board of Aldermen, who must think about their relationship with the people who elected them.

Table 44 indicates that this hypothesis is verified. Of the 134 petitions on which actions had been completed, agreement between the Zoning Committee and the full Board of Aldermen occurs on a remarkable 96 percent of the applications (shown in the table as a 4 percent rate of disagreement). The next lowest rate is found between the planning staff and the joint board, as expected. The 12 percent rate there indicates that the board and staff generally share the same perceptions about zoning questions.

The highest rates of disagreement occur between the elected officials and the Joint Planning Board, where differences occur in over one-fourth of the cases. The aldermen and the planning staff disagreed on about one-fifth of the applications. This finding is interesting in view of the generally accepted characterization of such planning boards as the Atlanta-

TABLE 44

Disagreement in the Review Process and Proposed Land Use (N=134)

| <u>Proposed Use</u> | <u>JPB/CPD</u> | <u>ZC/CPD</u> | <u>BA/CPD</u> | <u>ZC/JPB</u> | <u>BA/JPB</u> | <u>BA/ZC</u> | <u>No Disagreement</u> |
|---------------------|----------------|---------------|---------------|---------------|---------------|--------------|------------------------|
| R | 2 (40%) | 1 (20%) | 1 (20%) | 3 (60%) | 3 (60%) | 0 (0%) | 2 (40%) |
| A | 4 (12%) | 9 (26%) | 8 (24%) | 13 (38%) | 12 (35%) | 1 (3%) | 21 (62%) |
| C | 8 (10%) | 14 (18%) | 14 (18%) | 18 (23%) | 18 (23%) | 4 (5%) | 56 (72%) |
| M | 2 (12%) | 2 (12%) | 2 (12%) | 2 (12%) | 2 (12%) | 0 (0%) | 14 (82%) |
| | 16 (12%) | 26 (19%) | 25 (19%) | 36 (27%) | 35 (26%) | 5 (4%) | 93 (69%) |
| <u>Total</u> | | | | | | | |

CPD = City Planning Department

JPB = Joint Planning Board

ZC = Zoning Committee

BA = Board of Aldermen

Fulton County Joint Planning Board in the planning literature.²¹ The basic purpose of these boards is to provide a community input into the planning process. Tied up with the progressive reform movement, these boards were designed to use the support of the "best citizens" of the community, who sat on the board, to make planning acceptable in the city. Although they are in no way designed to be "representative" (in many cases they are made up of professionals in the fields related to planning, such as real estate, architecture, etc.), they are supposed to "temper" the criteria used by the "experts" in the planning departments. One would expect that they would be somewhat more representative of the community (the constituency of the elected officials) than the planning staff and hence they would provide a transitional mechanism. The largest rate of disagreement should occur between the elected officials and the planning staff, with the board somewhere in between. Although the differences are not great, it is clear that such is not happening in Atlanta. The elected officials are in closer agreement with the staff than with the board.

It is difficult to evaluate the significance of the total picture without some comparative figures, but at first thought the fact that agreement at all four stages in the review process occurs on 69 percent of the cases appears significant. In view of the fact that 70 percent of the petitions were approved even though only 40 percent agreed with the 1983 Land Use Plan, and in view of the lack of concern expressed by both proponents and opponents with the plan and planning criteria in general (indicating a belief on the part of those appearing that these were not important considerations, either to them or to the aldermen), one might well have expected much more disagreement between the planning staff and the elected officials. Findings to the contrary would seem to indicate

that either the planning staff does not consider planning criteria very important, or it has learned over a period of years what to expect from elected officials and it has become more concerned with getting the proposal into a form that is acceptable both to the staff and to the aldermen, than with "planning" per se. The latter interpretation would also be consistent with the recent increase in the proportion of applications which are approved, reported in the beginning of this study. Perhaps the planning board's position as "most disagreed with" is a result of a greater reluctance on the part of its members than on the part of the staff to come to grips with "political realities."

Some further explanations of these differences might emerge from an examination of the kinds of applications which tend to bring about disagreement among government bodies. When examining the following tables, one should keep in mind the overall figures--69 percent of the cases had no disagreement while 31 percent did, and the predominant pattern of disagreement was between the appointed and the elected officials.

First, there is a general pattern of decreasing disagreement as one moves from the less intensive to the more intensive use. Table 45 shows that apartment requests tend to bring about the most disagreement (38 percent)

TABLE 45

Disagreement in the Review Process and Land Use Requested

| <u>Land Use Requested</u> | <u>Agreement</u> | <u>Disagreement</u> |
|---------------------------|------------------|---------------------|
| R | 2 (40%) | 3 (60%) |
| A | 21 (62%) | 13 (38%) |
| C | 56 (72%) | 22 (28%) |
| M | 14 (82%) | 3 (18%) |

and industrial the least (18 percent), when the small number of residential applications is ignored. One might speculate that this is a result of the elected officials' tendency to react to citizen opposition, which is highest in apartment cases; the planners, lacking a public hearing, are making their decisions on other criteria.

The section of the city in which the parcel lies does not seem to have much relationship to the rate of disagreement. Table 46 shows that there is only an 8 percent difference between the highest and lowest sections. There would be no reason to expect that section of the city, per se, would exercise any independent influence over the rate of disagreement.

TABLE 46

Disagreement in the Review Process and Section of City

| <u>Section</u> | <u>Agreement</u> | <u>Disagreement</u> |
|----------------|------------------|---------------------|
| North | 27 (71%) | 11 (29%) |
| Central | 33 (73%) | 12 (27%) |
| South | 33 (65%) | 18 (35%) |

Parcel size turns out to be strongly related to the rate of disagreement. The larger parcels bring out about disagreement in half of the cases, the smaller ones in only 21 percent. Again, this could well be attributed to the strength of the relationship between opposition and parcel size, with the elected officials reacting to the citizen inputs which the staff and joint board did not have.

TABLE 47

Disagreement in the Review Process and Parcel Size (N=120)

| <u>Parcel Size</u> | <u>Agreement</u> | <u>Disagreement</u> |
|--------------------|------------------|---------------------|
| 0-1 acres | 48 (79%) | 13 (21%) |
| 1.1 - 4 acres | 23 (79%) | 6 (21%) |
| 4.1 acres or more | 15 (50%) | 15 (50%) |

Street classification also turns out to have a strong relationship to the rate of disagreement. Applications on collector 4-lane and collector 2-lane streets are likely to result in differences among those responsible for evaluating them. Perhaps two different factors are at work here. Those on collector 4-lane roads received the least opposition of those on any of the four classifications, and they were approved at the higher rate. Such approval, it was pointed out earlier, could be having an adverse effect upon traffic patterns, or at least changing the street type, and perhaps those concerned with planning are more aware of this fact and hence might be recommending against approval at a higher rate than the aldermen have been willing to accept. The high rate of disagreement on collector 2-lane applications may well be the result of a higher rate of citizen opposition to them.

TABLE 48

Disagreement in the Review Process and Street Classification

| <u>Street Classification</u> | <u>Agreement</u> | <u>Disagreement</u> |
|------------------------------|------------------|---------------------|
| Major | 24 (71%) | 10 (29%) |
| Collector 4-lane | 19 (58%) | 14 (42%) |
| Collector 2-lane | 17 (61%) | 11 (39%) |
| Access | 33 (85%) | 6 (15%) |

One would have little reason to expect that lot location, which has not been a significant variable elsewhere, would show much influence here, and Table 49 shows that such is indeed the case. Only a 6 percent difference appears here.

TABLE 49

Disagreement in the Review Process and Lot Location (N=130)

| <u>Lot Location</u> | <u>Agreement</u> | <u>Disagreement</u> |
|---------------------|------------------|---------------------|
| Corner | 33 (66%) | 17 (34%) |
| Not Corner | 58 (72%) | 22 (28%) |

Similarity to adjacent uses, which was fairly strongly related to the strength of the opposition, also appears to influence the rate of disagreement. Applications which are similar to adjacent uses are given the same action in 76 percent of the cases while those which are dissimilar get

TABLE 50

Disagreement in the Review Process and Adjacent Uses (N=132)

| <u>Adjacent Uses</u> | <u>Agreement</u> | <u>Disagreement</u> |
|----------------------|------------------|---------------------|
| Similar | 59 (76%) | 19 (24%) |
| Dissimilar | 33 (61%) | 21 (39%) |

the same treatment in only 61 percent of the cases. Given the fact that opposition is higher for applications which are not similar to adjacent uses, one might expect the aldermen to turn them down at a higher rate. However, this was not the case, as Table 31 demonstrated. Relationship to adjacent uses made almost no difference to the board in the sense that it was approving both types of applications at virtually the same rate

(71 percent and 67 percent). That could well explain the higher rate of disagreement found here; those concerned with planning would be thinking about adjacent use (if one assumes that "orderly growth" means compatibility with adjacent uses and the avoidance of "spot zoning") and might tend to be much more favorable towards those that are similar, while the aldermen do not appear to be influenced very strongly by such considerations in making their final decisions.

Whether or not an application conforms with the 1983 Land Use Plan does not appear to show much relationship to the rate of disagreement. Here the

TABLE 51

Disagreement in the Review Process and Conformity to 1983 Plan (N=133)

| <u>Conformity</u> | <u>Agreement</u> | <u>Disagreement</u> |
|-------------------|------------------|---------------------|
| Agrees | 37 (73%) | 14 (27%) |
| Disagrees | 56 (68%) | 26 (32%) |

factors of good planning and amount of opposition would be pushing in the same direction: the planning staff and joint board would recommend against applications which did not conform with the plan, and the amount of opposition from the public is slightly higher on such applications, another factor which might tend to push the aldermen in a negative direction. Hence, proposals which do not conform to the plan would be denied much more often than those which do. However, Table 32 indicated that such was not the case. Conformity to the plan bore even less relationship to the Board of Aldermen's final action than did similarity to adjacent uses. Therefore, although the data allow perfectly logical explanations for one of these two outcomes, adjacent uses or conformity to the plan, they do not allow such explanations for them both. This points up the problem of interpreting data such as is

found in this study. The numbers involved here are small. An attempt has been made to point out what has been happening in zoning in Atlanta during the twelve months under study, to advance possible explanations where the data warranted, and to lay a foundation for the other studies which deal with the more political aspects of the zoning process. However, one would need to collect this sort of data for a period of five years or more before one could have full confidence in the generalizations advanced.

Finally, it should be noted that rate of agreement for the four government bodies was greater for the first six-month period than for the second; that is, there was more disagreement (by a margin of 43 percent to 27 percent) after the adoption of the new ordinance. One doubts that the ordinance itself has caused this; however, other factors could be contributing to such a trend. One of the most significant might be the change in the Zoning Committee. Such change could result in disagreements until the staff and the planning board become accustomed to the expectations of the committee, or it could increase the disagreements between the committee and the full Board of Aldermen if the latter does not like the approach taken by the reconstituted committee. Again the Clarke Study will discuss this point further.

Overall, disagreement among the government bodies involved occurred on 31 percent of the applications which had completed the process at the end of the study period. The highest rates of disagreement came between the elected officials and the Joint Planning Board, the next highest between the aldermen and the planning staff. Generally, the elected officials-appointed officials distinction was the strongest. Factors which were associated with disagreement, in generally descending order, were parcel size (largest), street classification (collector 2-lane and 4-lane), land use requested

(apartments), and relationship to adjacent uses (dissimilar). Variables which were not related very strongly to disagreement were section of city, lot location, and conformity to the 1983 Land Use Plan.

Summary

Arguments advanced in the public hearing are few in number and similar in most every case. They center around the character of the area and the effects of the proposed use. Planning criteria, and the 1983 plan, are rarely mentioned.

Opponents tend to turn out in larger numbers than proponents, and the appearance of large groups does tend to be correlated with denial of the proposed changes by the board. Factors which are associated with opposition are usually similar to factors which are related to final board action; however, relationships of parcel characteristics to opposition are generally stronger than those of parcel characteristics to final board action. Of all the variables considered, the amount of opposition itself showed by far the strongest relationship to board action. Planning considerations, such as relationship to adjacent uses and the conformity to the 1983 plan, showed the least.

The four bodies involved in zoning decision making agree almost 70 percent of the time. Although similarity to adjacent uses showed some relationship to the rate of disagreement, conformity to the 1983 plan did not. The apparent lack of influence of the "planning criteria" on board action has been mentioned previously; yet the planning staff has 80 percent of its recommendations approved by the board. This might indicate that there is not much difference between what is reasonable from a planning perspective and what the political official can afford to do.

VI. CONCLUSIONS

In analyzing the results of such a study, many options arise for different interpretations. The data in the tables in the appendix will permit individual interpretation, and the staff is sure that readers will interpret the data in many ways and as a result draw many different and varied conclusions. The following findings are the most significant from the viewpoint of the staff.

The Zoning Record in City Hall

Volume

The number of applications have decreased substantially during the study period. Due in part to the economic situation and in part probably to past activity, we do not see this as continuing. Some of the decrease was probably also due in part to those applicants waiting for the "new" ordinance and others waiting until the "new" ordinance had become operative.

Rate of Approval

A comparison of the approval rate by time period discloses a very steady rate.

| | | |
|--------------|--------------------|--|
| Entire City: | First six months: | 54 of 77 approved (70%) |
| | Second six months: | 44 of 64 approved (69%) |
| | Entire period: | 98 of 141 approved (69%) ²² |

Location

Where did the activity take place? Most of the applications were in the South section and, more specifically, in the seventh ward. The study showed that 33 percent of all applications filed and over one-half (55 percent) of the total acreage involved was in the very large seventh ward. The distinction for having the highest approval rate (75 percent) also went

to the seventh ward.

The following tables show by wards the relationship between the number of applications, and the number of acres involved.

TABLE 52

Number of Applications and Total Acreage by Ward

| Ward | Applications | | Area | |
|------|--------------|---------|-------------|---------|
| | Number | Percent | Acreage | Percent |
| 1 | 6/153 | 4 | 21.9/797.1 | 3 |
| 2 | 10/153 | 6 | 16.9/797.1 | 2 |
| 3 | 17/153 | 12 | 92.7/797.1 | 12 |
| 4 | 18/153 | 12 | 124.2/797.1 | 15 |
| 5 | 10/153 | 6 | 21.3/797.1 | 3 |
| 6 | 9/153 | 6 | 25.3/797.1 | 3 |
| 7 | 51/153 | 33 | 438.5/797.1 | 55 |
| 8 | 26/153 | 17 | 51.9/797.1 | 7 |
| 9 | 6/153 | 4 | 3.8/797.1 | .5 |

TABLE 53

Acreage by Ward (N=138)

| | Ward | | | | | | | | | Total |
|-------------------------------|------|------|------|-------|------|------|-------|------|-----|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| Total Acreage | 21.9 | 16.9 | 92.7 | 124.2 | 21.3 | 25.9 | 438.5 | 51.9 | 3.8 | 797.1 |
| No. Cases Included in Acreage | 6 | 8 | 17 | 18 | 9 | 9 | 43 | 23 | 5 | 138 |

A certain portion of this amount of activity could be anticipated because the seventh ward is largely undeveloped as well as being the largest ward in the city. However, this volume of activity is bound to have adverse effects on the ward. It will place an undue and possibly insurmountable burden on

the public facilities in the area; it will demand a disproportionate effort on the part of all city departments to handle the results of the demand, and it cannot help but create either real or imaginary problems for the residents of the ward.

Record

Because of the great number of bits of information that are involved in the zoning process, it is desirable and very important to maintain an adequate record. The present procedure leaves much to be desired. Although a recorded transcript is made, it is never transcribed and is of such audio quality that makes it difficult to use. As suggested previously, the development of a more detailed form for recording data would assist the secretary. Although it could conceivably work a hardship on some participants, consideration should be given to requiring submission of written statements. This could reduce the time of the public hearing and provide the Zoning Committee, the Board of Aldermen, and the planning staff with a written record.

Consideration should also be given to limiting the scope of the matters presented at the hearings by limiting the presentation (admittedly it would be very difficult) to the questions of land use or planning; i.e., does this proposal conform to the land use plan, will it aid in achieving one or more of the goals of the city?

It may become easier to make objective decisions rather than subjective ones such as--there is no opposition, the proponent has a good record based on past development, etc. Although very important to the welfare of the community, the aesthetics of the project, etc., probably should not be the responsibility of the Zoning Committee.

Opposition

The reasons offered for opposing an application are many and varied. The study, because of the limited time span, was unable to determine if the anticipated effects of applications did in reality materialize. The unfortunate part of the situation is that, assuming the effects are as proposed, the Zoning Committee is powerless to deal with them. This situation is true to a lesser degree with the Board of Aldermen. The problem of education is a case in point. Much closer cooperation between the various departments within city government and between the city government and the various independent boards and authorities is needed. Strengthening the Capital Improvement Program would be a means of bringing the various groups together.

It appears that large groups appearing at the hearings do affect the outcome (see page 49). Of the thirty-one hearings where groups of eleven or more people appeared, 36 percent of the applications were approved. Compare this with the citywide rate of 69 percent, and the existence of groups appears to be significant in the zoning process.

Miscellaneous

The study showed several items. Based on the record, no one person or group appeared at the hearing an exceptional number of times. It appears that no individual or group "traffics" in zoning--it is an individualistic program involving many individuals and groups.

Of the 154 applications considered, only 12 were initiated at the request of the Zoning Committee or of an alderman, 9 (75 percent) of which were approved and 3 denied. The approval rate is about the same as that for all applications. There are two ways of viewing this fact. One would be that the process is really citizen initiated and that policy

makers look to the citizens to begin the process. Another would be that the number should be substantially higher on the assumption that zoning should lead or encourage development. A rezoning could do just that.

Historically, in most cities the former situation is the case. If the city's goals are to be achieved, more initiative will need to be assumed by the policy makers.

The Relationship between Planning Goals and Zoning Decisions

The relationship between the planning goals and the decisions made on zoning applications is very difficult to determine. A review of Table 19 indicates that in only 40 percent of the applications do the decisions conform to the 1983 Land Use Plan. The implementation certainly can be an assumed goal of the city.

Considering the goal of economic expansion, there were ninety-seven applications acted on in which commercial, commercial-conditional, or industrial uses were requested. Sixty-seven (69 percent) of those applications were approved, which is the same approval rate as for the city at large. Based on that, it is reasonable to assume that economic expansion is growing at the same rate as the city as a whole.

The attainment of the goals established in several other areas such as education, recreation, traffic and housing are difficult to evaluate because of lack of data. The study did not assemble data on the proposed number of units to be built in apartment projects or the acquisition or dedication of school or park sites as part of the proposed developments.

The land use goals as shown on pages 23-24 involve strip commercial zoning and higher residential development. As shown on the map on page 8 and on Tables 35-38, it appears that this goal is not being attained. Strip

commercial zoning is still spreading.

On the other hand, the goal of increasing residential development is being accomplished. Seventy-four percent of the applications requesting apartment or apartment-conditional zoning are being approved.

In summary, some of the goals are being accomplished; however, this may be unknowingly or without specific intent because collectively the city's goals are difficult to locate and as a result are not often used or referred to.

The Effect the New Ordinance Had on the Zoning Process

Because of the limited time period, any substantial effect resultant from the adoption of the "new" ordinance was not determinable. It does appear that the time required to process applications is reduced somewhat, but the staff is not convinced that this is attributable to the new ordinance.

It can be said that copies of the ordinance are now readily available, which was not the case prior to August, 1970, and the new ordinance adopted at that time has changed the format somewhat.

As stated previously, because of the small size of the sample, we combined the six months' figures for ease of analysis and even then data with much significance was not produced. Consequently, this made it even more difficult to analyze the effect.

Significant Items for Future Consideration

The staff has completed an analysis of a certain limited section of the zoning chronology of the City of Atlanta. What salient features developed by the study should be considered in the days ahead?

(1) Because of the time span, the sample was very small; consequently, its value was reduced. The necessity to study zoning now was the overriding factor, and although the sample is small, hopefully it will be of assistance to local officials.

(2) The volume of zoning applications is less and may continue to be less in the foreseeable future. If the extreme occurred and no applications were filed, the opportunity to implement the planning goals is seriously hindered. To counter this situation, applications initiated by the policy makers would have to increase. Even if the present rate of applications continues, consideration may need to be given to more action by the policy makers.

(3) There is a real necessity to look at recording procedures. To better aid governmental officials and ultimately judicial officials, a more adequate, thorough record needs to be developed and maintained.

(4) Groups apparently do affect zoning decisions. This may be appropriate but we feel that in some situations the best interests of the community are lost in desire to meet the interests of the immediate residents. This is one of the most difficult situations in which to place a policy maker and expect an objective decision. A limitation on the numbers of people involved adversely affects the "democratic process," but it likewise should not be the determining factor in whether a change is granted or not. Answers are not easily found but further consideration appears to be warranted.

(5) The goals of the City of Atlanta are valid and attainable but difficult to discover. The present program, if completed in the reasonable future, would be a big help to all the citizens, particularly the policy makers, and could have a dramatic effect on zoning in the future. Any

effort to strengthen the relationship between the goals and the decisions that are made daily can only make Atlanta a greater place to live for all of **its** people than it is at the present time.

APPENDIX

TABLE 1

Applications by Section of the City

| | First Six Months February 1 - July 31 | Second Six Months September 1 - February 28 | Total |
|---------|--|--|------------|
| North | 29 (35%) | 15 (21%) | 44 (29%) |
| Central | 30 (37%) | 21 (29%) | 51 (33%) |
| South | 23 (28%) | 36 (50%) | 59 (38%) |
| Total | 82 (53%) | 72 (47%) | 154 (100%) |

TABLE 2

Relationship Between Owner-Applicant by Section of City

| | First Six Months | | Second Six Months | | Total | | Total Cases |
|---------|------------------|-----------|-------------------|-----------|-------|-----------|----------------|
| | Same | Different | Same | Different | Same | Different | |
| North | 10 | 19 | 7 | 8 | 17 | 27 | 44 |
| Central | 13 | 15 | 15 | 6 | 28 | 21 | 49* |
| South | 13 | 10 | 20 | 16 | 33 | 26 | 59 |
| Total | 36 | 44 | 42 | 30 | 78 | 74 | 152 |

*Data unknown for 2 central section applications

TABLE 3
Application by Land Use Category and Ward

| Proposed Re-Use | Ward | | | | | | | | | Total |
|--------------------|------|----|----|----|----|---|----|----|---|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | |
| R | 0 | 2 | 0 | 2 | 0 | 1 | 1 | 1 | 1 | 8 |
| A | 1 | 2 | 4 | 6 | 1 | 1 | 10 | 2 | 1 | 28 |
| A-C | 0 | 0 | 0 | 3 | 0 | 0 | 6 | 2 | 1 | 12 |
| C | 2 | 5 | 9 | 4 | 3 | 4 | 22 | 17 | 2 | 68 |
| C-C | 0 | 0 | 1 | 0 | 5 | 0 | 6 | 4 | 1 | 17 |
| M | 3 | 1 | 4 | 3 | 1 | 3 | 5 | 0 | 0 | 20 |
| Total | 6 | 10 | 18 | 18 | 10 | 9 | 50 | 26 | 6 | 153** |

**Ward data unknown for 1 application.

TABLE 4

Board of Aldermen Action By Ward
North Section of City

| Ward | Approved | Denied | No Action | Total |
|-------|----------|--------|-----------|-------|
| 2 | 1 | 2 | 1 | 4 |
| 3 | 0 | 1 | 0 | 1 |
| 5 | 3 | 2 | 0 | 5 |
| 6 | 4 | 2 | 0 | 6 |
| 8 | 12 | 9 | 5 | 26 |
| 9 | 2 | 0 | 0 | 2 |
| Total | 22 | 16 | 6 | 44 |

TABLE 5

Board of Aldermen Action by Ward
Central Section of City

| Ward | Approved | Denied | No Action | Total |
|-------|----------|--------|-----------|-------|
| 1 | 2 | 1 | 0 | 3 |
| 3 | 13 | 3 | 1 | 17 |
| 5 | 1 | 2 | 1 | 4 |
| 6 | 2 | 1 | 0 | 3 |
| 7 | 13 | 3 | 3 | 19 |
| 9 | 4 | 0 | 0 | 4 |
| Total | 35 | 10 | 5 | 50* |

*Data unknown for 1 application.

TABLE 6

Board of Aldermen Action By Ward
South Section of City

| Ward | Approved | Denied | No Action | Total |
|-------|----------|--------|-----------|-------|
| 1 | 3 | 0 | 0 | 3 |
| 2 | 3 | 3 | 0 | 6 |
| 4 | 9 | 5 | 4 | 18 |
| 5 | 1 | 0 | 0 | 1 |
| 7 | 20 | 8 | 3 | 31 |
| Total | 36 | 16 | 7 | 59 |

TABLE 7

Board of Aldermen Action By Ward
Entire City

| Ward | Approved | Denied | No Action | Total |
|-------|----------|--------|-----------|-------|
| 1 | 5 | 1 | 0 | 6 |
| 2 | 4 | 5 | 1 | 10 |
| 3 | 13 | 4 | 1 | 18 |
| 4 | 9 | 5 | 4 | 18 |
| 5 | 5 | 4 | 1 | 10 |
| 6 | 6 | 3 | 0 | 9 |
| 7 | 33 | 11 | 6 | 50 |
| 8 | 12 | 9 | 5 | 26 |
| 9 | 6 | 0 | 0 | 6 |
| Total | 93 | 42 | 18 | 153* |

*Data unknown for 1 central section application

Zoning Committee Action By Land Use Category

North Section of City

| Proposed Re-Use | Approved | | Denied | | No Action | | Total | | Grand Total |
|--------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|
| | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | |
| R | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 |
| A | 0 | 1 | 2 | 2 | 1 | 1 | 3 | 4 | 7 |
| A-C | 2 | 1 | 0 | 0 | 0 | 0 | 2 | 1 | 3 |
| C | 12 | 2 | 5 | 3 | 1 | 1 | 18 | 6 | 24 |
| C-C | 2 | 2 | 1 | 2 | 0 | 0 | 3 | 4 | 7 |
| M | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| Total | 18 | 6 | 9 | 7 | 2 | 2 | 29 | 15 | 44 |

Central Section of City

| | | | | | | | | | |
|-------|----|----|---|---|---|---|----|----|----|
| R | 1 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 2 |
| A | 4 | 0 | 1 | 2 | 1 | 0 | 6 | 2 | 8 |
| A-C | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| C | 7 | 12 | 2 | 0 | 1 | 1 | 10 | 13 | 23 |
| C-C | 4 | 2 | 1 | 0 | 0 | 0 | 5 | 2 | 7 |
| M | 4 | 1 | 1 | 2 | 1 | 1 | 6 | 4 | 10 |
| Total | 21 | 15 | 6 | 4 | 3 | 2 | 30 | 21 | 51 |

Zoning Committee Action By Land Use Category

South Section of City

| Proposed Re-Use | Approved | | Denied | | No Action | | Total | | Grand Total |
|--------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|
| | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | 1st Six Months | 2nd Six Months | |
| R | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 3 | 3 |
| A | 6 | 7 | 0 | 2 | 0 | 0 | 6 | 9 | 15 |
| A-C | 2 | 3 | 1 | 1 | 0 | 1 | 3 | 5 | 8 |
| C | 5 | 10 | 4 | 4 | 0 | 1 | 9 | 15 | 24 |
| C-C | 0 | 2 | 1 | 0 | 0 | 0 | 1 | 2 | 3 |
| M | 2 | 1 | 2 | 1 | 0 | 0 | 4 | 2 | 6 |
| Total | 15 | 23 | 8 | 9 | 0 | 4 | 23 | 36 | 59 |

Entire City

| | | | | | | | | | |
|-------|----|----|----|----|---|---|----|----|-----|
| R | 1 | 0 | 2 | 1 | 0 | 2 | 3 | 3 | 6 |
| A | 10 | 8 | 3 | 6 | 2 | 1 | 15 | 15 | 30 |
| A-C | 5 | 4 | 1 | 1 | 0 | 1 | 6 | 6 | 12 |
| C | 24 | 24 | 11 | 7 | 2 | 3 | 37 | 34 | 71 |
| C-C | 6 | 6 | 3 | 2 | 0 | 0 | 9 | 8 | 17 |
| M | 8 | 2 | 3 | 3 | 1 | 1 | 12 | 6 | 18 |
| Total | 54 | 44 | 23 | 20 | 5 | 8 | 82 | 72 | 154 |

TABLE 12

Board of Aldermen Action By Land Use Category
North Section of City

| Proposed Re-Use | Not Deferred | | Deferred | | No Action | Total |
|--------------------|--------------|--------|----------|--------|-----------|-------|
| | Approved | Denied | Approved | Denied | | |
| R | 0 | 1 | 0 | 0 | 0 | 1 |
| A | 0 | 3 | 1 | 0 | 2 | 6 |
| A-C | 2 | 0 | 1 | 0 | 1 | 4 |
| C | 10 | 7 | 3 | 1 | 3 | 24 |
| C-C | 1 | 4 | 2 | 0 | 0 | 7 |
| M | 2 | 0 | 0 | 0 | 0 | 2 |
| Total | 15 | 15 | 7 | 1 | 6 | 44 |

TABLE 13

Board of Aldermen Action By Land Use Category
Central Section of City

| Proposed Re-Use | Not Deferred | | Deferred | | No Action | Total |
|--------------------|--------------|--------|----------|--------|-----------|-------|
| | Approved | Denied | Approved | Denied | | |
| R | 1 | 1 | 0 | 0 | 0 | 2 |
| A | 4 | 3 | 0 | 0 | 1 | 8 |
| A-C | 0 | 0 | 1 | 0 | 0 | 1 |
| C | 13 | 1 | 5 | 2 | 2 | 23 |
| C-C | 3 | 1 | 2 | 0 | 1 | 7 |
| M | 5 | 2 | 1 | 1 | 1 | 10 |
| Total | 26 | 8 | 9 | 3 | 5 | 51 |

TABLE 14

Board of Aldermen Action By Land Use Category
South Section of City

| Proposed Re-Use | Not Deferred | | Deferred | | No Action | Total |
|--------------------|--------------|--------|----------|--------|-----------|-------|
| | Approved | Denied | Approved | Denied | | |
| R | 0 | 2 | 0 | 0 | 1 | 3 |
| A | 10 | 1 | 3 | 1 | 1 | 16 |
| A-C | 1 | 1 | 2 | 0 | 3 | 7 |
| C | 11 | 5 | 4 | 2 | 2 | 24 |
| C-C | 2 | 0 | 0 | 1 | 0 | 3 |
| M | 3 | 0 | 0 | 3 | 0 | 6 |
| Total | 27 | 9 | 9 | 7 | 7 | 59 |

TABLE 15

Board of Aldermen Action By Land Use Category
Entire City

| Proposed Re-Use | Not Deferred | | Deferred | | No Action | Total |
|--------------------|--------------|--------|----------|--------|-----------|-------|
| | Approved | Denied | Approved | Denied | | |
| R | 1 | 4 | 0 | 0 | 1 | 6 |
| A | 14 | 7 | 4 | 1 | 4 | 30 |
| A-C | 3 | 1 | 4 | 0 | 4 | 12 |
| C | 34 | 13 | 12 | 5 | 7 | 71 |
| C-C | 6 | 5 | 4 | 1 | 1 | 17 |
| M | 10 | 2 | 1 | 4 | 1 | 18 |
| Total | 68 | 32 | 24 | 11 | 18 | 154 |

Board of Aldermen Action By Land Use Category and Parcel Size

North Section of City

| Proposed Re-Use | 0-1 Acre | | | 1.1-4 Acres | | | 4.1 Acres and Over | | | Total |
|--------------------|----------|--------|----------|-------------|--------|----------|--------------------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| A | 0 | 2 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| A-C | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 4 |
| C | 5 | 6 | 1 | 5 | 1 | 2 | 1 | 0 | 0 | 21 |
| C-C | 1 | 2 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 7 |
| M | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Total | 9 | 10 | 1 | 8 | 2 | 3 | 3 | 3 | 2 | 41** |

**Data unknown for 3 applications

Central Section of City

| | | | | | | | | | | |
|-------|----|---|---|----|---|---|---|---|---|------|
| R | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 3 |
| A | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 7 |
| A-C | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| C | 11 | 2 | 0 | 4 | 0 | 3 | 0 | 0 | 0 | 20 |
| C-C | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| M | 2 | 2 | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 8 |
| Total | 19 | 6 | 0 | 11 | 0 | 3 | 0 | 3 | 2 | 44** |

**Data unknown for 7 applications

Board of Aldermen Action By Land Use Category and Parcel Size

South Section of City

| Proposed Re-Use | 0-1 Acre | | | 1.1-4 Acres | | | 4.1 Acres and Over | | | Total |
|--------------------|----------|--------|----------|-------------|--------|----------|--------------------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| A | 1 | 0 | 0 | 3 | 0 | 1 | 8 | 1 | 0 | 14 |
| A-C | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 2 | 2 | 8 |
| C | 4 | 4 | 1 | 4 | 2 | 1 | 4 | 0 | 0 | 20 |
| C-C | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 |
| M | 1 | 2 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 6 |
| Total | 8 | 6 | 2 | 8 | 2 | 2 | 16 | 6 | 3 | 53** |

**Data unknown for 6 applications

Entire City

| | | | | | | | | | | |
|-------|----|----|---|----|---|---|----|----|---|-------|
| R | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 3 | 1 | 6 |
| A | 3 | 3 | 0 | 4 | 0 | 2 | 9 | 4 | 2 | 27 |
| A-C | 1 | 0 | 1 | 3 | 0 | 0 | 3 | 2 | 3 | 13 |
| C | 20 | 12 | 2 | 13 | 3 | 6 | 5 | 0 | 0 | 61 |
| C-C | 7 | 3 | 0 | 1 | 1 | 0 | 1 | 2 | 0 | 15 |
| M | 5 | 4 | 0 | 4 | 0 | 0 | 1 | 1 | 1 | 16 |
| Total | 36 | 22 | 3 | 27 | 4 | 8 | 19 | 12 | 7 | 138** |

**Data unknown for 16 applications

Board of Aldermen Action By Land Use Category and Street Classification

North Section of City

| Proposed Re-Use | Major | | | Collector--4 Lane | | | Collector--2 Lane | | | Access | | | Total |
|--------------------|----------|--------|----------|-------------------|--------|----------|-------------------|--------|----------|----------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| A | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 6 |
| A-C | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 |
| C | 8 | 3 | 1 | 2 | 2 | 1 | 2 | 1 | 0 | 1 | 2 | 1 | 24 |
| C-C | 1 | 4 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 7 |
| M | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 |
| Total | 9 | 7 | 4 | 5 | 2 | 1 | 3 | 2 | 0 | 5 | 5 | 1 | 44 |

Central Section of City

| | | | | | | | | | | | | | |
|-------|---|---|---|---|---|---|---|---|---|----|---|---|----|
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| A | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 2 | 1 | 1 | 8 |
| A-C | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| C | 4 | 1 | 1 | 8 | 0 | 1 | 1 | 1 | 1 | 5 | 1 | 0 | 24 |
| C-C | 3 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 6 |
| M | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 2 | 0 | 4 | 1 | 0 | 10 |
| Total | 9 | 1 | 2 | 9 | 1 | 1 | 5 | 5 | 1 | 12 | 4 | 1 | 51 |

Board of Aldermen Action By Land Use Category and Street Classification

South Section of City

| Proposed Re-Use | Major | | | Collector--4 Lane | | | Collector--2 Lane | | | Access | | | Total |
|--------------------|----------|--------|----------|-------------------|--------|----------|-------------------|--------|----------|----------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| A | 1 | 1 | 0 | 4 | 0 | 0 | 5 | 0 | 1 | 3 | 0 | 0 | 15 |
| A-C | 0 | 1 | 1 | 1 | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 1 | 8 |
| C | 3 | 1 | 1 | 7 | 1 | 1 | 3 | 2 | 0 | 2 | 3 | 0 | 24 |
| C-C | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 3 |
| M | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 2 | 0 | 6 |
| Total | 5 | 3 | 3 | 13 | 4 | 1 | 11 | 2 | 2 | 8 | 6 | 1 | 59 |

Entire City

| | | | | | | | | | | | | | |
|-------|----|----|---|----|---|---|----|---|---|----|----|---|-----|
| R | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 6 |
| A | 2 | 1 | 2 | 5 | 0 | 0 | 6 | 2 | 1 | 5 | 4 | 1 | 29 |
| A-C | 0 | 1 | 2 | 2 | 1 | 0 | 3 | 0 | 1 | 2 | 0 | 1 | 13 |
| C | 15 | 5 | 3 | 17 | 3 | 3 | 6 | 4 | 1 | 8 | 6 | 1 | 72 |
| C-C | 4 | 4 | 0 | 3 | 1 | 0 | 2 | 0 | 0 | 1 | 1 | 0 | 16 |
| M | 2 | 0 | 1 | 0 | 0 | 0 | 2 | 2 | 0 | 8 | 3 | 0 | 18 |
| Total | 23 | 11 | 9 | 27 | 7 | 3 | 19 | 9 | 3 | 25 | 15 | 3 | 154 |

Board of Aldermen Action By Land Use Category and Distance to Nearest Intersection

North Section of City

| Proposed Re-Use | At Corner | | | 1-100 Feet | | | 101 Ft. and Over | | | Total |
|--------------------|-----------|--------|----------|------------|--------|----------|------------------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| A | 0 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 2 | 7 |
| A-C | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 3 |
| C | 6 | 3 | 0 | 0 | 1 | 0 | 7 | 4 | 3 | 24 |
| C-C | 2 | 2 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 7 |
| M | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 |
| Total | 9 | 6 | 1 | 1 | 2 | 0 | 13 | 7 | 5 | 44 |

Central Section of City

| | | | | | | | | | | |
|-------|----|---|---|---|---|---|----|---|---|------|
| R | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| A | 2 | 2 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 8 |
| A-C | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| C | 6 | 1 | 0 | 2 | 0 | 0 | 10 | 1 | 1 | 21 |
| C-C | 3 | 1 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 7 |
| M | 3 | 2 | 0 | 0 | 0 | 0 | 3 | 1 | 1 | 10 |
| Total | 14 | 7 | 0 | 2 | 0 | 1 | 19 | 3 | 3 | 49** |

**Data Unknown for 2 applications

Board of Aldermen Action By Land Use Category and Distance to Nearest Intersection

South Section of City

| Proposed Re-Use | At Corner | | | 1-100 Feet | | | 101 Ft. and Over | | | Total |
|--------------------|-----------|--------|----------|------------|--------|----------|------------------|--------|----------|-------|
| | Approved | Denied | Deferred | Approved | Denied | Deferred | Approved | Denied | Deferred | |
| R | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| A | 3 | 0 | 1 | 2 | 0 | 0 | 7 | 0 | 0 | 13 |
| A-C | 2 | 0 | 0 | 0 | 0 | 0 | 3 | 2 | 1 | 8 |
| C | 6 | 2 | 0 | 1 | 0 | 0 | 8 | 5 | 2 | 24 |
| C-C | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 |
| M | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 6 |
| Total | 13 | 4 | 1 | 3 | 0 | 0 | 21 | 10 | 4 | 56** |

**Data unknown for 3 applications

Entire City

| | | | | | | | | | | |
|-------|----|----|---|---|---|---|----|----|----|-------|
| R | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 5 |
| A | 5 | 3 | 2 | 2 | 1 | 0 | 10 | 2 | 3 | 28 |
| A-C | 3 | 0 | 0 | 0 | 0 | 0 | 6 | 2 | 1 | 12 |
| C | 18 | 6 | 0 | 3 | 1 | 0 | 25 | 10 | 6 | 69 |
| C-C | 6 | 4 | 0 | 1 | 0 | 1 | 4 | 1 | 0 | 17 |
| M | 4 | 3 | 0 | 0 | 0 | 0 | 7 | 3 | 1 | 18 |
| Total | 36 | 17 | 2 | 6 | 2 | 1 | 53 | 20 | 12 | 149** |

**Data unknown for 5 applications

TABLE 28

Total Acreage Rezoned By Land Use Category
North Section of City

| Proposed Re-Use | First Six Months | Second Six Months | Total | Total Number Cases Included |
|--------------------|---------------------|----------------------|-------|--------------------------------|
| R | 4.9 | 0 | 4.9 | 1 |
| A | 12.6 | 19.3 | 31.9 | 7 |
| A-C | 3.6 | .3 | 3.9 | 3 |
| C | 25.1 | 5.0 | 30.1 | 21 |
| C-C | 10.6 | 10.0 | 20.6 | 7 |
| M | 1.3 | 0 | 1.3 | 2 |
| Total | 58.1 | 34.6 | 92.7 | 41** |

**Data unknown for 3 applications

TABLE 29

Total Acreage Rezoned By Land Use Category
Central Section of City

| Proposed Re-Use | First Six Months | Second Six Months | Total | Total Number Cases Included |
|--------------------|---------------------|----------------------|-------|--------------------------------|
| R | 17.1 | 0 | 17.1 | 2 |
| A | 90.9 | 38.0 | 128.9 | 7 |
| A-C | 3.6 | 0 | 3.6 | 1 |
| C | 7.3 | 14.2 | 21.5 | 21 |
| C-C | 2.3 | 0 | 2.3 | 5 |
| M | 12.9 | .9 | 13.8 | 8 |
| Total | 134.1 | 53.1 | 187.2 | 44** |

**Data unknown for 7 applications

TABLE 30

Total Acreage Rezoned By Land Use Category
South Section of City

| Proposed Re-Use | First Six Months | Second Six Months | Total | Total Number Cases Included |
|--------------------|---------------------|----------------------|-------|--------------------------------|
| R | 0 | 32.2 | 32.2 | 2 |
| A | 35.8 | 113.6 | 149.4 | 14 |
| A-C | 47.4 | 117.5 | 164.9 | 8 |
| C | 9.4 | 66.0 | 75.4 | 20 |
| C-C | 12.0 | 1.1 | 13.1 | 3 |
| M | 81.2 | 1.0 | 82.2 | 6 |
| Total | 185.8 | 331.4 | 517.2 | 53** |

**Data unknown for 6 applications

TABLE 31

Total Acreage Rezoned By Land Use Category
Entire City

| Proposed Re-Use | First Six Months | Second Six Months | Total | Total Number Cases Included |
|--------------------|---------------------|----------------------|-------|--------------------------------|
| R | 22.0 | 32.2 | 54.2 | 5 |
| A | 139.3 | 170.9 | 310.2 | 28 |
| A-C | 54.6 | 117.8 | 172.4 | 12 |
| C | 41.8 | 85.2 | 127.0 | 62 |
| C-C | 24.9 | 11.1 | 36.0 | 15 |
| M | 95.4 | 1.9 | 97.3 | 16 |
| Total | 378.0 | 419.1 | 797.1 | 138** |

**Data unknown for 16 applications

Board of Aldermen Action By Present and Proposed Zoning Category
First Six Months

| Proposed | Present | | | | | | | | | | | | | | | Total | | | | |
|-----------------|----------|--------|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|-----|-----|----|
| | R | | | A | | | A-C | | | C | | | C-C | | | | M | | | |
| | Approved | Denied | Deferred | App | Den | Def | App | Den | Def | App | Den | Def | App | Den | Def | | App | Den | Def | |
| R | 2 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 6 | |
| A | 6 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 13 | |
| A-C | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 5 | |
| C | 19 | 6 | 2 | 1 | 0 | 2 | 1 | 0 | 0 | 2 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 37 | |
| C-C | 3 | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 9 | |
| M | 4 | 3 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | |
| <u>Subtotal</u> | 37 | 13 | 6 | 8 | 0 | 3 | 1 | 1 | 0 | 4 | 1 | 2 | 1 | 1 | 0 | 1 | 3 | 0 | | |
| <u>Total</u> | 56 | | | 11 | | | 2 | | | 7 | | | 2 | | | 4 | | | | 82 |

Second Six Months

| | | | | | | | | | | | | | | | | |
|-----------------|----|----|---|----|---|---|---|---|---|---|---|---|---|---|---|----|
| R | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 4 |
| A | 6 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 15 |
| A-C | 2 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| C | 13 | 8 | 1 | 4 | 2 | 0 | 1 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 34 |
| C-C | 3 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |
| M | 1 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| <u>Subtotal</u> | 25 | 18 | 3 | 7 | 4 | 1 | 1 | 1 | 0 | 3 | 1 | 2 | 2 | 0 | 0 | |
| <u>Total</u> | 46 | | | 12 | | | 2 | | | 6 | | | 2 | | | 72 |

Time Required to Process Applications (Time Periods In Months - Days)

First Six Months

| Section | Total Applications | Applications With No Final Action As Of Feb. 28, 1971 | Net No. Of Applications | Overall Average Process Period | No. Of Non-Deferred Applications | Average Process Period Non-Deferred Applications |
|-------------|--------------------|---|-------------------------|--------------------------------|----------------------------------|--|
| North | 29 | 4 | 21 | 2-17 | 19 | 1-29 |
| Central | 30 | 4 | 26 | 2-18 | 21 | 2-03 |
| South | 23 | 4* | 19 | 2-27 | 9 | 2-05 |
| Entire City | 82 | 12 | 70 | 2-20 | 49 | 2-02 |

| Section | No. Of Deferred Applications | Average Process Period Deferred Applications | Range (Net Applications) | Range (Non-Deferred Applications) | Range (Deferred Applications) |
|-------------|------------------------------|--|--------------------------|-----------------------------------|-------------------------------|
| North | 6 | 4-12 | 1-10 to 9-21 | 1-10 to 2-20 | 1-17 to 9-21 |
| Central | 5 | 4-20 | 1-18 to 7-18 | 1-18 to 2-22 | 2-26 to 7-18 |
| South | 10 | 3-16 | 1-05 to 5-14 | 1-05 to 2-25 | 2-15 to 5-14 |
| Entire City | 21 | 3-28 | 1-05 to 9-21 | 1-05 to 2-25 | 1-17 to 9-21 |

Deferred Applications: Those applications deferred in at least one Zoning Committee Hearing or re-referred by the Board of Aldermen at least once.

*This figure includes one application on which the filing date was unknown.

Time Required to Process Applications (Time Periods In Months - Days)

Second Six Months

| Section | Total Applications | Applications With No Final Action as of Feb. 28, 1971 | Net No. Of Applications | Overall Average Process Period | No. Of Non-Deferred Applications | Average Process Period Non-Deferred Applications |
|-------------|--------------------|---|-------------------------|--------------------------------|----------------------------------|--|
| North | 15 | 2 | 13 | 2-20 | 11 | 2-13 |
| Central | 21 | 2* | 19 | 2-10 | 14 | 2-05 |
| South | 36 | 4 | 32 | 2-20 | 26 | 2-13 |
| Entire City | 72 | 8 | 64 | 2-17 | 51 | 2-9 |

| Section | No. Of Deferred Applications | Average Process Period Deferred Applications | Range (Net Applications) | Range (Non-Deferred Applications) | Range (Deferred Applications) |
|-------------|------------------------------|--|--------------------------|-----------------------------------|-------------------------------|
| North | 2 | 3-25 | 1-18 to 4-09 | 1-18 to 3-04 | 3-11 to 4-09 |
| Central | 5 | 3-18 | 1-22 to 4-27 | 1-22 to 2-15 | 2-29 to 4-27 |
| South | 6 | 3-17 | 1-25 to 6-10 | 1-25 to 3-26 | 2-15 to 6-10 |
| Entire City | 13 | 3-19 | 1-18 to 6-10 | 1-18 to 3-26 | 2-15 to 6-10 |

Deferred Applications: Those applications in at least one Zoning Committee Hearing or re-referred from the Board of Aldermen at least once.

*This figure includes one application filed in 1967 (Z-67-224-C) which was deleted to prevent distortions of the results. This case is the single application, dating prior to late 1969, which was considered by the Zoning Committee during the 12 months period included in this study.

Conformity to 1983 Land Use Plan by Land Use Category

North Section of City

| Proposed Re-Use | Agrees | | Disagrees | | Total | | Grand Total |
|--------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|----------------|
| | First Six Months | Second Six Months | First Six Months | Second Six Months | First Six Months | Second Six Months | |
| R | 1 | 0 | 0 | 0 | 1 | 0 | 1 |
| A | 1 | 1 | 2 | 3 | 3 | 4 | 7 |
| A-C | 0 | 1 | 2 | 0 | 2 | 1 | 3 |
| C | 7 | 1 | 11 | 5 | 18 | 6 | 24 |
| C-C | 1 | 1 | 2 | 3 | 3 | 4 | 7 |
| M | 2 | 0 | 0 | 0 | 2 | 0 | 2 |
| Total | 12 | 4 | 17 | 11 | 29 | 15 | 44 |

Central Section of City

| | | | | | | | |
|-------|----|----|----|----|----|----|------|
| R | 1 | 0 | 1 | 0 | 2 | 0 | 2 |
| A | 1 | 1 | 4 | 1 | 5 | 2 | 7 |
| A-C | 0 | 0 | 1 | 0 | 1 | 0 | 1 |
| C | 5 | 6 | 4 | 7 | 9 | 13 | 22 |
| C-C | 4 | 1 | 1 | 1 | 5 | 2 | 7 |
| M | 0 | 3 | 6 | 1 | 6 | 4 | 10 |
| Total | 11 | 11 | 17 | 10 | 28 | 21 | 49** |

**Data unknown for 2 applications

Conformity to 1983 Land Use Plan By Land Use Category

South Section of City

| Proposed Re-Use | Agrees | | Disagrees | | Total | | Grand Total |
|--------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|----------------|
| | First Six Months | Second Six Months | First Six Months | Second Six Months | First Six Months | Second Six Months | |
| R | 0 | 2 | 0 | 1 | 0 | 3 | 3 |
| A | 2 | 2 | 4 | 7 | 6 | 9 | 15 |
| A-C | 3 | 2 | 0 | 3 | 3 | 5 | 8 |
| C | 5 | 4 | 4 | 11 | 9 | 15 | 24 |
| C-C | 0 | 1 | 1 | 1 | 1 | 2 | 3 |
| M | 2 | 0 | 2 | 2 | 4 | 2 | 6 |
| Total | 12 | 11 | 11 | 25 | 23 | 36 | 59 |

Entire City

| | | | | | | | |
|-------|----|----|----|----|----|----|-------|
| R | 2 | 2 | 1 | 1 | 3 | 3 | 6 |
| A | 4 | 4 | 10 | 11 | 14 | 15 | 29 |
| A-C | 3 | 3 | 3 | 3 | 6 | 6 | 12 |
| C | 17 | 11 | 19 | 23 | 36 | 34 | 70 |
| C-C | 5 | 3 | 4 | 5 | 9 | 8 | 17 |
| M | 4 | 3 | 8 | 3 | 12 | 6 | 18 |
| Total | 35 | 26 | 45 | 46 | 80 | 72 | 152** |

**Data unknown for 2 applications

TABLE 39

Relationship to Adjacent Zoning By Land Use Category
North Section of City

| Proposed Re-Use | Similar | Dissimilar | Total |
|--------------------|---------|------------|-------|
| R | 1 | 0 | 1 |
| A | 2 | 5 | 7 |
| A-C | 2 | 1 | 3 |
| C | 13 | 11 | 24 |
| C-C | 4 | 3 | 7 |
| M | 2 | 0 | 2 |
| Total | 24 | 20 | 44 |

TABLE 40

Relationship to Adjacent Zoning By Land Use Category
Central Section of City

| Proposed Re-Use | Similar | Dissimilar | Total |
|--------------------|---------|------------|-------|
| R | 1 | 1 | 2 |
| A | 4 | 3 | 7 |
| A-C | 1 | 0 | 1 |
| C | 11 | 11 | 22 |
| C-C | 3 | 4 | 7 |
| M | 5 | 5 | 10 |
| Total | 25 | 24 | 49** |

**Data unknown for 2 applications

TABLE 41

Relationship to Adjacent Zoning By Land Use Category
South Section of City

| Proposed Re-Use | Similar | Dissimilar | Total |
|--------------------|---------|------------|-------|
| R | 3 | 0 | 3 |
| A | 7 | 8 | 15 |
| A-C | 2 | 6 | 8 |
| C | 17 | 7 | 24 |
| C-C | 2 | 1 | 3 |
| M | 5 | 1 | 6 |
| Total | 36 | 23 | 59 |

TABLE 42

Relationship to Adjacent Zoning By Land Use Category
Entire City

| Proposed Re-Use | Similar | Dissimilar | Total |
|--------------------|---------|------------|-------|
| R | 5 | 1 | 6 |
| A | 13 | 16 | 29 |
| A-C | 5 | 7 | 12 |
| C | 41 | 29 | 70 |
| C-C | 9 | 8 | 17 |
| M | 12 | 6 | 18 |
| Total | 85 | 67 | 152** |

**Data unknown for 2 applications

TABLE 43

Time Required to Process Applications (Time Periods in Months - Days)

First Six Months

| <u>Section</u> | <u>Applications</u> | <u>Applications With No Final Action as of Feb. 28, 1971</u> | <u>Net No. of Applications</u> | <u>Overall Average Process Period</u> | <u>No. of Non-Deferred Applications</u> | <u>Average Process Period Non-Deferred Applications</u> |
|----------------|---------------------|--|------------------------------------|---|---|---|
| North | 29 | 4 | 21 | 2-17 | 19 | 1-29 |
| Central | 30 | 4 | 26 | 2-18 | 21 | 2-03 |
| South | 23 | 4* | 19 | 2-27 | 9 | 2-05 |
| Entire City | 82 | 12 | 70 | 2-20 | 49 | 2-02 |

| <u>Section</u> | <u>No. of Deferred Applications</u> | <u>Average Process Period Deferred Applications</u> | <u>Range (Net Applications)</u> | <u>Range (Non-Deferred Applications)</u> | <u>Range (Deferred Applications)</u> |
|----------------|---|---|-------------------------------------|--|--|
| North | 6 | 4-12 | 1-10 to 9-21 | 1-10 to 2-20 | 2-17 to 9-12 |
| Central | 5 | 4-20 | 1-18 to 7-18 | 1-18 to 2-22 | 2-26 to 7-18 |
| South | 10 | 3-16 | 1-05 to 5-14 | 1-05 to 2-25 | 2-15 to 5-14 |
| Entire City | 21 | 3-28 | 1-05 to 9-21 | 1-05 to 2-25 | 1-17 to 9-21 |

Deferred applications: Those applications deferred in at least one Zoning Committee hearing or re-referred by the Board of Aldermen at least once.

*This figure includes one application on which the filing date was unknown.

TABLE 44

Time Required to Process Applications (Time Periods in Months - Days)

Second Six Months

| <u>Section</u> | <u>Total Applications</u> | <u>Applications With No Final Action as of Feb. 28, 1971</u> | <u>Net No. of Applications</u> | <u>Overall Average Process Period</u> | <u>No. of Non-Deferred Applications</u> | <u>Average Process Period Non-Deferred Applications</u> |
|----------------|---------------------------|--|--------------------------------|---------------------------------------|---|---|
| North | 15 | 2 | 13 | 2-20 | 11 | 2-13 |
| Central | 21 | 2* | 19 | 2-10 | 14 | 2-05 |
| South | 36 | 4 | 32 | 2-20 | 26 | 2-13 |
| Entire City | 72 | 8 | 64 | 2-17 | 51 | 2-9 |

| <u>Section</u> | <u>No. of Deferred Applications</u> | <u>Average Process Period Deferred Applications</u> | <u>Range (Net Applications)</u> | <u>(Non-Deferred Applications)</u> | <u>Average Process Period Non-Deferred Applications</u> |
|----------------|-------------------------------------|---|---------------------------------|------------------------------------|---|
| North | 2 | 3-25 | 1-18 to 4-09 | 1-18 to 3-04 | 3-11 to 4-09 |
| Central | 5 | 3-18 | 1-22 to 4-27 | 1-22 to 2-15 | 2-29 to 4-27 |
| South | 6 | 3-17 | 1-25 to 6-10 | 1-25 to 3-26 | 2-15 to 6-10 |
| Entire City | 13 | 3-19 | 1-18 to 6-10 | 1-18 to 3-26 | 2-15 to 6-10 |

Deferred applications: Those applications in at least one Zoning Committee hearing or re-referred from the Board of Aldermen at least once.

*This figure includes one application filed in 1967 (Z-67-224-C) which was deleted to prevent distortions of results. This case is the single application, dating prior to late 1969, which was considered by the Zoning Committee during the twelve-month period included in this study.

FOOTNOTES

¹Raymond C. Otwell, with assistance from William R. Bassett, A Review of Georgia Zoning Law, with Special Attention to the Legality of the Atlanta Practice of Conditional Zoning, Sub Report #1, City of Atlanta Zoning Study (Atlanta: Urban Observatory, 1971), p. 5. This is the most thorough study available of Georgia zoning law, with some commentary on the constitutionality of zoning as interpreted by the United States, Georgia, and other states' supreme courts.

²Ibid., pp. 6-7.

³Ibid., pp. 9-11. The cases involved here were Smith v. City of Atlanta (161 Ga. 769) and Village of Euclid, Ohio v. Amber Realty Co. (272 U.S. 365).

⁴Ibid., p. 12.

⁵In 1950 the Georgia General Assembly created the Atlanta-Fulton County Joint Planning Board and gave it the power to zone and rezone property. However, according to Otwell, "its powers were severely limited." Any attempts to rezone in the DeKalb portion of the City of Atlanta were subject to the approval of that county's governing body, and any decision within the city or in unincorporated Fulton County was also subject to appeal to the respective governing body. "The act was so diluted and unworkable that it was repealed at the next legislative session." However, the amendment which authorized such legislation is still valid and could be used any time the legislature so desired. Ibid., p. 20.

⁶City of Atlanta Planning Department, The Atlanta Zoning Ordinance and You (Atlanta: City of Atlanta Planning Department, 1960), p. 39.

⁷This evaluation is that of City Zoning Administrator Thompson Shuttleworth, interviewed on June 2 by a member of the Observatory staff.

⁸Otwell, pp. 39-41, defines conditional zoning and discusses its implications.

⁹One member of the City Planning Department estimated that amendments to the text of the ordinance averaged about ten per year during the four years involved; the figures in the workable program were not broken down and, since no exact count was available, such amendments, which were not considered a significant number of the overall totals, were included here.

¹⁰See the comments of a member of the City Planning Department staff in "Rezoning Pleas Often Gather Crowds," Atlanta Journal and Constitution, July 18, 1971.

¹¹Two other sources comment on the lower rate of approval, around 50 percent, prior to 1970-71: The Atlanta Zoning Ordinance and You, p. 39, and Samuel Ira Spector, Municipal and County Zoning in a Changing Environment, Research Paper No. 53, Bureau of Business and Economic Research (Atlanta: Georgia State University, 1970), p. 6.

¹²Los Angeles City Planning Department, Goals Formulation in the Planning Process: Wilmington-Harbor City (Los Angeles: City Planning Department, 1965); Southwest Center for Advanced Studies, Goals for Dallas (Dallas: Southwest Center for Advanced Studies, 1969).

¹³See esp. Candueb, Fleissig and Associates, Goals for Community Renewal and Concept Plan: Community Improvement Plan (Atlanta: Candueb, Fleissig and Associates, 1966); City of Atlanta Planning Department, Community Facilities (Atlanta: City of Atlanta Planning Department, 1968), 1983 Land Use Plan for the City of Atlanta (Atlanta: City of Atlanta Planning Department, 1969), and Background Information: 1983 Land Use Plan (Atlanta: City of Atlanta Planning Department, 1967); and Ivan Allen, Jr., Atlanta's Low Income Housing Needs and Goals, Mayor's Conference on Housing (Atlanta: 1966).

¹⁴See City of Atlanta Planning Department, Planning Atlanta 1970 (Atlanta: City of Atlanta Planning Department, 1970).

¹⁵The approval rate for petitions in the North dropped from 67 percent in the first six months to under 50 percent in the second six months; this was the only section which showed a significant difference between the study periods, and the numbers are really too small when broken down this far to reach any major conclusions.

¹⁶The amount of time it has taken to process petitions during the study period is shown in the Appendix, Tables 43 and 44. Note that the average amount of time required did not change much with the adoption of the new ordinance.

¹⁷A new state law requires in Fulton County that the three departments most affected by zoning requests--education, public health, and public works--evaluate each application for rezoning and submit comments which are read at the public hearings of the joint board and county commission.

¹⁸One should keep in mind here the fact that, although earlier data emphasized the high number of applications which were not similar to any adjacent use, this data did not speak to the question of what similar uses might be located in the "vicinity" of the proposed parcel. One might expect that the definition of "vicinity" would vary considerably according to whether the spokesman was for or against the particular application..

¹⁹For instance, Atlanta Housing Authority Director Lester Persells is quoted as saying: "Zoning ought not to be a popular vote of a rezoning hearing, but on the facts and good planning principles. But the evidence in many cases is that many decisions are made on the basis of the 'vote' of persons at the hearing." "Public Housing Here Tops U.S. Picture," Atlanta Constitution, June 5, 1970.

On the other hand, residents of Southwest Atlanta told a Community Relations Commission hearing that the four members of the Zoning Committee decide the fate of communities and nothing will change the four members' minds no matter how many residents attend the zoning hearings to protest. "SW Residents Air Problems, Gripes," Atlanta Constitution, March 30, 1971.

²⁰The crucial problem with this data is the means in which it has been collected. The secretary to the Zoning Committee takes a show of hands and estimates from that the number appearing in opposition. There is no written record to indicate exactly how many citizens are in attendance.

²¹See, for instance, David C. Ranney, Planning and Politics in the Metropolis (Columbus, Ohio: Charles E. Merrill, 1969), esp. pp. 49-50; Francine F. Rabinovitz, City Politics and Planning (New York: Atherton Press, 1970), p. 9.

²²These percentages include only those cases on which final Board of Aldermen action was taken prior to February 28, 1971.

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THE ATLANTA ZONING PROCESS: CASE STUDIES AND PARTICIPANT VIEWS

by

Frank J. Clarke, M.S.

Project Staff for the Atlanta Zoning Study

by the

CENTER FOR RESEARCH IN SOCIAL CHANGE

Fred R. Crawford, Ph.D.
Director and Principal Investigator

Study Director:
Frank J. Clarke, M.S.

Consultants:
Walter R. Rooney, Ph.D.
Dana F. White, Ph.D.

Research Assistance:
Harvey Gates
Suzie Lowes
Viola Ralston
Robert Latham
Janet Latham
Ruby Bowden
Tim Crimmins
Gloria Blackwell

Staff Support:
Mattie Anderson

FOREWORD

This volume represents the attitudinal portion of a three-volume study of the zoning process in the City of Atlanta. It is the result of coordinated research which enlisted the enthusiastic support of the residents of three Atlanta neighborhoods, various city officials and administrators, representatives of the media and the League of Women Voters in obtaining the views of Atlantans on the zoning process.

The project staff members are listed on the preceding page. It is particularly noteworthy that every staff member did far more than was expected of him, offering suggestions and constructive comments which added greatly to the study.

Two members of the Atlanta Urban Observatory, H. Coleman McGinnis and Jenann Olsen, contributed their special expertise in political science to balance the sociological aspects of the data in this study.

The author is sincerely grateful to all those who willingly gave their time and energy to make this study possible.

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I. INTRODUCTION

Zoning is a topic that evokes strong comments. No one who becomes involved in a study of the zoning process can remain removed from some reaction to what has been written and said about this subject.

For example, former Senator Paul Douglas gave his views that zoning decisions are vital parts of a process. He said that

many people view zoning decisions as insignificant matters, or as part of a game in which some landowners gain from speculative activities while others do not. But zoning decisions are not trivial. They have important effects on broad social and economic questions, such as racial and economic segregation, access to job opportunities, and the rate of local taxation. They are vital parts of the process by which a community decides what it will be like or how it will develop economically, socially, and aesthetically. . . . Each zoning decision involves a variety of personalities, interests and conflicting considerations.¹

Zoning disputes are widely publicized by the media, often in military terms like "assaults," "pressures," and "opponents."²

Whyte says that zoning is a tool that always seems on the brink of better days. In his view, planners have been pressing for broader, more public-oriented application of zoning through the use of other variants of the police power such as an official map (which Atlanta has) and the regulation of new development. But the prospect of a regional approach to zoning still seems many years off because in most communities there is still a desire to retain the status quo or have a future reasonably similar to that already experienced.³ (The regional approach to many problems is incorporated in the division of functions under the Atlanta Regional

Commission concept. Zoning was one function retained under local control))

However, there are other authorities who see zoning as an opportunity for working together. Rahenkamp believes that the process for negotiating plans for new development should be a grass roots affair, a process of equitably swapping until everyone is protected; developer, officials, and neighbors.⁴

II. PRESENT PRACTICE IN ATLANTA

Introduction

Zoning is defined in Planning Atlanta 1970⁵ as

a regulatory device designed to direct the growth and development of the city in a manner consistent with local objectives, as expressed in the land use plan. This regulation is in the form of a city ordinance comprised of a district map and a text. The combined effect is to divide the city into districts within which uniform and specific regulations are to be applied to all developments.

The legal basis for zoning in Atlanta is the Zoning Ordinance of the City of Atlanta.⁶ The general outline of the steps which must be taken to amend this ordinance are specified in it with details being given in Revised Zoning Procedures June 1970.⁷

In this study the actions taken to amend the zoning ordinance are called "the zoning process." Figure 1 is a flow chart prepared from the revised zoning procedures to depict these actions.

Although Figures 2 and 3 accurately represent the operation of the zoning process, there were applications during the twelve-month period-- February through July, 1970, and September, 1970, through February, 1971-- when something occurred to retard the theoretical functioning of the process.

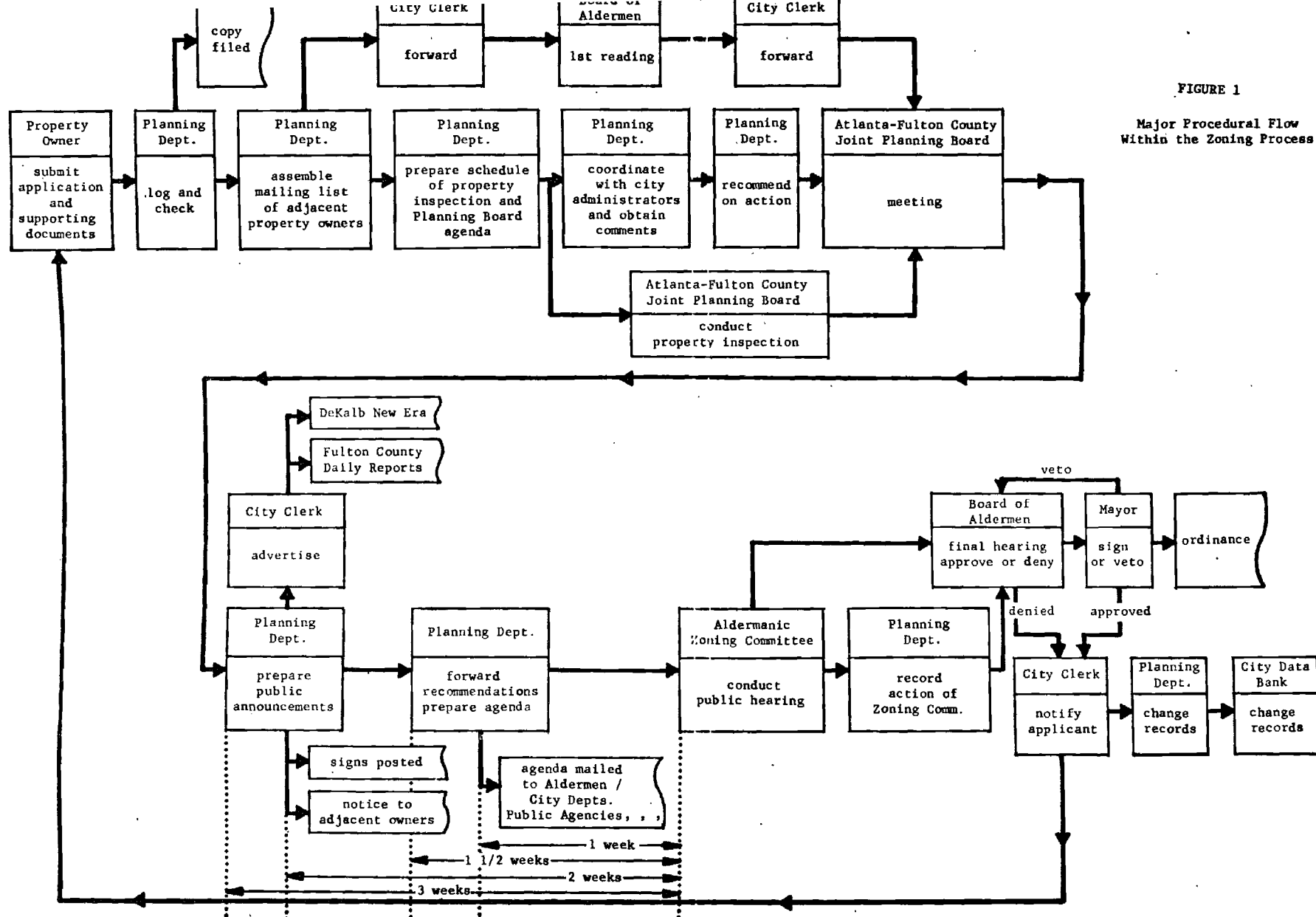


FIGURE 2

THE ZONING PROCESS IN THE CITY OF ATLANTA

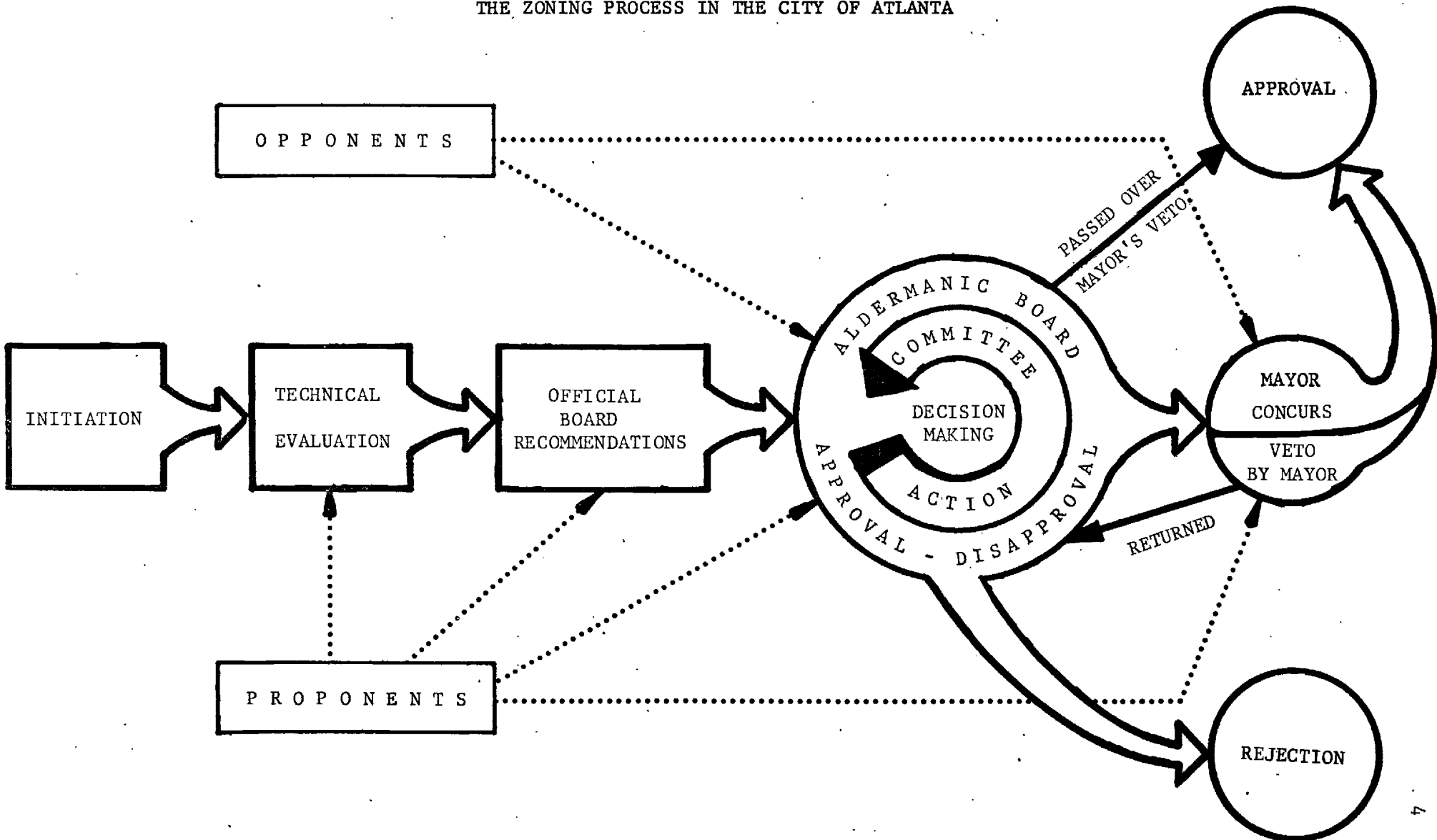
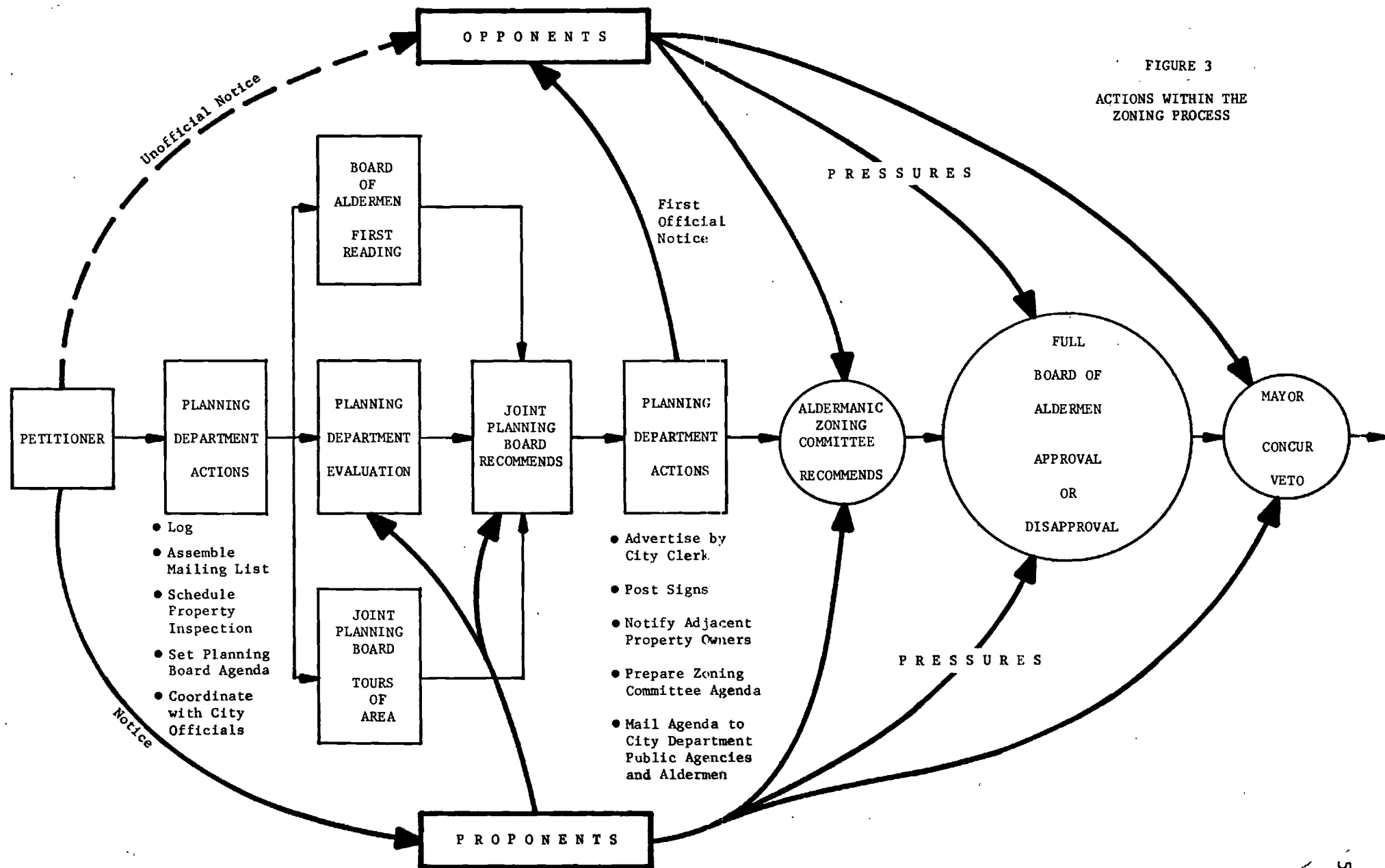


FIGURE 3
ACTIONS WITHIN THE
ZONING PROCESS



Some of these occurrences are reported in the Rupnow Study.

In Figure 2 heavy lines were used to identify the direction of the opposition and the points at which the various groups may have applied pressure.

Other deviations from the anticipated functioning of the zoning process may have resulted from actions taken by the Aldermanic Zoning Committee, the Board of Aldermen, or the Mayor of Atlanta. For instance, a decision to restudy an application for later consideration may add weeks to the processing times shown in Figure 1.

Since it was impossible to reconstruct the circumstances which surrounded each application where some deviation from anticipated processing occurred, two approaches were taken in the overall research. The Rupnow Study reports the results of an analysis of data on zoning during the past.

This study was conducted between October, 1970, and May, 1971, during which three applications for zoning changes were studied in detail in an effort to detect and isolate those forces which retarded the process.

These forces created friction which prevented the zoning process from functioning as anticipated.

Further analysis was then undertaken to determine whether the frictions detected and isolated were likely to recur in other zoning changes. If they were, then "normal" processing time should provide for delays which retard the process.

In addition to isolating the causes of friction, this study undertook to develop a set of recommendations intended to minimize the friction in the zoning process in the future.

Functioning of the Zoning Process

Details of the process are given in the Rupnow Study. The application for a proposed zoning change must be initiated by the owner of the property, or the authorized agent representing owners of 51 percent of the property within the area where the change is proposed.

The functioning of the process which is initiated by the filing of an application for zoning change can be conceptualized by a model, Figure 2. This model provides for initiation, technical evaluation, recommendation, and output in the form of a decision whether or not to approve the application and by so doing, permit the rezoning of a specific piece of property.

Figure 3 depicts the actions of the major departments and boards in the zoning process. These actions are arranged to conform with Figure 1. In both Figures 2 and 3, the actions of the proponents and opponents of the proposed change are shown as they attempt to affect the process. The proponents have the advantage of early knowledge that the application has been filed because the applicant is a member of this group. The opponents of the application may learn about it in a variety of ways: 1) by formal notification from the Zoning Administrator, 2) informally from friends or by observation, or 3) when contacted by the applicant. In either instance, the opponents have less time than the applicant in which to prepare a position on the application.

The rezoning application is reviewed by both the Planning Department and the Atlanta-Fulton County Joint Planning Board. The Planning Department also advertises a pending public hearing on the rezoning, places signs on the property telling of the hearing and notifies "adjacent property owners" (those owning property within 300 feet of the property in question) by mail of the hearing. Actually the first official notice of the application

is sent to the adjacent property owners after the City Planning Department has made its internal recommendation and two weeks prior to the open hearing on the application before the Aldermanic Zoning Committee.

The application, together with the recommendation of the zoning division, Planning Department, and the Atlanta-Fulton County Joint Planning Board, is referred to the Aldermanic Zoning Committee for a public hearing on the proposed change. The Zoning Committee holds month public hearings on pending rezoning applications. The recommendations of the Planning Department and the Joint Planning Board are available to the Zoning Committee, and citizens (both proponents and opponents) are welcome to attend the public hearing and, if they wish, to testify on any rezoning application.

The Zoning Committee, when its public agenda is completed, meets in executive session and develops its recommendation to the Board of Aldermen. It has the option to recommend to the Board of Aldermen approval or denial, or to defer action on any rezoning application. The board in an open meeting either adopts or adversely [sic] the recommendation of the committee on each non-deferred application. Adopted applications, now city ordinances, go to the Mayor for approval or veto and the applicant is notified of the action taken.

The Differential Views of Participants in a Zoning Change

The views of participants in any given application for a zoning change can be conceived of as extending along a continuum from active support in favor of the proposed change through total indifference to what happens and finally to active opposition to the change.

Depending upon the sense of personal involvement of the individual in the proposed change, as he sees his interests enhanced or threatened,

his views may vary over this entire continuum.

So it becomes possible for "normal" functioning of the zoning process, which averaged 78 days during 1970-71, to be greatly prolonged or even to remain unresolved. It is the opposed and often unresolved changes, as seen by the participants, which are major causes of friction that retard the process.

For example, a well conceived plan for development of a piece of property may be skillfully presented to the Aldermanic Zoning Committee but yet be disapproved because in the view of the committee members the timing of this change is wrong. Naturally, the proponents of the change will remain unconvinced and will seek to minimize the delay until the proposal can be again heard by the aldermen.⁸

If the proposed change mobilized opposition from the adjacent property owners, they too can be expected to have moved from a feeling of satisfaction with the status quo through a threatened condition followed by a return to a somewhat apprehensive condition of satisfaction that an undesirable change had been avoided.

Similarly, city administrators considering the overall needs of the city may have been asked for advice on this specific application which concerns only one piece of property among many. The views of the city administrators, ranging from support of private property rights through eminent domain, may then be drastically changed because of precedents set by the Board of Aldermen in several zoning changes.

Interaction During the Zoning Process

As Figure 2 illustrates, there are several stages in the rezoning process at which citizen input occurs. Officially, residents of the

neighborhood to be affected by the rezoning are not notified until the Planning Department advertises the hearing and officially notifies the adjacent property owners. Since most opposition to a rezoning application stems from the neighborhood to be affected, input from the opposition occurs in descending order mainly at the Zoning Committee public hearing, then at the Board of Aldermen meeting, and finally, if necessary, at the point when the Mayor must sign or veto the ordinance. As shown by the dotted line in Figure 2, there are instances in which the applicant (property owner or his agent) does informally notify (potential) opponents by discussing his plans with residents of the neighborhood to be affected by the rezoning. The early notification does not, however, generally lead the opposition to attempt to influence either the Planning Department or the Joint Planning Board. The major input from the opposition still lies in the later stages of the process.

At least some proponents are aware of the rezoning application prior to its filing. An applicant (and perhaps his supporters) have an opportunity to influence the zoning process earlier than opponents. In addition to input at the Zoning Committee, aldermanic, and mayoral stages, proponents can contact and attempt to influence the Planning Department and the Joint Planning Board during their review activities.

Roles of the Participants

In terms of the conceptual model shown in Figures 2 and 3, each participant in a zoning action could be thought of as playing several roles as the application for a zoning change progressed through the zoning process. In the initiation stage of the process, the property owner or agent applied for a change in zoning to permit more effective or profitable use of the

property. In the role of applicant, it was necessary to explain to the city administrators whose duties involved the consideration of zoning changes how the proposed change would affect the property. The adjacent property owners, as soon as they became aware of the application, might have participated either in support or opposition to it. A developer might be involved as well, because there was a chance to build on the property once the zoning change was approved.

As the individuals interacted, the actions of each one influenced the others just as he was influenced by them. When the application came up for public hearing before the Aldermanic Zoning Committee, the roles of each participant changed. The property owner or his agent became an advocate arguing the merits of the change before the committee whose members had set aside their legislative role and assumed a quasi-judicial one. The spokesman for the adjacent property owners assumed the role of a supplicant who was seeking the understanding of the members of the committee of the position of these owners on the application. The city administrators, having rendered their professional opinions, were present to testify as expert witnesses.

Selection of Cases for Study

Basés for Selection

One consideration of the research design was the means of obtaining the differential views of the zoning process, as conceptualized in Figure 2, held by the participants in the same zoning action. Where these views could not be explained in terms of Figure 2, there was the possibility that friction had occurred and prevented the zoning process from functioning

as indicated. It might be possible to isolate the causes of these frictions by making a detailed study of specific cases.

The participants in each case were conceptualized both as individuals interacting when confronted with the same problem and as a small group whose members did not hold the same view on all subjects.

Three criteria were used in the selection of the initial three cases. They were 1) potential for controversy during which friction might be detected; 2) neighborhood, all quadrants were to be represented; and 3) zoning classification, the most common type being selected in each quadrant.

The advice of the Zoning Administrator, City of Atlanta, was sought to determine whether there were applications currently in progress which had these characteristics.

Actual Selection

On November 20, 1970, in consultation with a Zoning Administrator, all pending applications were reviewed for possible inclusion in this study.

To determine the applications to be studied, the entire group on hand was first sorted into two main categories: applications for special use permits and applications for zoning change. The special use permits are issued to enable a property owner to use property in ways not provided in the zoning district in which the property is located. For example, a special use permit is issued to permit the erection of a church in a residential area. All of the applications for special use permits were set aside, because at that time, in the opinion of the Zoning Administrator, none of them was controversial. They would not illustrate any friction

which might arise in this category of applications.

The applications for rezoning were subdivided into those in which, in the opinion of the Zoning Administrator, there were elements of controversy and those which were routine applications. All routine applications were set aside as being explainable within the concept of the zoning process shown in Figure 2.

The remaining rezoning applications were sorted by the quadrant of the city in which the property was located so that typical cases could be identified. Four applications were selected, one in each quadrant, as case studies because they represented typical zoning changes in the city. Two of these were pending. Two others were already in progress which precluded interviewing the adjacent property owners before they were aware of the proposed zoning change.

The cases selected were:

Northeast quadrant from A-2-C (apartments) to C-1 (commercial);

Southeast quadrant from R-4 (smaller homes) to A-L (apartments-limited);

Southwest quadrant from R-4 (smaller homes) to A-2 (apartments);

Northwest quadrant from M-1 (light manufacturing) to A-2 (apartments).

Three different kinds of neighborhoods are represented in the following case studies, and each was faced with a different type of zoning change involving the development of presently vacant land. In the Northeast quadrant, an upper-class, white residential neighborhood was involved in a rezoning application to permit the construction of a shopping center nearby.⁹ The Southeast case involved a lower-class, black residential neighborhood (in a predominantly white quadrant) faced with a rezoning to

a low-to-moderate-income apartment complex. In the Southwest case, a middle-class white residential neighborhood (in transition from white to black) was involved in a rezoning for a large development of high-priced apartments.¹⁰

The Northwest case, the only one with the potential for controversy, progressed too quickly for interaction by the research group. Therefore, it was dropped from the study.

Review and Selection of an Additional Case

On January 28, 1971, a review was made of the progress of the three cases. It appeared that none of them would be approved, so a fourth case with a higher probability of approval was selected with the assistance of a Zoning Administrator. This case in the Southwest quadrant also concerned rezoning from smaller homes (R-4) to apartments (A-1). This case was substituted for the earlier Southwest case and the study was completed.

These case investigations were carried out between October of 1970 and May of 1971. Efforts have been made not to reveal the specific rezoning applications or the participants involved. Information presented here includes details of the neighborhoods involved in the rezoning application process, and interviews with adjacent property owners in each of the cases, background material leading up to the actual applications for rezoning, descriptions of the public hearings held on the applications by the Aldermanic Zoning Committee, and the results of unstructured interviews with participants (i.e., developers, attorneys, property owners, etc.).

III. METHODOLOGY USED

Design of the Case Studies

Data on each case were collected in three ways: media search, non-participant observation, and extended depth interviews.

Media Search

Beginning on October 26, 1970, and continuing daily throughout the period of the study, two daily and four weekly newspapers were scanned for mentions of zoning, especially any references to the cases which were being studied. Editorials and bylined columns relating to zoning were also clipped.

An attempt was made to record the gist of radio and television commentators' mentions of zoning, but no patterns of monitoring seemed to be indicated which would insure receptions of these comments.

The decision was made to contact representatives of the media and by interviewing them determine how they decided what was newsworthy and how they handled the need for editorial positions on zoning.

Non-Participant Observation

One or more members of the research group attended the meetings of the Atlanta-Fulton County Joint Planning Board, the Aldermanic Zoning Committee, and the Board of Aldermen at which the cases being studied were being considered.

The observer at the hearings of the Aldermanic Zoning Committee noted the race, age, sex, and role of each person who spoke either in support of or opposition to the cases being studied. A note was made of the total number of persons present in support or opposition to each case, and

whether there were other aldermen, state legislators or other elected officials present at the hearing.

During the Board of Aldermen meeting, where each case was considered, the observer made notes of the report of the chairman of the Aldermanic Zoning Committee on the case, which aldermen spoke in support or in opposition to it, and the final vote including the need for a roll call of aldermen.

The observer was instructed to be alert to any overt indications of action and reaction among the participants once the proceedings had started. For example, the work load of the Aldermanic Zoning Committee had to be compressed within a short time period. Therefore, each participant might exhibit evidence of anger and hostility when he ran out of his allotment of time without making his point completely. He might glower at the opposition as he returned to his seat. Once he was seated, other spectators might approach him and comment on what had occurred. He might talk busily to spectators seated next to him. Some of the spectators might seem to be stirred by the testimony making audible comments or showing support by clapping. An observer seeing these reactions might draw some inferences as to the existence of a group in the audience and some indication of the position of the speaker in the group. He might note the apparent membership of the group in terms of age, sex, race, wearing apparel, etc., and its agreement with the position just expressed. He might also note the reactions of the opposition as indications of the impact which the speaker had made on them. Lastly, he might observe the reactions of the aldermen and the attention which they gave to the speaker.

In-depth Interviews

The in-depth interviews were of three types.

(1) A highly structured interview was conducted using an instrument (see Appendix 1) and an experienced interviewer. This was used with the applicant and the property owners whose property came within 300 feet of the applicant's property. In this study, this group is called the "adjacent property owners" (abbreviated to APOs). These interviews were not recorded on tape. Before being put into full use, the instrument was field tested on December 15, 1970, and found to be satisfactory.

The APO was first notified by a letter from the project director that a study was being conducted and that the APO's views on the zoning process were being solicited. (See Appendix 2.) This letter gave the name of the interview team leader and stated that the APO would be contacted by the leader so that a specific appointment for an interview could be arranged. Confidentiality and anonymity were assured.

When the interview team leader called to make the appointment, the same statements were repeated to the respondent to reinforce the earlier stimulus to accept the interview. Later, during the interview, the interviewer again supported the APO reassuring him that his views were being accurately recorded and guaranteeing confidentiality and anonymity. Only three out of sixty-one adjacent property owners contacted in person refused to be interviewed. In these cases of refusal the interviewer noted the circumstances on the instrument and returned it to the office of the research group.

In fact, many APOs went beyond direct answers to the fifty-two closed form questions being asked and supplied much of the background data used in the analysis of each case. The interviewer also checked for incomplete

or inconsistent replies which were verified while the interview was in progress.

If during the interview the APO replied affirmatively to Question 8 (Have you ever been involved in any effort in Atlanta to rezone a piece of property?), the interviewer moved to Supplement A of Appendix 1 and completed it before returning to Question 9 on the basic instrument.

After leaving the APO, the interviewer completed the background data on the age, sex, marital status, apparent socio-economic status, telephone number, homeownership, and occupation of the APO.

The completed instruments were delivered by hand to the office of the research group.

When interviewing APOs, the interviewers were instructed to talk to the APO personally. If after five attempts the APO could not be contacted, the interviewer notified the principal investigator and asked for guidance. If the spouse or agent of the APO was available, permission was granted for the interviewer to substitute that person for the property owner. A notation of the name of respondent and his relationship to the APO was made on the instrument.

When neither the APO nor his spouse or agent was available for interview in person, the interviewer returned the instrument to the principal investigator. In each of these instances, a letter was sent to the APO asking for his help in completing a questionnaire which was provided as an enclosure (see Appendix 3). This questionnaire was prepared by truncating the regular instrument (see Appendix 1), to convert it to mail interviews.

A record was maintained of the names of the APOs in each case. As each APO was interviewed, a notation was entered in the record. Refusals

were also noted until all APOs had been accounted for as having had an opportunity to express their views.

To reduce the control effect which might occur when an APO who had already expressed his opinions discussed the interview with another APO who had not yet been interviewed, teams of two or three experienced interviewers worked on the same case at the same time so that all APOs were interviewed as soon as possible after the interviewing process began. Before beginning the interviews, the leader of each team was given details on the research which was intended to establish the frame of reference to be used by each interviewer. The leaders were cautioned that the interviewers must avoid biasing the data by comments or interpretations outside this frame of reference.

The interviewers were also instructed to record any evidence of interaction such as suggestions that the interviewer should also talk to the spouse, or another person outside the household.

Throughout the questioning in all interviews, the interviewer noted the reactions of the APO as the interviewer sought to uncover underlying feelings and perceptions about himself, his neighbors, and the zoning process and those who were involved in it. Included in the questions were several which sought his reactions to the idea of acting together and his feelings and orientation toward others as part of a group which shared a common problem.

(2) A semi-structured interview was obtained by mail when an in-person interview was impracticable. These interviews were requested in a letter in which the project director described the purpose of the study, the reason for writing to the APO, the APO's interests in replying and an

assurance of anonymity. Each letter (Appendix 3) was accompanied by a questionnaire which was prepared by truncating Appendix 1. When no reply was received to this letter and questionnaire, follow-up was accomplished by an additional letter, Appendix 4, in which the addressee was urged to respond by being told that his views were needed to complete the study. Another copy of the questionnaire previously sent to him was attached to this follow-up letter.

(3) Less structured interviews of fourteen of eighteen city aldermen were conducted by an investigator who was guided by a list of questions to be asked, Appendix 5. These open-ended questions elicited a wide range of responses which were taped for later study and analysis.

Less structured interviews were also obtained from city administrators whose departments were affected by zoning decisions. These included members of the Board of Education as well as fire, police, public works and school officials. The list of questions which were asked of these officials is found in Appendix 6. Some responses were recorded on tape, others were noted by hand for later transcription.

Unstructured interviews were conducted with representatives of the media in Atlanta using a list of items to determine and record on tape their views of the zoning process and how it could be presented in the media. Appendix 7 lists the items used in these interviews.

Interviews by telephone were used only when an in-person interview could not be arranged. These interviews were conducted with the aid of the appropriate questionnaire, Appendix 1, 5, 6, or 7. Some of these interviews were recorded on tape as well as in notes.

IV. PRESENTATION OF THE CASE STUDIES

The three cases are presented in detail in this section. For each case there is a narrative followed by statements of views of the participants and an analysis. A comparison of the data from all three cases is included at the end of this section.

The Northeast Case

Narrative

This case concerned an attempt to rezone a four-acre tract of vacant land from apartments (A-2-C) to commercial (C-1) so that a shopping center could be built on it. This property is located along a major road leading to the residential suburbs to the north and east of Atlanta. It is an upper-class neighborhood in an area composed mainly of single family homes described by the City Planning Department as "among the best in the city and for that matter in the nation." Seventy-two percent of the land in the planning area is devoted to residential uses, but commercial establishments are scattered along the major north-south traffic artery in question. Homeownership in the planning area is among the highest in the city, and only approximately 5 percent of the land in the planning area is developed for commercial purposes. Recent population figures indicate that the planning area is 98 percent white.¹¹

In this area the original zoning of residential (R-3) has continued in force for most of the property, but in the immediate neighborhood there have been many zoning changes made usually to permit either apartments or commercial uses for some of the land. At the time of original development of the neighborhood, the developers sold the lots that were not facing the major road and built individual homes on them. The lots fronting the major road were reserved for other uses, although this was not known to the residents at the time. The area was outside the city limits and subject to county zoning.

The applicant bought one lot fronting on the major road as an investment. In his opinion, the major road was already carrying a large part

of the traffic into and from the area and as the area continued to grow, the property fronting on this road would become valuable for stores and other commercial establishments to serve the residents of the entire area. This foresight proved to be correct very soon after the first parcel was acquired, because the county commissioners permitted the existing businesses to remain in the residential area by granting them non-conforming use permits. Other property owners, seeing that these commercial uses were permitted, petitioned to have similar permission for their property. In many cases the county commissioners permitted the change. This established a precedent which was carried on by the Board of Aldermen when the area was annexed by the City of Atlanta. At the time each zoning change was made there appeared to be good reasons for granting it and the opposition of the residents of the area was disregarded.¹²

The residents of the neighborhoods which bordered the major road watched with dismay the steady change of the use of the property along the road. In their view, the zoning indicated that the entire area was continuous and, therefore, the uses along the major road should be similar if not identical to those on the side roads leading from it. In this view they were partially correct, because several blocks of small individual homes had been erected along the major road in the vicinity of the property that is now being considered. However, the cost of land along the major road had risen steadily, and it was no longer possible to purchase a building lot for a home at a price low enough to permit it to be used for this purpose. The property owner, seeing this speculative rise in the price of land along the major road, bought additional parcels adjoining the original parcel until the present four-acre property had been assembled. In addition

to a favorable location along the major road, this property had considerable depth from the road which made it suitable for many uses. The property owner made plans for the first of these uses, a medical building. He discussed his plans with the adjacent property owners who, after some hesitation, agreed not to oppose the change in use. However, for some reason, the plan was never implemented and the land remained vacant.

The property owner then proposed erecting a high-rise apartment house on the property with stores on the ground floor. The APOs suggested an alternative method of development which provided a limit to the height of the building. The stores were to be only those which would cater to the apartment residents.

The property owner agreed to these conditions after which he applied for and received a zoning change from residential (R-3) to apartments conditional (A-2-C).

Between the time that the application for zoning change was filed and the change was granted, the availability of funds for building apartments changed and the owner could no longer arrange the necessary financing on favorable terms. Therefore, he took no action on the planned project. The APOs were unaware of the cause of the delay in building the apartments.

In the fall of 1970 a realtor representing a national chain of retail stores approached the property owner and suggested that the property be developed as a shopping center. The owner would retain control of the property with the national chain entering long-term leases on some of the stores in the shopping center. This suggestion was contingent upon the ability of the property owner to have the property rezoned to commercial (C). The real estate broker agreed to handle the application for rezoning and to appear for the property owner at the hearing on it. An

experienced attorney known to the realtor was also retained to act for the property owner.

The realtor submitted the application and it was scheduled for hearing by the Zoning Committee just prior to the 1970 Christmas holiday period. Both the Planning Department and the Atlanta-Fulton Joint Planning Board recommended denial.¹³ The APOs in the neighborhood on one side of the major road learned of the filing shortly after it had been made. The other APOs and the civic association on the opposite side did not learn about it until they were officially notified of the open hearings on it.¹⁴

The realtor stated to the research group that he had attempted to explain the new proposal to the adjacent property owners but they would not listen to him. The opposition to the change grew rapidly so that when the application was heard in early December, 1970, well-organized groups appeared to give their opinions on it.

The Opposition

Twenty of twenty-seven APOs in the neighborhood were interviewed prior to the hearing. Their replies to the questions posed to them indicated that many had direct prior experience with zoning. As a result, formal organizations to foster neighborhood viewpoints existed with officers, designated spokesmen and established roles. It was postulated that these experienced APOs should react strongly against the proposed change.

The Hearing

Approximately fifty-one white people, two-thirds women and one-third men, attended the hearing before the Aldermanic Zoning Committee. Formal presentations of the plans of the applicant were made by the attorney assisted by the realtor who used a detailed site plan. The opposing views were expressed by the

president of one neighborhood civic association who based the group's objections on the traffic which the proposed shopping center would generate. The spokesman for the neighborhood homeowners association across the major road based that group's objections on the disturbance to the residential character of the neighborhood. An attorney representing one APO presented that owner's objections to the loss of the residential character of the neighborhood if the shopping center was approved.

The chairman of the Aldermanic Zoning Committee appeared to be acquainted with the history of the property and closely questioned the proponents on the reasons why the plan to build apartments could not be carried out. The committee voted to recommend denial of the application and it was denied by the Board of Aldermen. Upon learning that the application had been denied, the attorney stated that the property owner would probably try to finance the building of the apartments as planned because there was a better chance of financing it now than there had been when the zoning change had been granted. The realtor did not concur. In his opinion, the owner should wait eighteen months until another application could be submitted and try again. The national chain store company had ascertained through market research that this property was the place to build its stores and it was prepared to wait the time needed before trying again. The decision of the property owner is not known.

The Views of the Property Owner

This interview was conducted by telephone after the application had been denied. The property owner had been away from Atlanta during the hearings.

He stated that, in his opinion, the zoning process tends to favor

groups of individuals who appear at hearings and apply pressure by their presence. The aldermen, seeing the people present, assume that they are all adjacent property owners with a legitimate reason for being present. However, in his opinion, a count of the actual adjacent property owners as defined in the zoning ordinance would show only a few, if any, are present. As the adjacent property owners become more familiar with the zoning process, they come to feel that they can apply political pressure and obtain their wishes. In many cases this means no change from residential area whatsoever.

In the case of this property, which was bought as a speculation, there was always in the owner's mind the understanding that it was to be used for commercial purposes.¹⁵ The timing of the conversion from residential to commercial would depend upon the growth of the area. Naturally, once a piece of property is rezoned for commercial use it rises in price. It should do so because the commercial classification makes it possible to use it for many profit-making purposes. The APOs have been told this repeatedly but they prefer to see the whole area as suitable only for homes, with stores and other service businesses as far away as possible, but close enough to use.

Many of the aldermen see the city as the developers and commercial property owners see it, a changing city that responds to needs of people. The zoning process should simplify and be responsive to these changes. A well-conceived, commercially-feasible plan should receive careful consideration by the aldermen rather than forcing the owners to justify the change from the residential zoning which is no longer suitable for the property.

In general, the zoning process is fair, but it is difficult to explain in a short time at an open hearing the intricacies of a complicated business venture. In the past, it was possible to arrange informal meetings with the aldermen during which these details could be explained so that at the open meeting only the broad outlines of the plan would have to be presented. This expedited matters and also assured the aldermen that they knew what was involved in each application.

The Views of the Real Estate Broker (Realtor)

This was a personal interview conducted after the application had been denied. In the opinion of the realtor the zoning process in the City of Atlanta can be difficult to work with sometimes. Many applications which are sound from a business viewpoint and would bring greatly increased tax revenue into the city are denied or delayed by pressures from property owners who see Atlanta as it was thirty years ago. That time has passed and some of the aldermen know this and act accordingly. But, being politicians, they are highly sensitive to public opinion and pressure. Therefore, when an application is submitted there is always the possibility that it will be turned down. Since there is a great deal of planning behind many of these applications, the decision to deny one should also be well thought out. Most of the commercial interests which submit applications on behalf of a property owner are well aware of the procedure and use it to their advantage. A skillfully prepared application and presentation is now essential for success in zoning; therefore, many of the speculators who formerly tried to obtain zoning changes with no thought of ever building what had been proposed have been forced out of business.

Most of those who remain are highly reputable businessmen who make their profits from the speculative rise in the value of investment properties which is occurring all over Atlanta. This would have been true in this instance.

The large company is fully prepared to wait until they can obtain this property. They have many stores in the area and from their research they knew that there would be ample sales even if a boycott by local residents resulted from the new stores. This way of doing business is new to Atlanta, but it is part of being a large city. With size there is a trend toward professionalism in real estate transactions as in other things. The idea that the local residents could maintain an oasis in the midst of commercial ventures is unrealistic. Atlanta needs the types of services which were planned for this property. Although the ideas in the application were unacceptable this year, they will be increasingly more acceptable as the years pass. Eventually both sides of this major road and others like it will be devoted to business and other uses which generate large amounts of revenue and can afford to pay much higher taxes than the homeowner can afford. The property along the side roads off the major road is not as likely to become valuable or developed with commercial business to any degree, although there is a possibility that if vacant land is no longer available elsewhere, the closer-to-the-central-core neighborhoods will be developed entirely in apartments. This will be a long-term development and unlikely to concern these residential property owners.

The Views of the Attorney for the Applicant

This was a personal interview conducted after the application had been

denied.

There is no requirement for an attorney to appear in conjunction with an application for zoning change. It is not required by the zoning ordinance and there is seldom a point of law which requires a legal opinion. For some reason many citizens feel that they must retain an attorney if their presentation before the Aldermanic Zoning Committee is to receive proper consideration. The attorney feels, in his experience, this is not true. The zoning process is generally well run, leaving little for an attorney to do. There is one possible role and that is to receive telephone calls from the opposition rather than having these calls handled by the applicant. From these calls it is sometimes possible to gauge the extent and organization of the opposition. In this case there were no calls but still the opposition was organized and vigorous. As far as personal involvement in this application was concerned, the attorney, who lives about one mile away, saw no reason for concern no matter which way the application was decided. He did not see it as affecting his home.

The Views of the Adjacent Property Owners
As Expressed by Two of Their Spokesmen

These were personal interviews conducted after the application had been denied.

The zoning process is one of the few safeguards which the city has for small property owners. The residential character of an area can be preserved through the rigorous application of the zoning ordinance to prevent incursions which would tend to destroy the neighborhood. Atlanta is a city with many fine homes. There is a need to preserve the neighborhoods in which these homes are located. If the property along the major roads running through these neighborhoods is permitted to change towards

commercial rather than residential, it will be highly undesirable.

The timing of an application for zoning change in the Board of Aldermen seems to be critical. If an application can be submitted so that it is heard during a period when many of the adjacent property owners are occupied elsewhere, it stands a better chance of avoiding opposition than one submitted at other times. The aldermen should be aware of this and question why there is no apparent opposition to applications. This is especially true in the applications which concern property that has been rezoned previously or considered frequently.

Some aldermen are sympathetic towards the view that Atlanta should stress the residential character of many of its neighborhoods, but others see Atlanta growing beyond the point where residential areas will exist close to the central city. These two views are often in conflict. The property owners can utilize these differences of opinion and choose to work with the aldermen who see the city as they do. The aldermen in the ward can be helpful, but more positive results are obtained by working with the members of the Zoning Committee. If, after a presentation to the Aldermanic Zoning Committee, the decision seems to be against the APOs, it is possible to try to sway the decision of the Board of Aldermen by talking to the ward aldermen and others who know the groups of APOs.

This ability to sway or influence the aldermen requires an intimate knowledge of the zoning process, the 1983 Land Use Plan for development of the city, and the personal views of all parties concerned in the application. This information will enable the opposition to prepare a good presentation which will have a marked effect on the decision of the committee. Much of the problem with opposition from citizens is that

it is unorganized, operating purely on an emotional basis and does not give the aldermen alternative solutions to the problems.

The zoning process does have several weaknesses in procedure.

(1) There is the time of meetings which prevents many men from attending and creates the impression that only women are opposed to the petition. Evening or week-end meetings would be better.

(2) There should be only one hearing on each application. If the applicant, after the open hearing, changes any portion of the proposed plan, the APOs should be permitted to state their views of the change. There have been instances where the plan which seemed to have been approved in the presence of the APOs was later changed after discussion with the aldermen until it was no longer acceptable to the APOs. This is particularly true when no site plan has been included in the application and the applicant merely talks about what he will do, rather than being specific about details.

(3) There should not be a way by which a property owner, after being denied an application can, by changing it in some way, be permitted to reapply prior to the eighteen-month waiting period between submissions on the same property. There have been instances where this occurred and the APOs were unaware of the rehearing and did not appear. Since this looked as if the opposition had been quieted, the committee had to assume that the new plan was acceptable and the zoning change was granted.

(4) The matter of notification of the adjacent property owners should be changed. As was mentioned in this case, some of the local residents heard about the application before official notification of the hearing was delivered, but others did not and, therefore, did not have as much time to devote to a presentation as the proponents did.

(5) There may be a difference in view between the developer or investor and the residential property owner that is impossible to bridge. The present procedure puts the residential property owner in the position of having to defend the status quo and to appear to be against progress, when in reality what he is defending is a way of life that should be the policy of the city to protect and perpetuate. There had been a marked improvement in this attitude among committee members under the leadership of the former chairman. He required the applicant to justify why the existing zoning was inadequate or unrealistic. Under earlier chairmen the zoning committee tended to believe that whatever was new must also be better. Since the realtors and developers have the time to devote to manipulating land and property, this puts the residential owners at a definite disadvantage. Many of them are unfamiliar with public officials and are not comfortable in the role of supplicant. They tend to look to their ward aldermen for more help in zoning matters than the aldermen feel it is their duty to provide.

(6) Unlike other city departments which are citizen-oriented, the Planning Department has professionals who mean to be helpful, but are not geared to the needs of the residential property owner. They are not unsympathetic but rather detached and professional. This is probably their proper role, for someone should be looking after the overall interests of the city rather than the short-term goals for a few. But the citizens need someone to talk to about their problems without making it seem as if they were interfering with matters outside their purview or comprehension. The few residential property owners who have attempted to organize groups to obtain equal attention from both elected and

appointed officials seem to be regarded critically by the very persons they are trying to impress or influence. There is a form of camaraderie among persons who frequent the city hall which is difficult for others to breach. This is understandable, but there should be someone or some office charged with handling the occasional contacts of citizens on zoning matters.

The Views of a Member of the Aldermanic Zoning Committee

These views were obtained during an extended depth interview subsequent to the hearing of this application.

In the opinion of this alderman in this case the members of the Aldermanic Zoning Committee were relieved to be able to defend the wisdom of the existing zoning on this property instead of having to listen to attacks on the present zoning without having the ammunition to defend against these attacks.

The APOs presented a rational, carefully prepared defense of the existing zoning. In addition, the members were acquainted with the history of the zoning of this property. This is not always the case. Usually the applicant presents the full details on the proposed uses for the property which necessitate the zoning change, but very little information is offered by the applicant on why the present zoning is no longer adequate. If the APOs do not appear and speak during the hearing on the desirability of continuing the existing zoning, the committee is forced to presume that the applicant is correct.

In many cases the applicant is willing to invest a large amount of money to demonstrate that the proposed use for the property is the right one. If no one appears to give reasons in opposition, the committee is

inclined to recommend approval of the proposed change to the full Board of Aldermen.

This main road has been poorly developed. The present aldermen know it; they did not cause it; no one person did. The decision to approve the change in zoning to permit the erection of apartments on this property seemed correct at the time as the highest and best use of the property for all concerned. It still does. There are enough stores close to the neighborhood to serve the residents. They do not want others and the committee was inclined to agree.

The committee saw the changing money market which had prevented erection of the apartments as shifting back to the point where funds for apartments may again be plentiful. If the present owner cannot make the necessary arrangements, he can always sell out, for a nice profit, to someone who has better financial connections. The committee did not see his case as a hardship one at all. There is nothing in the zoning ordinance about guaranteeing that a property owner will be able to do whatever he wants with his property just as long as it maximizes his profit.

Analysis

The events and actions of the participants in this case occurred as expected from the analysis of the neighborhood and the responses of the APOs. There were existing neighborhood organizations which mobilized to oppose the rezoning application. Neighborhood spokesmen evidently did use their professional outlooks and backgrounds in developing their presentations to the zoning committee since the aldermen on the committee commented on the rational, non-emotional nature of their arguments.

Existing records do not answer the question of how many of the opposition group at the hearing were officially APOs and how many were other residents of the neighborhood showing interest and concern. Reflecting on the fact that, of the three cases studied, the Northeast case had the largest number of zoning-experienced interviewees, it is not surprising that other residents of the area interviewed indicated a willingness to pursue their opposition with the Board of Aldermen should the Zoning Committee have decided to approve the application against the wishes of the APOs. However, they felt that the committee's negative recommendation would be approved routinely by the board.

The data obtained from participants in this case indicate that there are two radically differing opinions about the role of zoning in Atlanta. Those seeking zoning changes (be they developers, realtors, property owners, etc.) emphasize that Atlanta is a changing, growing, dynamic city, and that the city government, particularly in decisions on zoning, must reflect and encourage this growth and development. Their view of this situation is based on the idea that progress is of itself desirable. In many ways this may be true and it has added many amenities to residence in the city that never existed before the essentially small city attitudes changed.

Residential property owners, on the other hand, believe that zoning is a protective device, that it should preserve existing neighborhoods (presumably, at least, "quality" neighborhoods as exemplified in this case) and protect homeowners from undesirable land uses.

These APOs strongly support the idea that the city can be a place to live and work. They seem to believe that as Atlanta grows, it does not necessarily have to emulate other older cities by permitting the

neighborhoods close to the central core to become business centers rather than places to live. However, the APOs in this area are realists who see that the cost of city services has risen to the point that it will take more than individual single family homes to furnish the tax base needed to continue a viable city. They were willing to accept apartments in their neighborhood but not a shopping center. This action would protect the remaining part of the neighborhood from these undesirable uses and preserve its residential character.

In passing it should be noted that the present trend among the sons and daughters of long-time Atlanta residents seems to be to live in apartments. These apartments apparently are to them, at least for the present, as residential as the detached homes of their parents.

Many of the long-time city residents willingly patronize new businesses and services but are still unreconciled to having them near their homes. As a result of this opposition, the developers and speculators who require large tracts of land at lower prices have moved out to the periphery of the city, bypassing these neighborhoods. While the present generation continues to occupy their homes, this decision to exclude other uses has little effect, but with the passing of the present generation it will become necessary to decide what is to be done with the neighborhoods closer to the central core.

By the skillful use of zoning, it may be possible to retard the erratic growth which has occurred near the property of the applicant. A means of measuring demands for different types of stores and related businesses should be developed so that city administrators can recommend to the aldermen whether there is a need for the proposed commercial

establishment in the place where the applicant proposes to place it. One of the participants in this case stated that the highest and best use for a given piece of property could be construed as the use to which someone is willing to put it at the time he proposes to use it. This highly fluid interpretation of the "highest and best" use must have prevailed near this property in the past, but with the greater insights now available and the ability to see what results these actions brought, it should be possible to avoid similar errors.

While one case study in an upper-class, well-developed neighborhood should not lead to broad generalizations about all such neighborhoods, this case study does suggest that an understanding of the kind of neighborhood and the types of residents living there can provide some predictive hypotheses about potential reactions to rezoning applications and the zoning process.

Causes of Friction

There were many causes of friction identified in this case which recur in the other two cases as well. But some causes of friction arose from the peculiar circumstances of the Northeast case and were not found in the other cases.

The major causes of friction in the Northeast case were:

(1) Different views of Atlanta--The proponents of the change saw the city as a dynamic place in which to live and work amid readily available commercial and professional services. These services were to be provided by entrepreneurs who were willing to invest their capital at the location where their experience led them to believe their ventures would be successful. They saw these ventures as needed by the area

residents and at the same time not detracting from the residential values of each neighborhood within the area. In the opinion of the developer in this case, it would not necessarily disrupt the residential areas if the sides of the main road were devoted to other uses than residential.

The opponents of the proposed zoning change saw Atlanta as primarily one of the few cities with high quality residential areas close to the central core. These areas should be served by commercial areas. In these areas would be the services needed by the area residents but the arrangement of the location of the service buildings would be such that they would not impinge on the residential neighborhoods of the area. Therefore, strips of businesses along the major road were highly undesirable.

Closely related to this point was the view that there had been unnecessary and undesirable proliferation of businesses offering the same type of products or services. In an effort to obtain location for these businesses along the major road which the developers see as the primary location, there has been a steady incursion of business ventures into these two residential neighborhoods. The fact that a major road bisects the neighborhoods should not be the basis for permitting non-residential uses in these neighborhoods.

(2) Different reasons for owning land--Three different reasons were identified in this case.

(a) The property owner/applicant owned land as a speculative investment on which he paid taxes and made improvements in anticipation of the growth of the neighborhood. During this period of growth he did not realize any revenue from this property as he might have from alternate investments of the same capital. Therefore, in his opinion, he should be permitted to use the property for the business venture which maximizes

his profit on his investments and is still within the range of acceptable land uses for property along the sides of the major road. By earlier rezoning actions, in the vicinity of the property, the Board of Aldermen had shown that this approach to the property along the major road is in consonance with the plans of the city for development of the area.

(b) The second reason for owning land was as a location on which to reside. In the opinions of the majority of the APOs this was a primary reason for the existence of these neighborhoods. Closely related to this view was the one that the neighborhoods had been developed as entities with relatively equal sized homes on carefully developed lots. With the exception of certain other acceptable uses such as a church or school for the foreseeable future the land in the neighborhoods should be devoted solely to residences of the same or larger sizes (i.e., the zoning of R-3 should be maintained or improved).

(c) The third reason for owning land is a combination of the residential and investment reasons. One APO stated that he no longer needed a residence in this neighborhood. In view of the zoning changes which had occurred elsewhere in the area, there was a possibility that his property could be combined with that along the major road and, if rezoned accordingly, would greatly increase in value. In his opinion, the reason that a person owns a specific piece of property changes during his lifetime. Therefore, the Zoning Ordinance provisions should be flexible enough to allow for this changing basis for ownership. Then the property owner could maximize the return on the sale of his property. (This view was a major cause of friction among the APOs whose property adjoined the property of this adjacent property owner.)

(3) Different interpretations of proximity and compatible land uses--

The proponents of the zoning change considered that the sides of the major road were, by earlier rezoning by the Board of Aldermen, a continuous commercial strip, part of which had not been developed as yet. The commercial uses for property along this strip were oriented towards the major road and did not significantly affect the residential neighborhoods which extended off the major road.

The opponents disagreed, stating that the commercial ventures caused a major increase in traffic most of which originated outside the neighborhoods. In addition, at least one street off the major road would be used by trucks to serve the proposed shopping center. This street would also act as a connector between the major road and another major road to the west of one neighborhood. There would be more noise and litter in the neighborhood as a result of the increase in business activity. Most of this increase would come from persons from outside the neighborhood since the APOs saw no need for the proposed shopping center. This view persisted despite market research by the prospective occupants of the proposed shopping center that the center would be profitable.

As the APOs viewed "proximity" to their neighborhoods, even the present commercial strips along the major road were too close and therefore, endangered their neighborhoods. The APOs had opposed the rezoning of properties which now comprise these strips. The rezoning for commercial use began over one mile from these neighborhoods, but it has gradually crept closer to them over a period of years.

The attorney for the applicant stated that he lived one mile from the proposed shopping center, but in his view, the change to commercial use would not endanger the residential character of his neighborhood. He

was not questioned further on his concept of "proximity."

(4) Different views of the purpose of major roads--One adjacent property owner testified at the hearing, speaking against the proposed shopping center as a generator of traffic along a road already heavily travelled by interarea traffic. This type of traffic requires the minimum number of traffic lights, left turn areas, etc., if the flow is not to be impeded. This is the system now in use on the major road. It would be substantially changed by the traffic controls which would be required to provide safe entry and exit for the proposed shopping center. These traffic controls are not now needed by the neighborhood residents.

The opposing view expressed by the applicant was based on the need for access to shopping centers along the entire major road. In many cases separate uncontrolled access is provided but this is dangerous and traffic controls should be provided as planned for this shopping center. The major road has two functions, to expedite entry and exit from the central core of the city and to provide access to and from the neighborhoods. The apparent conflict between these uses can be solved. It should not be the reason for denying the proposed rezoning.

(5) Different views of zoning process--The spokesman for one group of adjacent property owners stated that it appears that applications for rezoning are often scheduled for hearing during holiday periods when it is difficult to mobilize the adjacent property owners on either side of the question of desirability of the proposed change. Therefore, few if any adjacent property owners may attend the hearing. The Aldermanic Zoning Committee members therefore have no information on the current views of the adjacent property owners on the zoning change. Related to this is

the timing of notification that an application for zoning change has been filed. This notification should be sent out as soon as feasible after the application has been accepted at City Hall. If this is done, the adjacent property owners will have the maximum time to react to what is being proposed in the application. The hearing on the application should be held at a time of day and week and at a location where their maximum involvement is possible. Weekday afternoon hearings can be attended only by those who can spare the time from work. Often this creates the impression that only women adjacent property owners have opinions to offer at the hearing.

The proponents of the present system of hearings state that the aldermen are part-time officials with many other duties besides zoning. Therefore, a regularly scheduled hearing at a central location is the most efficient way to give all sides a chance to express their opinions. As for the timing of the applications, this is a matter of routine handling clearly specified in the procedures. If the coincidence of holidays and hearings occurs, it may be skillful planning by the applicant, but the volume of applications precludes eliminating hearings from holiday periods.

(6) Defense of the status quo--As stated by a member of the Aldermanic Zoning Committee, it is very difficult to obtain reasons to continue the present zoning, i.e., the status quo, but easy to obtain reasons to change it. The committee does not see its role as guardian of the status quo in any neighborhood. Instead, those vitally interested should present both sides of the argument on the application so the committee can make a sound decision. Often the committee has access to information from the Joint Planning Board, the Planning Department, and other sources which is not

known to those testifying at the hearing. When this information is used together with testimony at the hearing in making a recommendation on the application, it may appear that the committee is being arbitrary when in reality it is recommending a sound course of action.

As the adjacent property owners view the city aldermen, particularly those members of the Zoning Committee, these representatives should be defending the same image of Atlanta as that held by the adjacent property owners. It should not be necessary for the adjacent property owners to become familiar with the reasons to continue the present zoning and present them at the hearing. Instead, the applicant should be required to show clearly why the present zoning should be changed. In the absence of convincing arguments by the applicant, the current zoning would be continued as still appropriate for the property. Therefore, the aldermen should welcome data from any sources which would assist them in their decisions. The fact that the same person or group appears at several hearings and presents relevant data should be treated as an assistance to the committee.

The committee members view this last suggestion negatively. The Zoning Ordinance specifies the distance over which the property owners are to be notified. Property owners beyond this range may and do hold strong opinions on applications. They should express these opinions to the adjacent property owners and assist in the presentation of strong arguments by the adjacent property owners at the hearing. They have no legitimate reason to be heard at the hearing, but their presence does have an effect on the course of the hearing and possibly on the outcome. Conversely, the adjacent property owners receive written notification of the hearing.

If they feel that their views should be heard, they should appear. When they do not, the committee is forced to accept testimony given by those present.

The proponents of this zoning change appear to feel that each application should be treated as if the property was not now zoned. Therefore, the future use is paramount and a sound plan should be accepted and the application approved regardless of what may have been the basis for the present zoning. The use of the rezoning of adjoining or nearby property as precedents for an application is a good idea. These properties reflect current land use patterns in Atlanta far better than zoning established many years ago when Atlanta was a different type of city. Although each application concerns only a specific piece of property that is unique, it is often possible to predict the future of an area from already existing land uses more recently established by zoning changes.

The Southeast Case

This case involved an attempt by the downtown branch of a national civic club¹⁶ to act as a non-profit sponsor for low- to moderate-income subsidized apartments to be erected under the provisions of Section 236 of the National Housing Act.¹⁷ The club members arranged to buy an eighteen acre tract of vacant land in the Southeast quadrant for this purpose, the purchase to be contingent upon the owner obtaining rezoning of the site from small homes (R-4) to apartments (A-1).

Narrative

The property involved in this rezoning request is located on a major north-south road in the southeastern fringe of the city. The road has been the axis for the gradual development of the area, starting from the central core and extending toward this property--which is about 1-3/4 miles within the city limits. There is a comparatively large amount of vacant land in the planning area (approximately 4,000 acres of vacant land and 7,000 acres of developed land). Some of this land is available at prices lower than comparable land elsewhere in Atlanta. Almost 90 percent of the land is devoted to apartment complexes and public housing.¹⁸ Residential building conditions, taken as a whole, are relatively good. The planning area population is approximately 72 percent white and 28 percent black.¹⁹

The neighborhood to be affected by the rezoning in this case is composed mainly of small homes, about thirty years old. These homes are in keeping with the dominant zoning classification of R-4, small homes on small lots, in this area.

Of the twenty-eight adjacent property owners, twenty-three were black (82 percent) and five were white (18 percent). They occupied small homes along the major road and side streets extending from it.

The downtown civic club had been searching for over three years for land available at a price low enough to permit building this subsidized housing. This tract could be purchased at this price, and it was suitable provided that rezoning could be obtained.²⁰ Some of the club members had handled rezoning applications prior to this instance, so they persuaded the property owners to permit them to make the presentation at the public hearing.

The Opposition

As indicated from the data collected during interviews of the APOs prior to the hearing on this application, only two APOs had previous zoning experience. Little opposition was expected from the APOs; in fact, they might support the application.

The Hearing

The downtown branch of the national civic club submitted the rezoning application, and it was scheduled for public hearing by the Aldermanic Zoning Committee during January, 1971. Because they were unfamiliar with the area, and were not known to its residents, the owners and the club members decided not to contact the adjacent property owners to seek support for the rezoning. Instead they prepared a detailed presentation on the proposed project, including a site plan. This presentation was to be made to the Zoning Committee by a landscape architect and an attorney.

While this preparation for the hearing was underway, the application

was reviewed by both the Planning Department and the Atlanta-Fulton County Joint Planning Board. Both recommended approval of the application. The Planning Department indicated that, although the land use plan calls for low density use in the area, single-family homes were not likely to be built in this particular neighborhood. The joint board citing the existing environment in the area, saw the proposed housing units as 1) a neighborhood improvement and 2) stimulation for further residential development.

The supporters present at the Zoning Committee hearing included two elderly black men who stated that they were APOs, about forty white men from the downtown civic club, and a representative of the Greater Atlanta Housing Development Corporation. Two presentations were made by downtown civic club members in favor of the application. These stressed the merits of the plan as well thought out and badly needed by the city. These presentations were supported by professionally prepared site plans and renderings of the structures proposed for the project. The representative of the Greater Atlanta Housing Development Corporation supported these statements. The proponents' presentations went off as planned, but there was vigorous opposition to them.

Approximately seventy people present were in opposition to the rezoning application. Seven made presentations in opposition to the application. They were: 1) a spokesman for an area branch of the national civic club that was supporting the rezoning, 2) a spokesman for an area businessmen's club, 3) a representative of the elementary school Parent-Teachers Association, 4) the pastor of a neighborhood church, 5) a state representative, 6) a ward alderman, and 7) an environmentalist who had come to testify as an expert witness on the shortcomings of the plan

described in the application.

The Zoning Committee voted to recommend that the application be denied. The Board of Aldermen accepted this recommendation, and the rezoning application was denied.

The Views of Non-Participant Observer

Two members of the research group present at the hearing noted that the general demeanor of the two groups differed. The proponents occupied the front rows of seats including those inside the area normally reserved for the aldermen during meetings of the full board. They appeared to be at ease. The opponents occupied the rear rows in the chamber and seemed much less assured about what was about to happen.

The proponents confined their remarks to formal prepared statements while the presentations of the two area clubs were not formally organized, but were heavily emotional, expressing indignation that outsiders, the downtown civic club, were seeking to prescribe what was needed in their neighborhood. The opponents took an active part in the proceedings of the public hearing--even to the point of clapping and cheering to indicate they felt that a point had been made in their favor.

The Views of the Proponents

As noted earlier, in addition to the APOs, other participants in this rezoning process were also interviewed. These included one of the two property owners and representatives of the downtown civic club seeking the rezoning. The following is a narrative summary of the views of these participants as obtained in unstructured interviews after the public hearing.

One of the Two Property Owners: The zoning process in Atlanta is well conceived, but in the case of this petition some shortcomings of the operation of the process were apparent. The concept of the project was excellent, but there was not enough time at the public hearing to explain the details so that both the aldermen and the opposition would understand the proposal. The opponents were permitted to introduce other matters such as the adequacy of sewers, quality of the neighborhood, and possible damage to the area; which, while important, detracted from the ability to explain the project itself.

The fundamental weakness in the zoning process is the lack of a requirement for informal meetings prior to the formal open hearing--during which an applicant should arrange to meet with anyone interested to explain the project. To the greatest extent possible, all opposing views should be resolved during such informal meetings. Then the application could be heard on its merits at the public hearing. Preliminary informal meetings should include the adjacent property owners, the Zoning Committee aldermen, and the applicant or his agent.

A secondary weakness in the zoning process which was exemplified in this case was that a ward alderman gave his views in opposition to the application. His presentation was purely political, and there is considerable doubt whether an alderman or other elected official should be permitted to appear for either side during such public hearings on rezoning applications.

The Spokesmen for the Downtown Civic Club: Zoning is essentially a political process which should be controlled by elected officials assisted by advice from professionals such as city planners. In this case, a delay for tactical purposes--waiting until after the last election before submitting the

rezoning application--permitted time for the area to organize against it. Apparently the Zoning Committee was impressed by the number of persons who appeared in opposition. The opposition of a ward alderman was particularly difficult to overcome because the committee members appeared to feel that local citizens and the ward alderman knew more about the needs of the area than did club members.

Contrary to what the opposition suggested, it is not feasible to purchase land in other wards at a price low enough to permit it to be developed in subsidized housing.

A crucial change in the composition of the Aldermanic Zoning Committee for 1971 greatly impaired the chances of approval of this rezoning. A black member of the committee was removed, and a less sympathetic alderman was added.

The weak role of the Atlanta-Fulton County Joint Planning Board in zoning cases was clearly seen in this case. The board recommended approval of the change but it still lost. The board should be given more power to enforce its recommendations, but it is essential that the real power of decision be left in the hands of elected officials rather than appointees or professionals. On the other hand, if the professionals oppose an application, it is difficult to convince politicians that the requested change in zoning has merit.

In summary, if the club were to propose the same plan again, it would get the application initiated more quickly to reduce the time available for opposition to organize. Second, the club members would talk to the local people to a greater degree, even though the members would still stress discussions with the aldermen since they are the center of power in zoning.

It is the opinion of the club members that once the zoning has been obtained, and the housing built, it is there and there to stay. So getting the job done is the important thing.

The club intends to try again, possibly at another location.

Two Adjacent Property Owners: Only two persons attending the hearing identified themselves as APOs. They stood in support of the application but did not speak. Neither person was interviewed during the hearing and they could not be identified by other APOs when they were sought for interviews. The general attitudes of other APOs are included in a subsequent section.

Another Adjacent Property Owner: Although this APO did not attend the hearing, he commented at length to the interviewer on why he favored the proposed change. He saw the apartments as enhancing the natural beauty of the area as well as increasing the possibilities for other vacant and deteriorating land to be rezoned for public housing. Any change that would improve current conditions would be welcome.

The Opponents

(1) The spokesman for the area branch of the same national civic club that was sponsoring the change made an emotional presentation filled with evidence of the indignation which the members felt at what they viewed as an attempt by outsiders to introduce still more poor families into the area. The relationship between the two branches of the civic club was obviously badly impaired by this proposal.

(2) The spokesman for the area businessmen's association stressed the need to maintain a viable economic community which the association feared would be damaged by the addition of poor or low-income families.

(3) The representative of the local elementary school Parent-Teachers Association stated that the school was already overcrowded and the additional children from the proposed apartments would worsen the problem. She did not mention any plan to expand the school nor was she questioned about this point by the committee members.

(4) The minister stated that he opposed the change because the addition of more low-income families meant that the long-term residents, who had the resources and leadership which the area needs, would feel threatened and move out of the area. He did not base his argument on a money value loss if the zoning was changed, but rather that the zoning was the means to prevent the cultural loss which would follow the influx of newcomers with a different life style.

(5) The state representative for the area also spoke in opposition to the change. He based his comments on the need for area stabilization, not enlargement, and against the accumulation of additional poor people in an area that already has more than its share. He spoke in favor of the concept of the project provided that it could be located elsewhere, preferably in the 5th or 8th ward, where many of the club members live.

(6) One of the ward aldermen stressed the need to consider that many poor people already lived in this area and the proposed project would add to their number. The other ward alderman who was a member of the Aldermanic Zoning Committee did not speak at the hearing. It was learned after the decision of the committee had been announced that this ward alderman also spoke against the change during the deliberations of the committee in executive session.

(7) The environmentalist based his opposition on the already overloaded

sanitary facilities, the need for additional water supply and the air pollution which would result from the loss of vegetation on the site. He also stressed that the large volume of traffic already using the road would be increased by the apartment dwellers. As the observers saw it, he was obviously basing his plea on the ability of the aldermen to understand that the area could not support the ecological changes which the project would bring. In his opinion, this should be sufficient cause to deny the application.

Analysis

The relationship between what had been anticipated and what occurred in this case is much more complex than that in the Northeast case. The APOs were interviewed shortly before the official notice of pending zoning reached them. But neither the interview nor the notice alerted them to the need to establish a neighborhood position on the proposed project.

This lack of organized reaction to the rezoning was not surprising in light of the inexperience of the Southeast respondents and their apparent lack of willingness to participate in group activities. This does not explain their high expectations expressed during interviews for a variety of activities which might influence the zoning process. On the other hand, nothing in the interviews with the APOs could have led to an expectation that a large number of opponents from the surrounding area would be mobilized. This can only be explained in terms of the proposed rezoning application itself. It is clear that the proposal of what area residents saw as another instance of "public" or "low-cost" housing being brought into their area led directly to the large amount of opposition at the public hearing.

A major point of clarification must be made. The "neighborhood groups" involved in the Northeast case were not of the same type as the area civic and businessmen's clubs active in this Southeast case. The case study work made it clear that the Northeast groups were neighborhood based and neighborhood oriented, while the opposition to the rezoning in this Southeast case was more broadly based. It included business, religious, political and civic leaders representing a life style which they sought to perpetuate in an area. The opposition was led by two area civic clubs--one with business orientations, the other being the local branch of the same civic club that was sponsoring the zoning change.

At the public hearing, the representatives of the clubs emphasized economic conditions, while the state legislator and the ward alderman spoke of living conditions and aspirations for a higher economic and social life style to come into the area if the incursion of low-income families could be halted. None of these area perspectives was mentioned by the Southeast APOs during the interviews conducted prior to the hearing. Therefore, it seems unlikely that these APOs would be mobilized in opposition to the proposed change particularly in the absence of neighborhood leaders.

On the other hand, the Rupnow Study and the data from interviews of these APOs suggest that there was a potential for mobilization of these APOs in support of the change.

A question concerning the idea of low-cost housing being built in their home neighborhood was asked the APOs during interviews held prior to the hearing.²¹ The responses were:

| | |
|------------|-----|
| Good idea | 11% |
| Accept it | 44% |
| Against it | 39% |
| No reply | 6% |

However, these replies were given to the idea of accepting low-cost housing in their neighborhood. When the reality of a proposed project which would do just that faced the APOs, it did not stimulate them to an organized effort to influence the decision in favor of the change. Only two APOs attended the hearing and neither spoke, although both indicated that they did support the change.

Several explanations of lack of action by other APOs can be made. First, these are property owners who may not have in practice the same ideals they expressed during the interview. These homes are theirs. Low-cost housing tenants may or may not be compatible next door neighbors.

This is a tightly drawn society with many of the APOs being related. They may not welcome newcomers easily.

The APOs do express optimism about the way the city is changing but they may not yet be certain of their status in the political world represented by zoning hearings at City Hall.

The APOs were without leadership and experience and did nothing, waiting for someone to guide them.

The members of the downtown civic club made a conscious decision not to contact the APOs and seek their support. In retrospect this may have been a fatal error since more of the APOs might have appeared and supported the application, thereby possibly offsetting the views of nearby but not adjacent property owners.

This case study (in contrast to the Northeast case study) suggests that knowledge of the neighborhood and its residents is not sufficient to predict accurately the direction a rezoning process might take. While this information is necessary (a better understanding might have led to

APO mobilization in support of the application), it is also crucial to take into consideration the type of rezoning being sought. These factors, taken in concert, might well have led to different strategies in this case, and perhaps to a different set of events at the public hearing.

Causes of Friction

This case included several areas of friction which may be characteristic of many other zoning changes.

(1) Different views of the necessity or desirability of discussing a proposed change with the APOs and other local residents--Neither the applicants nor the sponsors of the proposed project lived in the neighborhood. They did not attempt to contact the APOs about what was planned because they did not know the APOs. The applicants held the property as an investment.

There is no indication that the area residents who opposed the rezoning were aware of the attitudes of the APOs (39 percent might have helped since they opposed low-cost housing in their neighborhood).

Not all of the property owners agreed that the property along the major road should remain residential. In interviews after the hearing, two property owners who operate businesses in the vicinity but did not appear at the hearing stated that the property along both sides of the road should be changed to commercial (C-1). Since the property had not been built on under the R-4 zoning, these businessmen suggested apartments would be an acceptable alternative to businesses.

(2) Different views of what is best for a neighborhood or an area--The local business and civic leaders felt that they knew what was best for their area, rather than depending on ideas from some outside group. In

other instances this feeling might have been reduced by early contact between the civic clubs. But the strong aversion to low-income families being added to the area would have made it difficult to convince the opponents of the plan of the merits of what was to be accomplished. The opponents argued that this ward has more than its share of the city's low-income families. They stated that their area and, in fact, the entire quadrant, was considered by outsiders as suitable for low-income families while other quadrants were more suitable for middle- and upper-income residents. Therefore, the existence of residential zoning even at the R-4 level had to be maintained until such time as changing economic circumstances would bring higher-income families into the area.

(3) Different views of the exercise of property rights--The local opposition was based on the damage which a change in zoning would permit to occur. The application was based on the idea that a change of zoning was essential if the changing needs of certain Atlantans, namely low- and middle-income families, were to be accommodated. The applicants appeared in this case as benefactors exercising their property rights. This forced the opponents to assume the role of defenders of the status quo who would not consider these changing needs even when it was pointed out that this area had been selected only after an exhaustive search of other areas for other suitable sites. Indirectly, the applicants were telling the aldermen that the only land available at a price low enough for this project to be built was still vacant because of unrealistic zoning that prevented its use for a range of purposes. There had been many opportunities during the forty years that the neighborhood had been growing for families to select lots along the road for their homes. Instead, these families

had selected lots on side roads away from the traffic on the main road. Even when the newer homes were built, the builders chose the side roads rather than building on empty lots along the major road.

The opponents answered these views by showing that these newer large homes were the first of many to come if the residential atmosphere could be maintained in the neighborhood.

(4) Different views of city government, how it is carried out and the bases of power within it--It was not clear from the statements made whether the members of the downtown civic club had a feeling that they were nearer to the seat of city power at City Hall and could, therefore, bypass any local opposition by going directly to the aldermen with their plans. From their statements though, they relied upon the merits of their plan to convince the black aldermen to support the change. In their view, this removed the need to convince the local groups which might be opposed to it. Because of the social merits of the plan and the member's experiences with professional presentation before the Aldermanic Zoning Committee, it appeared to one club member that the application would have been approved if it had been introduced and heard without delay as depicted in Figure 2. As the downtown civic club members saw the matter, the Board of Aldermen would consider the application up to the time that they acted on it. But once action had been completed, it would be extremely difficult for anyone to obtain a rehearing to consider evidence that a mistake had been made.

Of those who spoke in opposition to the change, the ward alderman and the state representative saw the Aldermanic Zoning Committee as a political body that was highly sensitive to pleas based on political realities.

Therefore, both men appeared and spoke at the hearing. By doing so they expressed their belief that the real power of decision lay in the committee rather than the full Board of Aldermen.

The Southwest Case

This case, in Atlanta's Southwest quadrant, involved an attempt by a developer related to the property owner to have twenty-nine acres of vacant land rezoned from residential (R-4) to apartments (A-1) so that an apartment complex could be built on it.

Narrative

This property is located near the intersection of two main collector streets in the extreme southwestern portion of the city. According to the Planning Department, this planning area has a predominantly rural character--with approximately 3,700 acres of undeveloped land and 4,500 acres of developed land. Residential neighborhoods and homes in the area show stability and a high level of maintenance; and housing costs range from modest to very expensive, despite the predominant residential zoning classification, R-4, which permits the erection of very small homes on small lots. The planning area is experiencing major growth in terms of both construction and population. The population increased 100 percent between 1960 and 1969, declining from 95 percent white to 60 percent white during that period.²²

The neighborhood around the property in question had developed in two phases. The first phase, begun about thirty years ago, had resulted in a neighborhood made up of relatively small single-family detached homes. During the second phase of development about three years ago, fifty substantially larger detached single-family homes were added to the neighborhood along two new streets cut into what had been undeveloped land.

All of the APOs in this case were white. Some of them had moved to the neighborhood from transitional areas close to the central core of

Atlanta. In the view of many of the APOs the undeveloped land near their neighborhood enabled it to remain somewhat apart from the increased traffic and activity which the expansion of surrounding neighborhoods had brought to the entire area.

In 1968-69 this protection against undesirable encroachment was disturbed by the building of many substantially smaller homes (permitted under the R-4 zoning) in a neighborhood adjacent to this one.

Other parts of the Southwest quadrant, particularly those closer to the central core, faced with rapid change, have been the scene of much protest and group activity during this period. Most of this activity has been concerned with zoning and schools and racial transition. Headlines and articles in the metropolitan press have focused on these Southwest activities:

"Southwest Atlanta Group Seeks Zoning Moratorium"²³

Southwest Atlanta citizens have asked [the Zoning Committee chairman] for a "moratorium" on zoning in that quadrant of the city . . . [arguing that] the southwest area needs "special consideration" by the zoning committee . . . because it is trying to build a stable bi-racial community; . . . [and that] before new apartment complexes are built, the schools and other necessary services should already exist. . . .

"SW Residents Air Problems, Gripes"²⁴

Residents of Southwest Atlanta appealed to the Atlanta Community Relations Commission . . . to use its influence to make city government and elected officials responsive to their problems and complaints One of the most vocal critics of the city's aldermanic zoning committee said apartments have been planned for the community without residents being in on the planning. . . .

"City's Southwest Raps Officials"²⁵

Black and white southwest Atlantans charged . . . that their learning to live together is being hampered by unsympathetic, often money-hungry businessmen and city officials . . . a plea for a moratorium on zoning--to stop "slum-breeding high density apartment construction." . . . The most often heard complaint concerned zoning. . . .

"Apartment Plan Draws Protest"²⁶

More than 250 Southwest Atlantans at an aldermanic zoning committee meeting . . . protested a proposal to build luxury town house apartments. . . . The overflow audience of black and white homeowners said the project would crowd schools and streets, ruin the forested area and decrease the value of homes. . . .

The Opposition

The APOs stated during their interviews that many undesirable changes were occurring in the vicinity of their neighborhood. As long as the vacant land nearby protected them, these changes had relatively little direct effect. But now the applicant proposed to open the entire area with a new road which would lead into the undeveloped land in their neighborhood. This road would bring traffic and activity which are a part of an apartment complex such as that proposed by the applicant. This would further damage the residential character of the neighborhood.

Although no neighborhood associations existed, two community meetings to discuss the proposal were held at a church. During one of these meetings one of the ward aldermen, who had been invited to the meeting, described the zoning process. He was not asked to intercede in the matter and he did not appear at the hearing.

The developer submitted the rezoning application in January of 1971 and it was scheduled for a public hearing by the Aldermanic Zoning Committee during March. The March hearing was cancelled and rescheduled for early April.

The Planning Department and the Joint Planning Board both reviewed the application and recommended denial, asserting that 1983 Land Use Plan calls for low-density, single-family residences. The planning board also cited the "very critical overcrowding in area schools."

During the presentation at the public hearing, the developer disclosed the details of the apartment complex and agreed that the site plan should become part of the application, thus making the rezoning conditional upon erection of the project in accordance with the specific plan. The developer stated that he was taking this action to establish with the committee that the project was well thought out and would be developed as planned.

Four people attended the public hearing on this rezoning application. Two of these, the developer and his son, spoke in support of the application. Two others identified themselves as APOs who were opposed to the proposed change. One of these spoke in opposition to the change. He indicated that he had tried to rally additional support for his position. He could not fully explain why other APOs or neighborhood residents had not appeared at the hearing. The other APO did not speak.

The Zoning Committee voted to recommend that the rezoning application be denied. At the next meeting of the Board of Aldermen, the chairman of the Zoning Committee recommended that the application be returned to the committee for further study. After further study, the Zoning Committee voted to recommend the approval of the rezoning for apartments-conditional (a reversal of their initial decision) and in May, 1971, the Board of Aldermen accepted this recommendation and approved the rezoning.

The Views of the Proponents

The developer was contacted twice, first during the interviews of the APOs when he expressed his views of the zoning process at length. The second interview occurred after the open hearing of the application but prior to the announcement of the outcome of that hearing. During this unstructured interview the developer was emphatic in his statements

concerning the shortcomings of the zoning process and, more specifically, how it had operated in the handling of this application. In his opinion, zoning was a highly political matter which was used by some aldermen as the means of proving to constituents that they were interested in the constituents' views. These aldermen offer their help to APOs in their ward when needed. Because this help comes at a time of great emotional stress, in his opinion, the aldermen make a lasting impression of concern with local problems. Therefore, in his opinion, it is unrealistic to expect that the aldermen would take any step which would remove the present zoning controversies in which they participate.

Turning to the existing residential zoning (R-4) on this property, he pointed out that this zoning was suitable only for smaller homes of a type which can no longer be built profitably in the area. Although many of the homes in this neighborhood are larger than required by the R-4 zoning, there are others nearby that are not. Therefore, they could not qualify for the next higher zoning, R-3. This precludes the idea of generally upgrading the area zoning. There is a possibility that smaller homes such as those built under Section 235 of the National Housing Act could be built profitably because of the federal assistance provided to the builder under that act. In reality, from the viewpoint of the developer, apartments were the only generally acceptable use for the property at the present time. To develop this heretofore inaccessible property would require the installation of another main road which would connect the area with another more settled area near a regional shopping center. The cost of these improvements would be paid by the developer if the change were approved.

During the presentation at the open hearing by the Aldermanic Zoning Committee, the details of the project were disclosed when a site plan was shown to the committee. At that time, because of the close questioning by committee members concerning these details, the application was altered to provide that this site plan would become a part of the application. By doing this, the developer made the zoning change conditional upon erection of the project in accordance with this plan. He pointed out to the committee that he was taking this action to establish in their minds that this project had been well thought out and would be developed as planned.

In the view of the developer, by agreeing to follow a specific site plan, he was sacrificing the highly desirable flexibility of development which he usually sought to maintain. There is a long lead time between the inception of a proposed project and actual erection of structures. Many things can happen. When only a general idea of what is proposed has been revealed, it is possible to modify the detailed planning to fit actual conditions at the time building takes place.

However, this concession was not enough to satisfy the Aldermanic Zoning Committee for the members recommended denial of the application.

When contacted again, after the hearing but before the decision was announced, the developer stated that many Atlantans do not understand the way that Atlanta must develop. In zoning arguments they introduce irrelevant matters such as the load which the new project will place on the schools. In reality, there are empty classrooms in this area, for example, and since many apartment projects restrict the rental of their units to families without children, there is little likelihood that the apartments will create an overload on the neighborhood schools. If small

homes were built instead of apartments, each of them would contain at least one child which would create the overload that the neighbors feared. But the feeling of citizens about their local schools is political as well as emotional and the decision to expand them is made accordingly.

The developer commented that his decision to build apartments or individual homes in each of his real estate ventures is made only after consideration of the relative markets for capital to finance the construction. In the past there have been occasions when, after he had planned to build apartments in an area, the financiers felt that the market for apartments was temporarily saturated. Therefore, they would finance the construction of individual homes, but not apartments. As a result of their action the developer has developed some areas partially in apartments and partially in single-family homes. He considers that these two types of dwellings are compatible.

In his opinion, in the past, the aldermen in Atlanta zoned all vacant land for residential use rather than providing certain acreage for apartments from the outset as was done in other cities, such as Chicago. In Atlanta, whenever a developer tries to get permission to erect apartments on property which is zoned for individual homes, he must go through the steps to obtain a change of zoning on the property. In Chicago, large areas have been set aside for apartments and the change to individual homes is made from these areas already zoned for apartments. In effect this is the reverse of the policy used in Atlanta. As an apartment builder primarily, he naturally prefers the Chicago plan.

In his opinion, zoning in Atlanta has been unable to cope effectively with the rapid changes which have occurred in some parts of the city. For example, the changes which have occurred in the Beecher area close to the

central core have had a major effect on real estate in other areas further out from that core such as this neighborhood. One result may be that Atlanta will develop a ring of high density apartment areas separated from the central core by low density neighborhoods in which apartments have not been built because of the zoning of these areas for residential use. As he sees it, this is an unsatisfactory condition that could be remedied by realistic zoning.

The Views of the Opponents

These views were obtained during in-depth interviews immediately after the conclusion of the hearing.

The Views of One White APO Who Spoke at the Hearing: This proposed change came to his attention through the notice of meeting signs which were posted in the neighborhood. He opposed what was being proposed, so he tried to rally other APOs to join him in opposing the application. Some APOs seemed interested but only one came with him to the hearing. In his opinion, the developer seems to be suggesting to the APOs the choice of apartments or some kind of public housing. He does not believe that either use is provided for in the 1983 Land Use Plan, but he must go to the Planning Department and find out. If he is correct, and the committee approves the change, he will press the Board of Aldermen to deny the change since it violates the 1983 Land Use Plan.

In subsequent interviews it was learned that this APO believes that the change was denied. Therefore, he never pressed the matter with the Board of Aldermen

He stated that he had moved to the neighborhood because it did not contain any through streets and was relatively secluded. His old

neighborhood nearer to the central core is now built up and undesirable from his viewpoint.

Views of a Black Nearby Property Owner Attending the Hearing: These views were obtained during an in-depth interview immediately following the conclusion of the hearing.

He walked up to the white APO being interviewed and introduced himself as a very new, only three weeks in the area, neighbor. He did not know his neighbors. Before purchasing his single-family detached home, he had contacted the Planning Department to determine whether any changes were planned in the residential character of the neighborhood. He was told that no changes had been proposed. He then bought his home only to find notice of meeting on zoning change signs posted near it less than one month later. He also learned, but only after they had been held, that there were two community meetings to discuss the application. He stated that he was opposed to the change since he wished to maintain the present residential character of the neighborhood. He and the white APO left together to visit the Planning Department to verify what the 1983 Land Use Plan showed for the neighborhood.

Views of an Active APO: These views were obtained during an in-depth interview after the hearing.

This individual is very active in civic affairs outside Atlanta and in his neighborhood. He stated that he was an experienced leader, but he had been unable to appear at the hearing. He had planned to be at the hearing in March, but when that meeting was postponed to April, a conflicting out of town appointment precluded his attendance.

He was strongly opposed to the proposed change. When asked to

comment on the zoning process, he stated that it is generally satisfactory, but the afternoon meetings make it difficult for working people to present their views to the committee. Some slight changes in the process would improve it. The Planning Department should assemble all possible data from all sources on the proposed project. After this information is analyzed by a professional staff, a single open meeting should be held during which the application for rezoning would be discussed in sufficient detail to assure everyone that their views were being considered. The format of this meeting would be more like the old-fashioned town meeting and less like a judicial proceeding. After the application was fully discussed, the Zoning Committee should reach its decision in open session so that spectators could see how the aldermen voted. In this way, the idea of keeping the zoning process close to the citizens would be enhanced. The further that a governmental process is removed from the public, the more likely it is to become corrupted.

Analysis

Based on some knowledge of the neighborhood and an analysis of APO interviews, it would have been difficult to predict the activities which might occur in this case. The Southwest APOs interviewed in connection with this case were in a newly developed neighborhood with little sense of community. They were more fragmented in their responses than were the APOs in the other two cases presented here. The area surrounding their neighborhood had entered a transitional stage within the last six months and they were displeased with the directions city government was taking in handling this rapid social change. Surprisingly, they did not see any zoning change as "a foot in the door" for further changes in the

neighborhood to the extent that both Northeast and Southeast APOs did. Perhaps they saw the actual situation as changing too rapidly for this question to have meaning.

There are several possible reasons for the limited opposition at the public hearing, but none of them can be verified within the scope of this case study. First, as noted previously, the scheduled hearing on this application was postponed. Perhaps, as was the case with one APO, the APOs were unable to arrange their affairs to allow time to attend the later meeting. They did receive notice of the change in date and the signs posted on the property were also changed.

It was the opinion of the two APOs who did attend the hearing that several of the other APOs planned to sell out and move. Therefore, what was done in the neighborhood held little interest for them.

Second, if as alleged, the developer had told the APOs that apartments were the only alternative to low-income or public housing, their response may have been to accept his statement. Since the apartments were to be rented at rentals too high for low-income people, the probability was that higher income families would be added to the neighborhood. These beliefs would cause the APOs to accept the zoning change grudgingly, but they certainly would not attend the hearing to speak in favor of it. But neither could they afford to oppose it. So they stayed away from the meeting.

Third, the explanation of the failure of nearby neighborhood opponents of apartments in general to appear at the hearing may simply be that they let it slip by unnoticed. The hearings came at a time when the opponents had been very busy elsewhere. This hypothesis is strengthened by both

the newspaper articles reported earlier and one specific quotation from one of the main Southwest spokesmen against rezoning action. The spokesman in question was quoted in the metropolitan press as saying:

[They] worked for months to scale down a 1,400 unit, high density apartment complex plan to a 721 unit, well-planned, low density apartment community, only to have two other high density apartment complexes approved by the zoning committee while they worked.²⁷

Analysis of several variables in this case still may not provide adequate data from which to predict the actions which Southwest APOs might take on subsequent rezoning applications.

The viewpoints of residents reflect more fragmentation than in either of the other cases, but the crucial factor seems to be the lack of a sense of community. It is not known whether a similar attitude existed in some adjacent neighborhoods but, as reported in Atlanta newspapers, at least one nearby neighborhood vigorously opposed rezoning to apartments.

The residents of this nearby neighborhood organized a homeowners protective association, elected officers and sent delegations with spokesmen to explain their views to the aldermen. Through these tactics they delayed rezoning of their neighborhood for months and, as explained above, the project eventually approved was substantially less than had been applied for on the property.

This homeowners protective association has remained active in other zoning controversies in Atlanta and the surrounding area. It offers assistance to neighborhoods and advice on organizational techniques needed for successful opposition to zoning changes.

But it is likely that the determining factor in this Southwest case is that of neighborhood. Given the very rapid change in the area from

white to black, the transitional character of the neighborhood seems to be the most critical. And while the residents of this neighborhood may well have given up hope for maintaining the present status of their area, this feeling can in no way be carried over into other areas of the Southwest quadrant.

During the analysis of the Northeast case it became evident that a decision to rezone one piece of property to permit a use quite different from the surrounding pieces creates a precedent for other changes.

This seems to be borne out in this case as well. When the developer revealed his site plan, it was obvious that it included large tracts not now being considered for zoning change. The developer briefly outlined the overall concept and explained how this application would be the first of several which would significantly alter the character of the area. But only the immediate neighborhood was to be considered at this hearing with other applications to come as the area was developed. In addition to the property being considered, the developer controlled other parcels which would provide access to this property. Although these parcels were not involved in this application, the chairman of the Aldermanic Zoning Committee questioned the developer at length concerning the connection between the current application and the need for additional zoning changes which would be occasioned if the new road was built. The committee members showed an understanding of what was being offered as it would affect the entire area.

As the developer viewed the matter, he was providing a detailed, orderly plan for a large area which would control the direction of growth of the area for years to come. But from the standpoint of the white adjacent property owner, the idea that a road would be built connecting this

neighborhood with other more settled ones was unacceptable since he had settled in this neighborhood because it was inaccessible to heavy traffic. From the standpoint of the black nearby property owner, the development of the area in apartments would destroy the character of the neighborhood as a place of single-family detached homes. In his opinion, it was unlikely that other homes like the one he had recently bought would be built in the area once apartments were introduced into it.

The basic conflict was between the views of the developer, who saw apartments and single-family detached homes as being compatible in an area, and the property owners who disagreed. Because most of the adjacent property owners did not appear to oppose the application, it became very difficult for the members of the Aldermanic Zoning Committee to use the opposition of only two adjacent property owners as the basis for denying the application, especially since it was the first of many applications which would develop the entire area. Therefore, although the application was denied initially, this thinking may explain why it was returned to the committee for further study. As was stated earlier in this study, the aldermen tend to feel that the property owners who are strongly opposed to rezoning will appear to speak against it, and those who are apathetic would not be concerned if the zoning change were approved. Conversely, developers with sound plans and the financing to risk in proving their faith in these plans should be encouraged.

The roles of the two ward aldermen in this case were quite different from the experience gained in the Southeast case. In this case, one white alderman was opposed by his constituents in the ward during the last city election. Although he lost in the ward, citywide votes elected him. The APOs did not contact him for assistance on the application, nor did

he volunteer to intercede. The other ward alderman, who is black, was contacted and invited to a community meeting to discuss the application before the hearing on it. He offered suggestions on how to proceed, but he was not asked to intercede and he did not.

Since the APOs appear to believe that the change was denied, they took no further action to obtain the support of either alderman with the full Board of Aldermen.

Causes of Friction

(1) Different views or apartments--The APOs did not see apartments as compatible with single-family homes already in the neighborhood. As is true with many other Atlantans, these APOs expressed a vaguely defined but strongly held view that building apartments adjacent to their property would damage the character of the neighborhood.

The developer has had the opposite experience in that he has been able to sell single-family homes interspersed among apartments in the same new development. (It appears that this difference may be explained by the fact that in this instance apartments were being proposed for a settled neighborhood rather than a new one where life styles were not yet established.)

(2) Different views of need to plan for apartments--The developers view that specific areas be designated for apartments is not accepted by the aldermen, most of whom still want to maintain the essentially single-family residential character of Atlanta neighborhoods.

(3) Different views of how to cope with rapid social change--The APOs see the aldermen and the city government as having the responsibility for anticipating or at least reacting to the effects caused by rezoning

which leads to rapid social change. As the APOs see it, the city services must keep pace with area development so that utilities and roads are equal to the new loads.

The aldermen tend to react to change after a time lag during which funds to provide the necessary additional services are obtained. They prefer not to provide city services in anticipation of demand. This results in delays after the demand occurs during which it appears to the APOs and other area residents that the city government has not planned well for the change.

(4) Different views of the need to provide details of the proposed change during the hearing--In all three cases, but especially in this one, the problem of the desirability of furnishing full details of the proposed project arose. It has been the practice of some developers to present only general plans at the hearing with no site plans or only a general representation of the site plan which will be drawn later when the building permit is requested. These developers subscribe to the idea that only after zoning has been changed will there be a reason to spend the large sums of money necessary to determine exactly how each structure will be placed and built on the property. Even general plans are quite expensive.

But a verbal description of the way the project will appear when it is completed does not satisfy most of the APOs. The Aldermanic Zoning Committee members, while recognizing the cost problem, prefer to be certain that their understanding of the execution of the project is also that held by the developer. The agreement to make the zoning change contingent upon a detailed plan reduces the chance that the finished project will bear little resemblance to the developer's verbal description of it.

Comparison of the Views of the APOs

As a part of this research 58 of 84 APOs involved in the three cases selected for analysis were interviewed. An instrument, Appendix 1, was used together with the methodology described earlier in this study.

These three cases provided discrete data which may not be descriptive of any other zoning applications in Atlanta, but an attempt was made to identify differences in replies to the same questions across the three cases. In the following section the data have been arranged in parallel rows so that differences in replies would be readily apparent.

The number of responses (f) reported for each case is:

| <u>Case</u> | <u>Planning Area</u> | <u>Number of Responses(f)</u> | <u>Total APOs Involved</u> |
|-------------|----------------------|-------------------------------|----------------------------|
| NE | North Buckhead | 20 | 28 |
| SE | South | 18 | 29 |
| SW | SW - Ben Hill | 20 | 27 |

These totals remain constant for all tables.

It was postulated that adjacent property owners (APOs) with experience in zoning in Atlanta would be likely to react to other exposures in a different manner than inexperienced APOs would.²⁸

If the observed relationships followed those postulated, the experienced APOs would either be satisfied or dissatisfied with the zoning process as it had occurred in the cases in which they were involved. Their role in these cases could have been as developers or as participants either in support of or in opposition to the zoning change.

They would have developed higher degrees of role specialization than the inexperienced APOs. If the age of the neighborhood was also related to experience, it should follow that the Northeast would have the largest number of experienced APOs and a neighborhood structure. The Southeast should be next with fewer experienced APOs and a less formal neighborhood

structure. The Southwest would be last with few experienced APOs and only the beginning of a neighborhood structure.

This study showed that this was not the case. Table 1 contains the data.

TABLE 1

Prior Experience in Zoning

| Have you ever been involved in any effort in Atlanta to rezone a piece of property? | | |
|---|------------|--|
| | <u>Yes</u> | <u>Roles and Satisfaction</u> |
| NE | 11 | 1 satisfied developer; 5 satisfied participants; 5 dissatisfied participants |
| SE | 2 | 2 dissatisfied participants |
| SW | 6 | 1 satisfied participant; 4 dissatisfied participants; 1 satisfied developer |

In the Northeast there were eleven experienced APOs and two formally organized neighborhood organizations with a high degree of specialized roles such as officers, spokesmen, etc. Of the eleven experienced APOs one was a satisfied developers, five were satisfied participants and five were dissatisfied participants.

The Southeast case had the fewest APOs with zoning experience. Only two APOs had been participants in cases previously, and both were dissatisfied with the outcome. There was no evidence of neighborhood organization in the Southeast but two APOs appeared at the hearing on the zoning change. Neither was identified but it is known that they were not the experienced APOs.

The Southwest case fell between the other two cases in terms of experience with six experienced APOs. One was a satisfied developer, one was a satisfied participant and four were dissatisfied participants. Although there were the rudiments of a neighborhood group in the Southwest case, there was no formal organization.

Knowledge of the Functioning of Zoning Process

It was postulated that APOs who had had experience in zoning would have a more detailed understanding of the process. Therefore, they should be able to assist other APOs in arriving at a course of action to be taken when reacting to a proposed zoning change.

This knowledge should extend to the provisions of the 1983 Land Use Plan and its application to Atlanta and also to zoning including details the zoning process and the procedures used in it. An experienced APO would understand city government and the relative power to be used in each step of the zoning process.

TABLE 2

Knowledge of City Master Plan (in percentages)

Do you know whether Atlanta has a master plan showing present and future patterns of land use? (The city has a 1983 Land Use Plan, and the correct answer to this question is "yes.")

| | <u>Yes</u> | <u>No</u> | <u>DK & NR</u> |
|----|------------|-----------|--------------------|
| NE | 50 | 20 | 30 |
| SE | 33 | 6 | 61 |
| SW | 35 | 5 | 60 |

Table 2 shows that, as anticipated from their relatively greater exposure to other zoning hearings, more of the Northeast APOs are aware of the Master Plan than in either of the two other neighborhoods.

However, 20 percent of the Northeast APOs thought that Atlanta did not have a Master Plan. In this respect their neighborhood is unlike the other two where virtually no one expressed a like belief.

One point clearly evident in all neighborhoods is that APOs don't know whether there is a Master Plan. Therefore, questions relating to it are meaningless to them but they still hold views on the worth of a Master Plan.

Table 3 shows that, despite the relatively high degree of uncertainty that Atlanta has a Master Plan, 81 percent of the total APOs think that Atlanta should have such a plan.

TABLE 3

Need for Master Plan
(in percentages)

| Do you think that Atlanta should have such a plan? | | | |
|--|------------|-----------|--------------|
| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
| NE | 85 | 0 | 15 |
| SE | 61 | 0 | 39 |
| SW | 95 | 0 | 5 |

If the APOs were to interact on a zoning question and decide on the action to be taken, they must understand the functioning of the process as depicted in Figure 2. Most importantly they must understand which agency holds the power of final approval of the proposed rezoning. Table 4 relates the answers of the APOs concerning their knowledge of this point.

TABLE 4
Knowledge of Final Zoning Authority
(in percentages)

Which person, group, or governmental division has the final authority to approve or disapprove proposed zoning changes? (While the Mayor has veto power, the Board of Aldermen is generally seen as having final decision-making authority.)

| | <u>B of A</u> | <u>Jt. Bd.</u> | <u>Z.C.</u> | <u>Mayor</u> | <u>Others</u> | <u>DK/NR</u> |
|----|---------------|----------------|-------------|--------------|---------------|--------------|
| NE | 55 | 0 | 20 | 0 | 10 | 15 |
| SE | 22 | 6 | 39 | 6 | 11 | 17 |
| SW | 45 | 0 | 10 | 5 | 5 | 35 |

Although technically the Mayor has the final authority to approve a zoning change which has been adopted by the Board of Aldermen,²⁹ it is clear from their responses that the more experienced APOs saw the Board of Aldermen, through its Zoning Committee, as making the actual determination.

The Board of Aldermen operates on the committee system. Each committee member is expected to become expert on the matters for which his committee is responsible. He is to delve into details and assist other committee members in reaching a recommendation which the committee chairman will then present to the full Board of Aldermen for their action.

As explained by some aldermen, the Board of Aldermen has historically adopted most of the unanimous recommendations of the Zoning Committee, but disputed some of the recommendations which showed a division of opinion among the committee members.

Therefore, an experienced APO would attempt to present his views to members of the Zoning Committee first. Failing to obtain satisfaction, he would turn to some member of the Board of Aldermen whom he hoped to persuade to present his views to the full board. When the vote on the particular

application was scheduled in the full board, this alderman would speak in the hope of presenting details which would influence the decision on the application.

The data in Table 4 also show that few of the APOs would appeal to the Mayor since they see him as being without authority in the process. This is not entirely correct. The Mayor can take action contrary to that passed by the Board of Aldermen. The Georgia Supreme Court has held that the Mayor has the final authority.³⁰

Action to Be Taken by APOs

Each APO is at liberty to appear before the Zoning Committee and express his opinion of the pending application to rezone property adjacent to his property.

The questions are, will his appearance as an individual be effective? Could its effectiveness be increased by other means?

In reply, all three APO samples believed that individuals are listened to but do not have the power to influence zoning decisions (with a range of responses from 50 percent to 60 percent saying individuals have no power). All also generally agreed, however, (a range from 80 percent to 83 percent) that groups do have influence in zoning decision making.

Interviewees were given a list of actions which might be seen as influencing a decision on a rezoning application (including talking to neighbors and friends, writing letters, getting up a petition, organizing a group, contacting aldermen, contacting the mayor, hiring a lawyer or expert, appearing at the public hearing, testifying yourself at the hearing, or appealing to the Atlanta-Fulton County Planning Board). The largest bloc (40 percent) of Northeast respondents selected "organizing a group"

and "appearing at the hearing" as having a "strong" effect. Four activities from this list were selected by over 70 percent of the Northeast APOs as having either "some" effect or a "strong" effect: getting up a petition (75 percent); organizing a group (75 percent); hiring a lawyer or expert (80 percent); and appearing at the hearing (70 percent). On the other end of the scale, only 15 percent of the Northeast APOs saw either "talking to friends" or "contacting the Mayor" as effective actions in an attempt to influence the zoning process.

The largest bloc of Southeast APOs (56 percent) selected "getting up a petition" and "organizing a group" as having a "strong" effect on the outcomes of zoning decisions. These two activities were the only two which received a "strong" effect rating from the majority of these Southeast interviewees. A majority, however, supported all of these activities as having "some" influence--except writing letters and contacting the Mayor.

The Southwest APOs selected "appearing at the hearing" (50 percent) and "organizing a group" (40 percent) as the most effective means of influencing a zoning decision. These two items, plus two others ("contacting aldermen" and "hiring a lawyer or expert") received support as having "some" or a "strong" effect by over 70 percent of the Southwest respondents.

While all three groups of APOs agreed that group actions had the most effect in attempting to influence a zoning decision, some differences are apparent among the three neighborhoods. The tables which follow point out some of the differences.

TABLE 5
Impact of Writing Letters
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 15 | 30 | 35 | 15 | 5 |
| SE | 17 | 50 | 28 | 0 | 5 |
| SW | 10 | 45 | 25 | 10 | 10 |

When the "some effect" and "strong effect" responses are brought together, the more experienced APOs (Northeast) see letter writing as having impact; and the less experienced APOs (Southeast) see little utility in writing letters.

TABLE 6
Impact of Getting Up a Petition
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 15 | 50 | 25 | 5 |
| SE | 0 | 0 | 33 | 56 | 11 |
| SW | 10 | 15 | 40 | 25 | 10 |

The less experienced Southeast interviewees ranked much higher on the notion of "getting up a petition" as having influence on the zoning process (56 percent see this as having a strong effect). Northeast respondents, on the other hand, are less sure of the significant impact of a petition, with a majority seeing it as having "some" effect.

TABLE 7
Impact of Contacting Mayor
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 40 | 35 | 10 | 5 | 10 |
| SE | 17 | 33 | 28 | 17 | 5 |
| SW | 25 | 30 | 20 | 15 | 10 |

Northeast respondents clearly see no utility in contacting the mayor in connection with a change. The Southeast respondents, on the other hand, are rather evenly split on the question--with 45 percent of them believing that this action would have "some" or a "strong" effect.

TABLE 8
Impact of Appearing at the Hearing
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 15 | 30 | 40 | 10 |
| SE | 0 | 28 | 39 | 22 | 11 |
| SW | 10 | 5 | 25 | 50 | 10 |

Here again, the Southeast APOs rank third in seeing "appearing at the hearing" as having a strong effect on the outcome of a zoning action, with the more experienced Northeast APOs ranked second and the less organized Southwest APOs ranked first. However, the Southwest APOs did not attend the hearing while the Northeast APOs did.

TABLE 9
Impact of Testifying Yourself at Hearings
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 10 | 35 | 30 | 20 | 5 |
| SE | 0 | 22 | 56 | 11 | 11 |
| SW | 10 | 10 | 30 | 35 | 15 |

In taking the "some effect" and "strong effect" responses together, the more experienced white upper-class Northeast interviewees rank third in terms of seeing individual testimony at the public hearing as influential; and again the less experienced, black lower-class APOs are at the opposite pole, with 67 percent believing that such testimony would have some or a strong effect.

Similar results were obtained when the respondents were asked their opinions of the effect that an attorney speaking against the application would have on the decision of the Zoning Committee. Although the attorneys involved in these cases stated that their legal services were not needed, the adjacent property owners appeared to want them as spokesmen with the more experienced groups strongly supporting (80%) the use of an attorney as shown in Table 10.

TABLE 10

Impact of Using an Attorney
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 0 | 15 | 50 | 30 | 5 |
| SE | 0 | 22 | 33 | 28 | 17 |
| SW | 5 | 15 | 45 | 25 | 10 |

It may have been that the attorney was expected to make a more professional presentation and feel freer to speak out in public. Although many APOs would join a group, few of the adjacent property owners were willing to lead the group or to testify.

Sixty-nine percent of all the APOs stated that the presence of a group at a hearing by the Aldermanic Zoning Committee would have "some" or a "strong" influence on the outcome.

Questioning the APOs further on whether the Aldermanic Zoning Committee hearings actually affect the outcome of the zoning decision, it was learned that the inexperienced Southeast APOs thought they did to a greater extent (72 percent) than did either the more experienced Northeast APOs (55 percent) or the Southwest APOs (40 percent).

The Southeast APOs (39 percent) also view the Aldermanic Zoning Committee as having final approval in zoning changes. The more experienced Northeast (55 percent) and Southwest APOs (45 percent) see the Board of Aldermen as having final approval.

If the Board of Aldermen routinely concurs with the recommendation of the Aldermanic Zoning Committee on an application, the distinction in approval authority made by the APOs is not as important as it would be when there is a history of substantial disagreement between the full board and the Zoning Committee.

Data gathered during the Rupnow Study showed that, although the Board of Aldermen did generally concur with the recommendations of the Aldermanic Zoning Committee, in 4 percent of the applications they did not do so.

A partial explanation for this may be the opinion of some aldermen that the full board should concur with unanimous recommendations of the Aldermanic Zoning Committee but be free to challenge and question the rationale involved when a split decision was used as the basis of the recommendation to the full board. Although the historical data do not establish this premise, it is apparent that the full board does not always concur in the recommendation of the Aldermanic Zoning Committee.

Probing further on this point, the interviewers determined that the APOs in the Northeast and Southwest saw the zoning process as having two stages at which they can intervene, while those in the Southeast relied on their appearance at the open hearing for any effect on the application.

The Northeast and Southwest APOs stated that they would first work through the Aldermanic Zoning Committee to make their views known, but if the decision of the committee was adverse, they would then contact their ward alderman or other sympathetic aldermen and seek to affect the action taken on the application by the full Board of Aldermen.

The APOs do not appear to attempt to apply pressure on the Atlanta-Fulton County Joint Planning Board in the same manner as they do to the Aldermanic Zoning Committee. Although 50 percent of those contacted agreed that their appeal to the board would have an effect, they did not take action to make this view known to the board. This in direct contrast to the residents of Fulton County who were accustomed to appearing before the Joint Planning Board on county zoning matters. Apparently the absence of an open hearing by the Joint Planning Board on Atlanta zoning applications

inhibited the APOs in these cases.

A related adverse comment frequently made by the APOs was that the open hearings of the Aldermanic Zoning Committee are normally held in the afternoon of a working day which prevented many of the male property owners from appearing.

The experienced Northeast APOs generally supported group action as a factor which might influence a zoning decision, particularly organizing a group and appearing at the public hearing with the assistance of a lawyer or other expert. The other two less experienced APO groups generally were more evenly distributed across the spectrum of possible activities, with the greatest contrast being between the Northeast and Southeast APOs. This division becomes even more apparent in looking at the data from a question about what actions interviewees said they would be willing to take in an attempt to influence a zoning decision.

Willingness to Act

Respondents were given a list of ten actions and asked which of them they would be willing to do if they were opposed to a potential rezoning in their neighborhood. These actions included: joining a group, leading a group, donating money to a group, letting a group use your name, signing a petition, letting a group meet in your home, letting a group put a sign on your property, speaking publicly through newspaper or television, appearing at the public hearing and contacting a politician.

More than 50 percent of all APOs indicated a willingness to participate in certain actions: joining a group, letting their names be used, signing a petition and appearing at the public hearing. Only in one instance--that of leading a group--did a majority of all APOs provide negative responses.

This appears significant since most are willing to join groups but not assume leadership. The analysis of two cases (Southeast and Southwest) indicates that leadership is vital to the mobilization of the APOs, the establishment of neighborhood views, the preparation of a position based on these views, and finally, the presentation of these views to the Aldermanic Zoning Committee.

No leader emerged in either the Southeast or Southwest cases with the result that neighborhood views were not fully apparent to the Aldermanic Zoning Committee. As shown elsewhere in this study, the members tend to feel that APOs whose interests are involved will appear. In the absence of the APOs, the inference is made that the APOs agree with or do not object to the proposed change.

The following tables give the data for each proposed action. The question asked was:

Suppose someone in your neighborhood requested a zoning change to construct a beauty shop or other small commercial building on his property and the rest of the neighbors decided to oppose the change. Would you . . .

TABLE 11

Join the Group
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 85 | 15 |
| SE | 59 | 41 |
| SW | 94 | 6 |

TABLE 12

Lead the Group
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 32 | 68 |
| SE | 29 | 71 |
| SW | 47 | 53 |

TABLE 13

Donate Money to Group
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 53 | 47 |
| SE | 24 | 76 |
| SW | 76 | 24 |

TABLE 14

Permit Them to Use Your Name
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 89 | 11 |
| SE | 76 | 24 |
| SW | 94 | 6 |

TABLE 15

Sign Petitions
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 95 | 5 |
| SE | 76 | 24 |
| SW | 88 | 12 |

TABLE 16

Meet in Your Home
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 63 | 37 |
| SE | 41 | 59 |
| SW | 82 | 18 |

TABLE 17

Put Sign on Your Property
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 47 | 53 |
| SE | 47 | 53 |
| SW | 76 | 24 |

TABLE 18
Speak Publicly Against Change
(in percentages)

| | <u>Yes</u> | <u>No</u> |
|----|------------|-----------|
| NE | 42 | 58 |
| SE | 18 | 82 |
| SW | 76 | 24 |

TABLE 19
Contact Politicians
(in percentages)

| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
|----|------------|-----------|--------------|
| NE | 60 | 35 | 5 |
| SE | 17 | 78 | 6 |
| SW | 70 | 15 | 15 |

In all instances, the Southeast APOs rank third in their willingness to take any action; and although the Northeast and Southwest respondents are similar in many of their answers, Southwest respondents rank first on all but one of the items. These findings might well be explained in terms of experience. The inexperienced Southeast APOs showed reluctance to participate in the very group activities which the more experienced Northwest APOs would utilize. The Southwest APOs, lacking specific experience in group action in this neighborhood, appeared willing to try any action in an effort to influence zoning decisions.

Views of Zoning

When asked whether they feel that all changes in zoning are wrong, 90 percent of the APOs said no. The breakdown by area was: Northeast, 85 percent; Southeast, 94 percent; and Southwest, 90 percent. There was very little uncertainty on this point, but when the question was rephrased, "Do you feel that any zoning changes made in accordance with a Master Plan will be in your best interests?" the replies changed greatly. In the entire group 28 percent said yes, with Northeast, 20 percent; Southeast, 33 percent; and Southwest, 30 percent.

Moving to a specific instance, the APOs were asked;

If you knew that a certain change in zoning a piece of property would not be to your best interest, but would benefit the public in general, would you oppose it?

Data are shown in Table 20.

TABLE 20
Zoning Would Benefit the Public
(in percentages)

| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
|----|------------|-----------|--------------|
| NE | 20 | 45 | 35 |
| SE | 22 | 67 | 11 |
| SW | 10 | 85 | 5 |

Views of Property Rights

Since the respondents in all three cases are property owners, their views of property rights can be expected to have an influence on actions which they take to support or oppose a specific zoning change.

Questions were asked to determine whether there were differential opinions among the APOs and whether these views could be related to other

views.

When asked if they would oppose a zoning change which would not be in their best interests but would benefit some other property owner, there was a spread in the replies from the respondents. Many said that it would depend on the specifics of each instance and only 25 percent of those in the Northeast and Southwest areas were directly opposed, while 44 percent of the Southeast respondents opposed this view.

This response of the Southeast adjacent property owners appeared to be related to their views that a property owner has the right to use his property in any way that he sees fit because 39 percent agreed that he did while only 10 percent of those in either of the other quadrants felt that he had such a right. The following table gives the data.

TABLE 21
Property Owner Rights
(in percentages)

| | <u>Yes</u> | <u>No</u> | <u>DK/NR/Other</u> |
|----|------------|-----------|--------------------|
| NE | 10 | 85 | 5 |
| SE | 39 | 50 | 11 |
| SW | 10 | 85 | 5 |

When asked if the city should exert control to prevent a property owner from using his property in a way which might be contrary to the public good, there was strong agreement, see Table 22, from all adjacent property owners in favor of this control.

TABLE 22

Use Contrary to Public Good
(in percentages)

Do you think that the city should exert control to prevent a property owner from using his property in a way which might be contrary to the public good?

| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
|----|------------|-----------|--------------|
| NE | 90 | 0 | 10 |
| SE | 78 | 6 | 17 |
| SW | 85 | 10 | 5 |

The weight which would be given to the owner's views was also probed. Over 77 percent of the Southeast adjacent property owners favored consideration of the owner's views when effecting a zoning change. This was in contrast to the Southwest with 65 percent and the Northeast with 50 percent. It appeared that experience with zoning led the Northeast respondents to be reluctant to permit the wishes of the property owner to determine a zoning decision. From this and their other replies, there was a difference between the relatively sophisticated Northeast respondents who considered that property owners often owned property for other reasons than a residence of their own and the inexperienced Southeast respondents whose way of life had never been threatened by a change in zoning.

Although the respondents varied in their degree of experience in zoning, there was strong agreement with the question, "Do you believe that a person's feelings about zoning will change when his own property rights are involved or threatened?" (See Table 23.)

TABLE 23

Change in Feelings
(in percentages)

Do you believe that a person's feelings about zoning change when his own property rights are involved or threatened?

| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
|----|------------|-----------|--------------|
| NE | 95 | 5 | 0 |
| SE | 83 | 0 | 17 |
| SW | 90 | 5 | 5 |

Because the concept of "public good" often arises in zoning, a series of questions was asked to determine whether the opinions of experts should be considered. The question was:

In decisions involving zoning changes for the "public good," a number of conditions have been suggested by various experts which might be considered. I will now read you a list of some of these. Please indicate whether or not these conditions should have 1) no effect, 2) little effect, 3) some effect, or 4) strong effect on the resolution of zoning changes.

These replies were then related to "Status of Neighborhood" (an abstraction) and the "Desires of the Property Owner" (what the owner wants).

In the following ten tables the data which resulted are presented in descending order, that is, the table reporting data on the factor which had the strongest effect (Status of Neighborhood) is first, property owner's desires, second, etc.

TABLE 24
Status of Neighborhood
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 0 | 55 | 30 | 10 |
| SE | 5 | 0 | 39 | 44 | 11 |
| SW | 10 | 10 | 25 | 45 | 10 |

TABLE 25
What Property Owner Wants
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 15 | 35 | 25 | 25 | 0 |
| SE | 0 | 17 | 28 | 50 | 6 |
| SW | 5 | 20 | 50 | 15 | 10 |

TABLE 26
What City Planners Want
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 0 | 5 | 50 | 35 | 10 |
| SE | 6 | 17 | 56 | 17 | 6 |
| SW | 5 | 15 | 40 | 30 | 10 |

TABLE 27
What School Officials Say
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 0 | 5 | 60 | 30 | 5 |
| SE | 0 | 11 | 67 | 17 | 6 |
| SW | 0 | 30 | 30 | 30 | 10 |

TABLE 28
What Transportation Experts Recommend
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 15 | 40 | 35 | 5 |
| SE | 11 | 22 | 56 | 6 | 6 |
| SW | 0 | 25 | 35 | 30 | 10 |

TABLE 29
What Pollution Experts Say
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 10 | 5 | 50 | 30 | 5 |
| SE | 11 | 28 | 50 | 6 | 6 |
| SW | 10 | 25 | 25 | 30 | 10 |

TABLE 30

What Property Owners Nearby Want
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 15 | 25 | 50 | 10 | 0 |
| SE | 11 | 17 | 33 | 33 | 6 |
| SW | 0 | 15 | 55 | 20 | 10 |

TABLE 31

What Aesthetic or Artistic Experts Say
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 10 | 50 | 30 | 5 |
| SE | 11 | 28 | 56 | 0 | 6 |
| SW | 15 | 20 | 15 | 30 | 20 |

TABLE 32

What Tax Experts Recommend
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 15 | 15 | 40 | 20 | 10 |
| SE | 11 | 33 | 44 | 6 | 6 |
| SW | 10 | 35 | 20 | 15 | 20 |

TABLE 33
Investment in Property
(in percentages)

| | <u>No Effect</u> | <u>Little Effect</u> | <u>Some Effect</u> | <u>Strong Effect</u> | <u>DK/NR</u> |
|----|------------------|----------------------|--------------------|----------------------|--------------|
| NE | 5 | 10 | 50 | 20 | 15 |
| SE | 6 | 22 | 50 | 17 | 6 |
| SW | 5 | 20 | 25 | 30 | 20 |

Analysis of the consideration given to the various conditions in each neighborhood shows that the inexperienced Southeast APOs would stress what the property owner and nearby property owners want rather than rely on what various professionals want to do or recommend be done. The more experienced Northeast APOs tend to give much greater weight to expert opinion with little or no attention to what the property owner or nearby property owners want.

The Southwest APOs would also put more weight on expert advice except when it is given by school officials. Reports of overcrowding in area schools and the rapid racial changes which have occurred in the area may have caused the lack of confidence in school officials' impact on zoning changes.³²

One would expect Southwest respondents to fear zoning changes as reflecting further change in their neighborhood. This is not the case, however. Perhaps they saw the actual situation as changing too rapidly for this question to have meaning. The question asked was:

Do you believe that any change in zoning within a residential area represents a "foot-in-the-door" for other zoning changes?

Table 34 gives the data.

TABLE 34

Foot in the Door
(in percentages)

| | <u>Yes</u> | <u>No</u> | <u>DK/NR</u> |
|----|------------|-----------|--------------|
| NE | 90 | 5 | 5 |
| SE | 72 | 6 | 22 |
| SW | 55 | 25 | 20 |

A change in land values is often cited as one reason for support of or opposition to a zoning change from residential to commercial. Many speculators feel that the wider uses allowed under commercial zoning enhance the value of the property; some aldermen have been reported as concurring. But what do the APOs think? Table 35 gives the data.

TABLE 35

Change in Property Value
(in percentages)

If one parcel of land in a residential neighborhood is rezoned for commercial purposes, how would this affect the value of the residential property in that neighborhood?

| | <u>Increased</u> | <u>Decreased</u> | <u>Unchanged</u> | <u>DK/NR</u> |
|----|------------------|------------------|------------------|--------------|
| NE | 15 | 55 | 0 | 30 |
| SE | 44 | 39 | 0 | 17 |
| SW | 15 | 40 | 0 | 45 |

There was a marked difference in replies among the cases. The Northeast and Southwest respondents tended to give qualified replies, hedging their answers in terms of the direction of change being dependent on the location of the parcel. Only 15 percent in either neighborhood thought that the

value would be increased. But the relatively large percentage of uncertainty in the Northeast and Southwest cases may reflect their feelings about the directions in which Atlanta is moving. In contrast, the Southeast APOs had relatively less uncertainty but a split in feeling about the direction of change.

Moving to questions about discrimination in the zoning process, there was some degree of agreement among the adjacent property owners with the exception of the question concerning discrimination against minority groups, as shown in Table 36.

TABLE 36
Discrimination in Zoning
(in percentages)

Do you believe that the zoning process as currently carried out in Atlanta is at all discriminatory against the following: (A "yes" reply meant that the APOs believed that zoning was discriminatory against that group.)

| | Yes | | |
|--|-----------|-----------|-----------|
| | <u>NE</u> | <u>SE</u> | <u>SW</u> |
| Owners of residential property | 75 | 56 | 65 |
| Owners of commercial property | 30 | 33 | 15 |
| Cooperative groups such as churches or non-profit agencies | 5 | 33 | 20 |
| Minority groups such as Negroes and Puerto Ricans | 50 | 61 | 5 |
| Apartment owners | 5 | 17 | 15 |
| Realtors | 5 | 6 | 15 |
| Property owners who live outside of Atlanta but own property in Atlanta | 0 | 11 | 10 |
| Poor people | 45 | 61 | 50 |
| Upper-income people | 30 | 17 | 5 |

There was general agreement that poor people were discriminated against but a surprising difference in views about discrimination against upper-income people.

The Northeast APOs felt much more strongly (33 percent to 6 percent) that upper-income people were discriminated against than did the Southwest APOs. Although it isn't completely clear, this view taken with others appears to show that the Southwest APOs did not think of themselves as members of the same economic class as had been attributed to them by the appearance of their homes and neighborhood.

Another possibility is that the Southwest APOs are so incensed about what they perceive as discrimination against their neighborhood that their other views have been affected. Their replies to discrimination against owners of commercial property and minority groups are strongly different from those held by APOs in the Northeast and Southeast. On these two points both of those neighborhoods are in general agreement.

The APOs were not asked to explain why they held these views but one difference is striking. When asked about discrimination against churches and non-profit agencies (both of which are often involved in the sponsorship of low-income housing), the Northeast APOs found very little discrimination (only 6 percent reported any). But both of the other neighborhoods reported some (Southeast, 35 percent; Southwest, 24 percent).

Since all interviews in the Southeast were conducted prior to announcement of the pending zoning change which was sponsored by a non-profit group, that instance should have had no influence on the data. However, there have been other attempts by non-profit groups to obtain rezoning in the Southeast quadrant which may account for the views given during the interviews.

The Northeast APOs may be considering other work of these groups in Atlanta which was not impeded by zoning such as new churches, schools, clinics and hospitals.

One of the most highly publicized topics about which APOs expressed their views was their feeling about low-cost housing being built in their home neighborhood of Atlanta.³¹ Of 58 persons queried, 33 were against it, 15 would accept it, and 3 considered it a good idea. Acceptance was highest in the Southeast case, but even there 39 percent were against the idea. Table 37 gives the data.

TABLE 37

Acceptance of Low-Cost Housing in Your Home Neighborhood
(in percentages)

| | <u>Good Idea</u> | <u>Accept It</u> | <u>Against It</u> | <u>DK/NR</u> |
|----|------------------|------------------|-------------------|--------------|
| NE | 5 | 15 | 60 | 20 |
| SE | 11 | 44 | 39 | 6 |
| SW | 0 | 20 | 70 | 10 |

Since the interviewers did not probe further on this topic and because the whole subject of subsidized housing is being reported on separately no analysis of this question was attempted.

Suggestions on Ways to Improve Zoning

When the APOs were asked to suggest ways to improve the present system of zoning and zoning changes, their replies were directly in accordance with their experience with or exposure to zoning actions. The most experienced Northeast group had 60 percent who made suggestions; the less experienced Southwest group had 55 percent. Their principal suggestions were:

- 1) stricter enforcement of the Master Plan;
- 2) elimination of spot and strip zoning;
- 3) longer intervals between considerations of applications for rezoning of a specific piece of property;
- 4) provision of a city employee who could advise the property owners and possibly plead the case for retaining the present use for the property.

But the inexperienced Southeast group was very uncertain that it could help, with only 17 percent offering suggestions (none of the suggestions were the same as those offered by other respondents). These suggestions were made by three respondents. One favored leaving the use of land to the owner; another wanted more detailed information from the Aldermanic Zoning Committee on zoning decisions; and the last was opposed to one of the present aldermen on the grounds of that alderman's views on zoning.

Interest in Civic Affairs

The respondents were asked two questions in an attempt to determine their participation in the government and their role in electing the aldermen.

TABLE 38

Did You Vote
(in percentages)

Did you vote in the last city election?

| | |
|--------------|----|
| Yes | 79 |
| No | 14 |
| Non-resident | 5 |
| No reply | 2 |

TABLE 39
Vote for Present Aldermen
(in percentages)

| | <u>Yes</u> |
|----|------------|
| NE | 80 |
| SE | 61 |
| SW | 45 |

Respondents Views of the Role of Their Aldermen

One of the most revealing parts of the attempt to isolate friction was in identifying the differential views of adjacent property owners when they were asked whether they looked to their aldermen for assistance in obtaining city services. Fifty-two percent said that they did.

Those APOs who said that they did were then asked to rate eleven city services in terms of the amount of help which an alderman would be in obtaining these services. Table 40 gives the data.

TABLE 40

Assistance on Services
(in percentages)

Since you do look to your aldermen for assistance in obtaining city services, please rank the following services in terms of some or a great deal of help which you would expect to receive from your aldermen:

Yes, I would expect some or a great deal of help:

| | <u>NE</u> | <u>SE</u> | <u>SW</u> |
|------------------|-----------|-----------|-----------|
| Police | 30 | 44 | 30 |
| Fire | 35 | 44 | 35 |
| Water | 30 | 50 | 30 |
| Sewer | 35 | 56 | 30 |
| Traffic | 25 | 44 | 30 |
| Schools | 35 | 50 | 35 |
| Streets | 35 | 56 | 30 |
| Zoning | 40 | 56 | 40 |
| Planning | 40 | 56 | 40 |
| Housing | 35 | 56 | 35 |
| Parks/recreation | 35 | 56 | 20 |

When the data are arranged in this manner, it becomes apparent that the Southeast respondents who are less familiar with the organization of city government, or who may not feel able to fully utilize the services obtained through city administrators, would look to their aldermen for help more often than either of the more experienced groups.

A higher percentage of each group saw planning and zoning as functions more likely than any other to require assistance by an alderman.

The eighteen aldermen of the City of Atlanta are elected by a city-wide vote, but they must reside in the ward in which they run for office. There are two aldermen from each of nine wards which subdivide the city geographically. The majority (53 percent) of all respondents considered that these two ward aldermen were their representatives in Atlanta's government. The percentages are Northeast, 65; Southeast, 50; and Southwest, 45.

The APOs were then asked whether their two aldermen should represent the interests of their ward primarily. The replies were heavily affirmative, Northeast, 80 percent; Southeast, 67 percent, Southwest, 70 percent. Considering the views which many aldermen expressed as seeing themselves as "city" rather than "ward" aldermen, there appears to be the basis for considerable friction when an APO seeks help from his alderman on zoning.

When the question was narrowed still further by asking "in the event of disputes between citizens living in your ward and other people from outside your ward, would you expect your aldermen to support the opinions of ward citizens against that of the outsider?" There was somewhat less expectation of support by the ward aldermen; see Table 41.

TABLE 41

Support of Opinion
(in percentages)

In the event of disputes between citizens living in your ward and other people from outside your ward, would you expect your aldermen to support the opinion of ward citizens against that of the outsider?

| | <u>No</u> | <u>Yes</u> | <u>DK/NR</u> |
|----|-----------|------------|--------------|
| NE | 15 | 60 | 25 |
| SE | 11 | 50 | 39 |
| SW | 10 | 85 | 5 |

The uncertainty of the lack of experience of the Southeast APOs is evident from their response, but the strong feelings of the Southwest group have another explanation. From comments made separately during the interviews, it was learned that this group of APOs considers that their ward aldermen should support the status quo to a greater extent than has been done in this transitional neighborhood where many apartments have been

started on formerly vacant land.

Note particularly that the APOs in both the Northeast and Southeast neighborhoods thought that their aldermen represented them primarily but they were considerably less certain that their aldermen would support them against outsiders. In the Southwest the reverse is true because the APOs strongly expect help from their aldermen against outsiders. From comments made during the interviews, one reason for failure to support one of the local aldermen at the last election was the belief among Southwest APOs that he wasn't vigorous enough in defending their interests.

Views of Local Government

The APOs were asked four questions about their views of local government. These questions were used in other surveys of citizen attitudes toward their government in other cities.

- (1) Thinking of all public services--fire and police protection, schools, parks, transportation, trash collection, street maintenance, and other things, do you think the services here in your neighborhood are generally better than in other parts of Atlanta, are they about the same, or are they not as good as in other parts of the city? (Table 42)
- (2) How much do you think the people who count in local government in Atlanta are concerned about the same problems you are concerned about--very much, some, a little, or hardly at all? (Table 43)
- (3) And over all, how would you rate the way Atlanta is run--excellent, very good, good enough, not so good, not good at all? (Table 44)
- (4) Over the past five or ten years, do you think that local government here in Atlanta has gotten better, has stayed the same, or do you think it is not as good as it used to be? (Table 45)

TABLE 42

Rating of Services in Neighborhood
(in percentages)

| | <u>Better</u> | <u>Same</u> | <u>Not as Good</u> | <u>DK/NR</u> |
|----|---------------|-------------|--------------------|--------------|
| NE | 30 | 50 | 5 | 15 |
| SE | 0 | 17 | 72 | 11 |
| SW | 10 | 55 | 15 | 20 |

TABLE 43

Do Influentials Share Your Concerns
(in percentages)

| | <u>Very Much</u> | <u>Some</u> | <u>A Little</u> | <u>Hardly</u> | <u>DK/NR</u> |
|----|------------------|-------------|-----------------|---------------|--------------|
| NE | 25 | 35 | 25 | 10 | 5 |
| SE | 6 | 44 | 33 | 11 | 6 |
| SW | 25 | 40 | 10 | 20 | 5 |

TABLE 44

Overall Rating of City Government
(in percentages)

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good Enough</u> | <u>Not so Good</u> | <u>Not Good at All</u> | <u>DK/NR</u> |
|----|------------------|------------------|--------------------|--------------------|------------------------|--------------|
| NE | 0 | 35 | 35 | 5 | 25 | 0 |
| SE | 0 | 44 | 28 | 6 | 17 | 6 |
| SW | 0 | 35 | 20 | 10 | 30 | 5 |

TABLE 45
Rating of Atlanta City Government Over Time
(in percentages)

| | <u>Better</u> | <u>Same</u> | <u>Not as Good</u> | <u>DK/NR</u> |
|----|---------------|-------------|--------------------|--------------|
| NE | 20 | 50 | 30 | 0 |
| SE | 78 | 16 | 0 | 6 |
| SW | 20 | 15 | 55 | 10 |

Although both the Northeast and Southwest APOs thought that the city was furnishing their neighborhoods as good or better services than it did to other neighborhoods, they saw the quality of the city government decreasing over the past five to ten years.

This is in contrast to the Southeast APOs who saw the services now being provided by the city as "not as good" as those provided to other neighborhoods, but saw the quality of city government "better" (78 percent thought so) than it had been five to ten years ago.

This difference in views of the city government and the services it provides seems to be related to change over time. The Northeast and Southwest APOs think of themselves as still receiving good service from the city but this is occurring at a time when the city government is the same or not as good as it was formerly. The converse is true for the Southeast APOs.

Therefore, the Southeast APOs should have higher expectations of greater success in zoning and act accordingly in the future since they see the city government as being better than it was in the past. This view is borne out through their replies to other questions during the interviews as discussed earlier in this study.

At the same time, the Southwest APOs, faced with a rapidly changing area, see the quality of city government as having deteriorated. They also have the highest percentage (20 percent) of APOs who consider that people who count in local government are "hardly at all" concerned about the same problems that they are. But otherwise, the Southwest APOs follow the Northeast APOs with a display of mixed feelings about the awareness of public officials of their problems.

However, 45 percent of the Southwest APOs did not support one of the ward aldermen who was elected on a citywide basis during the last election. Therefore, they are less likely than other APOs to enlist the support of this ward alderman on a zoning change. All told, Southwest APOs are less likely to mobilize on a zoning change because they see themselves in a changing social environment in which the city government seems to be not as good as it was five to ten years ago.

On the basis of aldermanic support alone the Northeast APOs are more likely than the Southwest APOs to mobilize in opposition to a zoning change. Although they understand the functioning of the Aldermanic Zoning Committee and would initially express their views at the committee hearing, they also see the ward aldermen and other aldermen as a source of further recourse should the decision of the Aldermanic Zoning Committee be contrary to their views. They believe that their ward aldermen and some other aldermen hold the same views of Atlanta as they do. These aldermen would act in support of the APOs once the APOs have made their views known.

The Northeast APOs (70 percent) and the Southeast APOs (72 percent) gave the present city government an overall rating of good enough or very good, but the Southwest APOs were less in favor with only 55 percent giving these ratings.

When the APOs were asked to consider whether the city government had changed during the past five to ten years, there was a marked difference in the ratings between the Southwest with 35 percent who said city government was better or the same as it had been and the Northeast APOs (70 percent) and the Southeast APOs (94 percent) who gave generally positive ratings.

From these ratings it would seem that the Southeast APOs have confidence in the direction that the city government is taking and the speed at which improvement is being achieved. Therefore, these APOs are less likely to mobilize than other APOs in the Northeast (30 percent) and Southwest (55 percent) who see city government as not being as good as it was in the past.

Further analysis of the Northeast data indicates that those APOs who considered the city government as not as good as it was in the past also had previous zoning experience (four of six), had knowledge of the mechanism of approval (five of six), and were all relatively long time residents of the neighborhood, the most recent arrival having bought his home in 1965. Of those with experience in zoning, two were satisfied and two were dissatisfied with results. Therefore, it appears that in the Northeast case experience with zoning cannot be directly related to general dissatisfaction with the way that Atlanta is run overall.

In the Southwest case, those who were dissatisfied with Atlanta government had relatively less knowledge of the zoning process, with only five of ten APOs knowing which agency had final approval authority in zoning changes. Four of these APOs were relative newcomers to Atlanta but six had lived here at least since 1964. Of the four claiming zoning experience, all had lived here at least since 1964. Only one of four was satisfied

with the results of his zoning experience. Again, no direct correlation could be shown among length of residence in Atlanta, previous zoning experience, results of that experience, knowledge of the zoning process, and a dissatisfaction with Atlanta government overall.

Summary

In summary, the data bear out the view that the more exposure neighborhood residents have to zoning actions, the more likely they are to organize a group to present their views to the aldermen. Within each group, specialization of roles will occur with spokesmen emerging as one result of exposure to zoning. Another result will be increasingly more sophisticated approaches to the elected officials because the members of the group will continue to view zoning as a political matter for discussion with and decision by elected officials.

The Northeast respondents are white, upper class, more experienced, and have more knowledge of the zoning process. A majority (six of eleven) of those claiming prior experience in zoning matters in Atlanta said they were satisfied generally with the outcomes of cases in which they were involved. Of these only one had gained experience as the owner of property being rezoned. They tend to respect professional judgments. They rank lowest in believing that individual owners' or adjacent property owners' wishes should carry weight on zoning questions, indicating that they feel the interests of the community rather than those of individuals should take precedence. As indicated earlier in this study, they believe that one approved application for rezoning is likely to become a "foot-in-the-door" for other changes. It would seem likely that this neighborhood would have a variety of existing organizations with the potential for mobilizing

on specific community issues. Since the Northeast residents feel strongly that the zoning process discriminates against the owners of residential property, and since they perceive zoning requests as being a "foot-in-the-door," it is probably that the neighborhood would be mobilized in this particular case. Based on their claims of experience in zoning and their upper-class status, it is likely that they would approach the problem in an organized, confident fashion, attempting to deal with the "professionals" in government in a rational, sophisticated fashion, through neighborhood leaders.

By contrast, in the Southeast neighborhood, the black residents give highest approval to the right of the owner to do what he wishes with his property and to the idea that the owner's wishes should count heavily in zoning matters. They appear least willing to act in groups; they feel that the zoning process discriminates against them; and they have the lowest number of APOs claiming prior experience in zoning issues in Atlanta. These factors should tend to make this group of residents less likely to get involved and, if they do get involved, more likely to do so in a less systematic, more individualistic fashion. In fact, they indicate less willingness than either of the other two neighborhoods to join a group or lead it. The one factor which might lead us to expect these Southeast APOs to become involved is the fact that they rate highest among all APOs in the expectations that various kinds of actions (petitions, talking to friends, contacting the Mayor, etc.) would be effective in influencing the outcome of zoning actions. While it could be conjectured that such high expectations are "naive" and reflect a lack of prior experience and hence knowledge of the ineffectiveness of these kinds of approaches, the fact that these

APOs think the approaches would be effective is important. It indicates that, on an issue of which they were aware and in which they felt they had a major stake, they might well try to influence the outcome through these methods. But, again, there is no notion of organization, or a feeling that group activities or contact with the aldermen, rather than with friends or with the Mayor, are particularly important.

The Southwest APOs' views fall somewhere between those of the Northwest and the Southeast APOs. Their opinions are more fragmented, but some of them have had prior experience with city government and group activities which should provide the potential for involvement in the zoning process. This potential is also present in their willingness to join and lead a group opposing a zoning change.

However, their views of the way that city government has changed during the past five to ten years and their lack of respect for expert opinion appears to have reduced their confidence in their ability to influence the zoning process.

These views may be explained in terms of the difference in stability of the Southwest APOs' neighborhood, as the APOs see it, and that of either the Northeast or Southeast neighborhoods. The Northeast APOs still saw relative stability, a holding of the line in their neighborhood, and the Southeast APOs saw the city as taking steps to improve their neighborhood by better services.

In contrast the Southwest APOs saw a steady erosion of values formerly strongly supported in their neighborhood. This view may be expected to have led to feelings of frustration over their inability to have their views reflected in actions taken by their aldermen and the city government. However, this frustration did not manifest itself in any organized

opposition to the proposed rezoning. One explanation of this may be that at least some of the APOs had given up hope on the possibility of influencing the future of their neighborhood. They would not take part in any organized opposition, feeling as they do that it would be futile, especially since strong leaders for the opposition had not come forward.

Because this is a new neighborhood and the changes being experienced have come very rapidly, it may be that there has not been time to organize opposition to unwanted changes. As was stated earlier, the APOs tried to work with the ward aldermen to retard these changes and are not satisfied with the results obtained.

From interviews conducted during this study at least three community leaders have been identified, each of whom emerged as a direct result of zoning actions in their area. One leader has moved into an active role as a participant in city affairs as a leader of a group that attends and speaks at many zoning hearings.

Another leader has taken a position in similar actions outside the city limits. He stated that his experience with zoning within the city led to his involvement in county zoning as well.

This type of leadership differs from that in the Northeast where neighborhood interests rather than citywide involvement are stressed.

It may be that a group of "citizen advocates" is being developed in response to current zoning practices. These advocates can be expected to be present and vocal at many zoning hearings, both as spokesmen for a group and as expert witnesses. The result may be greatly prolonged hearings but with greater public awareness of the mechanisms of the zoning process.

It can be expected that proponents of zoning changes will be forced to become more adroit in their presentations, including greater detail to their plans.

The resulting interaction will also require the aldermen to be more knowledgeable about the details and history of each piece of property to be considered. This could become a burden which part-time legislators could not handle without help. Some changes in procedure at least, and concept as well, may be indicated if the friction now present is to be reduced to an acceptable level.

Other Views of the Zoning Process

In addition to obtaining the views of the zoning process held by participants in three zoning cases, members of the research group interviewed other influential Atlantans whose duties impinge on the zoning process. Fourteen out of eighteen aldermen,³³ a senior member of the Atlanta-Fulton County Joint Planning Board, officials of various city departments, members of the Board of Education, officials of the Atlanta School System, and representatives of the media were interviewed.

Views of the Aldermen

The views of the various aldermen in response to the general questions listed in Appendix 5 were obtained during personal interviews and recorded on tape for later analysis. During this analysis the various views were related to each other in an effort to arrive at a composite view held by the aldermen on each of several topics. Where differential views existed, they are reported separately and their potential as causes of friction in the zoning process is explained,

These are the composite views obtained.

Views on the Ownership of Property. The ownership of property is very important to Atlantans. Some own only their own home, but others consider real estate a long-term investment that is a sign of status or worthwhileness in the community. Still others are in the real estate business on a large scale. The reasons why these citizens own property vary and so do their opinions of the zoning process.

Among the various types of property owners, there are some who bought a relatively small amount of land which at the time of purchase was surrounded by vacant land in a sparsely settled area. As Atlanta grew, the adjacent land was sold and developed usually with houses similar to the one which the original settler had built on his land. There is little cause for zoning friction in such cases because the neighbors think of each other as being similar types with similar life styles.

Views on the Application for Zoning Change. As the city continues to grow, the vacant land becomes valuable. Professional real estate developers, seeing the vacant land, plan to acquire it for some type of project. They approach the owner and offer to buy the land at a relatively higher price than it has been worth heretofore. This offer is contingent upon the owner's obtaining a zoning change which will permit the profitable development of the land.

Views on the Reaction among APOs. Frequently at this point two groups form, those who want the zoning change and those who see any change as a foot-in-the-door for undesirable changes. If the developer or the property owner meets with the APOs, they find that there is no general agreement among them. Some of the APOs will refuse to consider any change in zoning whatsoever, wanting to retain the vacant land near their homes, but being

unwilling to buy it.

Others will be willing to permit a zoning change if they, too, can participate in any profits that arise from the changed market for their land. They may attempt to sell their land to the developer. They may offer to appear at the Aldermanic Zoning Committee hearing in support of the application. However, this is unlikely because, despite the difference in their view of the zoning change and the views of other APOs, they realize that they must continue to live in the neighborhood at least for several months to come. Therefore, they may be reluctant to appear to be actively supporting the application.

A few of the APOs will remain apathetic and detached from the controversy going on around them. In the opinion of the aldermen, there will be very few of this type because Atlantans normally take an active role in any threat, as they see it, to their homes. About two-thirds of the zoning applications have some opposition.³⁴

Nearby, but not technically adjacent, property owners may also offer their views and support, particularly if a neighborhood group forms to oppose the application. A major problem in zoning matters is how to determine which citizens have views, but not legitimate interest in the application and separate them from the APOs who do. This become particularly difficult when either side enlists the support of influentials whom they hope will be able to sway some aldermen in their favor.

Friction may occur because some Atlantans want to be able to do whatever they please with their property. There have been instances where commercial interests have made an offer to purchase property at a large profit to the owner if the zoning can be changed to permit the desired use. It may be that up to the time of this offer, the property

owner looked at zoning as a protection, but now it is a hindrance. The reluctance of the aldermen to readily agree to this change of view is difficult for the owner to accept. (As 89 percent of the APOs stated during their interviews, the APOs' views of zoning changes when personal interests are involved.)

In addition to being angry at the aldermen, the property owner will be infuriated at his neighbors who oppose the change. The APOs particularly feel that they can oppose and stop the application.

Among the larger property owners in Atlanta there are some who hold many parcels for speculative reasons. As the demand for land or developed property changes, these property owners periodically test a different market for real estate by asking that a parcel be rezoned so that it can be offered for sale in this different market. Since this owner holds many parcels he can accept the denial of some zoning changes because he expects that others will be approved. Overall, they keep abreast of the changing market and may try to influence it to some extent. This has occurred in some areas of Atlanta with the result that relatively large tracts are not on the market at prices low enough to be developed for certain uses. This is particularly true for land suitable for small homes. Instead, the land is being bought for apartments provided that the necessary zoning change can be obtained.

Views on Expansion of Atlanta. The developers are not as certain of approval of an application as they may have been in the past when many aldermen favored an expansionist view of Atlanta.³⁵ These aldermen readily approved the rapid development of areas in apartments and commercial establishments despite protests from the APOs. To accomplish this, the developers had presented the persuasive argument to the aldermen that

single-family detached homes would not generate as much tax revenue as would apartments and businesses.

When vacant land was involved, particularly in sparsely settled neighborhoods, this expansionist philosophy encountered opposition from homeowners who had moved to the suburbs to avoid city problems. These suburbs outside the city limits were developed with individual homes just prior to the expansion of the city in 1952 under the Plan of Improvement. The county zoning ordinance provided for land uses which did not later conform to city zoning. When the areas containing this property were annexed, most of the non-conforming uses were continued by the Board of Aldermen even in residential neighborhoods.

Later, when applications to rezone property near these non-conforming use properties were submitted to the city aldermen, they chose to consider the non-conforming uses as precedents to approve the changes in zoning.

Views on City Government. Atlanta has a weak mayor form of city government with the Mayor being the only full-time paid elected official. The real power to govern lies in the eighteen-member Board of Aldermen. This body has an enormous responsibility that demands most of the time of its members if they are to obtain the details and information needed to run the city.

The Board of Aldermen has devised a system of committees to oversee the routine functioning of the various departments of the city government. The Zoning Committee is one of these committees. Its members are responsible for detailed study of all zoning matters referred to it by the full board. Upon completion of each study, the committee reports to the board and recommends the action to be taken. By a vote of the full board, this

recommendation is accepted or rejected.

Most long-time Atlantans understand generally how this committee system works, but some newcomers, being more familiar with other forms of city government, are uncomfortable when they try to work with the local government. It is essential to remember that Atlanta has a government of part-time legislators, each of whom is subject to political pressures in many forms. In fact, one of the reasons that the election of aldermen was converted from a ward basis to a citywide basis was to reduce the pressures on the local aldermen by making it possible for them to be elected by a citywide vote even when the voters in their own ward did not support them.

This is one area of conflict in zoning. Some citizens see the aldermen from their ward as being their representatives in city government. They expect one or both aldermen to keep abreast of zoning applications in the ward. They expect the aldermen to work for the overall good of the city, but only when it does not work against local interests of the ward.

The aldermen, knowing how the committee systems works, prefer to have zoning matters handled by the Aldermanic Zoning Committee. But when citizens from their ward come to them for assistance, they respond with advice, with suggestions on whom to talk to, or even by agreeing to appear at the Aldermanic Zoning Committee hearings.

In the past, Atlanta had a system of ward courtesy in matters concerning only one ward. The aldermen of that ward would recommend a decision to the board and it would be accepted and acted on without discussion. It was assumed that the ward aldermen knew the details of ward problems better than other aldermen did.

Ward courtesy is nearly gone, but it does seem to appear occasionally in zoning when the citizens become alarmed about the results which will occur if a certain application is approved. To spectators at the open hearing on that application, it appears that the presence of an alderman to speak on the application gives that side of the application great prestige and affects the decision of the committee.

Views on Changes in Residential Patterns. Low-cost housing is a major cause of friction. As the aldermen see it, many Atlantans recognize that low-cost housing is needed, but not near their homes. The situation is further complicated by the confusion among the terms public, low-cost, low- to middle-income subsidized, or Section 235 or Section 236, all of which are used to describe various housing programs. Applications to build apartments in an area are another source of friction. Some of the areas recently developed have large numbers of apartments with the total number of units running into hundreds of families. The aldermen view this change from emphasis on single-family homes in several ways. Some aldermen deplore the number of units being provided because of the potential load on city services which have lagged behind this rapid growth. Others wonder what will be the impact on schools because, although many apartments do not now rent to families with children, there will be increasing pressure on them to do so. The building of single-family homes inside the city limits of Atlanta has virtually stopped.³⁶ Therefore, families with children must rent apartments, older homes, or buy new single-family homes in the suburbs usually outside the city.

Some aldermen feel that the apartment dweller (usually a rentor) has a different life style which may not be compatible with that of homeowners. Other aldermen expect that townhouses (some of which are rented,

while others are owner occupied) will become the transitional dwelling between apartments and single-family homes.

Views on the Zoning Process. Many aldermen consider that zoning is the one function of the city government which remains close to the citizens. Therefore, they are more directly responsive to the pleas for help on zoning than they would be on other city functions where the citizens have access to paid city officials who can resolve most problems.

The aldermen do not agree among themselves on what they think Atlantans think about zoning. In the view of some aldermen, Atlantans do think that the zoning ordinance is for their protection, but others have had the opposite experience. The people they talked to considered that zoning favored speculators as against Atlantans who wished to maintain the status quo. Still other aldermen mentioned that some citizens want to use zoning to keep away other people whom they think of as being different.

The aldermen generally want to keep the present zoning process unless a major overhaul of the entire scheme of zoning in the city is undertaken. There are some differences of view on one point. The black aldermen tend to feel that a black alderman should be on the Aldermanic Zoning Committee.³⁷ Their reasons for this vary. Some aldermen feel that it would be a good policy, because, although white aldermen do make impartial decisions, some black people feel that only another black person can understand their views. Other black aldermen appear to want to participate in the zoning function simply because it is close to the citizens. Still others are involved in real estate or finance and are naturally interested in zoning because of its bearing on these fields.

It is generally believed by the aldermen that a well organized presentation with good reasoning behind it, presented by a spokesman for

a group will have an effect on all aldermen. However, the aldermen deeply resent attempts to pressure them. The group must provide a rational basis for protesting which the aldermen can accept and use as the reason for denying the application.

The appearance of the same spokesman for several groups may cause the aldermen to discount his comments. Most of the aldermen say that they want to hear from local citizens about zoning matters rather than groups that may enter many zoning actions. But at the same time, an attorney is not necessary if the citizens want to give their views. Any citizen is entitled to give his views, but the aldermen are more likely to listen to those who can show clearly how their interests are affected by the change.

The Planning Department prepares a brief on each application that gives the Zoning Committee members an opinion and recommendation on action to be taken. The amount of detail provided on each application has been increasing steadily until now all members of the Zoning Committee are quite well acquainted with each application before they hear it in the open hearing. They also have the recommendations of the Atlanta-Fulton County Joint Planning Board and the reasoning behind those recommendations as additional input to the official recommendation.

During the period of the study, such background information was also given to each alderman prior to the board meeting in which the application was to be presented for final decision. In this way, he had time to study the application and make any inquiries about it he felt were necessary. The Aldermanic Zoning Committee members make an effort to have at least one member visit the property on which the change has been proposed. During this visit the aldermen obtain first-hand evidence of existing

conditions in the neighborhood. When some members cannot visit the property, they are briefed on it by those members who do go.

Because this information is now available to the committee members, there is less need for the informal meetings which were formerly held to obtain background details before the open hearing. Some developers, realtors, and attorneys preferred that system, but they tended to assume that what was said during the informal hearing was binding on the committee later during the open hearing.

By requiring all parties to the application to meet at this open hearing, the committee hopes to be able to resolve differences of opinion. If necessary, the committee can require the two sides to meet and discuss their differences before returning for a second hearing. This technique has worked well recently because discussions led to concessions on both sides. It also led to the employment of consultants who developed more generally acceptable plans once the views of both sides and the aldermen were known.

The decisions of the members of the Aldermanic Zoning Committee are not always unanimous. When this occurs, another potential cause of friction exists. The losing side on the application knows that the Board of Aldermen usually accepts most unanimous recommendations of the committee, but when there is a split vote, the aldermen feel free to question the recommendation in order to obtain the thinking behind it.

Therefore, if the losers can persuade one or more aldermen to question the recommendation on that application, there may be a change made by the full board before it votes to accept or reject the recommendation. This pressure by the losing side on the full board is countered by the opposite

side with the result that there may be an entirely new decision made or the aldermen may return the application to the committee for further study.

Another source of friction in zoning is the broad classification of permitted uses within each zoning classification (i.e., zoning district). For example, in a smaller homes (R-4) area, you can build any house as large or larger than the prescribed minimum square footage. Many owners have built larger homes and then later when other owners want to build smaller homes which are nearer the low limits of the acceptable size, they protest bitterly.

In the opinion of some aldermen, it is questionable whether it would be constitutional to deny any property owner the right to build within the existing limits of the zoning in his area merely because other owners have overbuilt on their property.³⁸

Views on Improving the Zoning Process. Some aldermen see one way to avoid this would be through better design, quality, and construction provisions in the zoning ordinance while doing away with specifics such as setbacks, side yard coverages, etc., as are now used.

The zoning ordinance is designed to protect everyone and yet provide for the orderly development of the community whether it be initial use or transitional from one use to another. This must also include the right of an owner to seek changes in the ordinance. The problem is in the interpretation of terms like "orderly development" which obviously means quite different things to land speculators as contrasted to widows who own small homes.

Some aldermen favor a stricter interpretation of the zoning ordinance than do others. The former tend to believe that people feel more secure when ordinances are adhered to rather than modified to fit different

circumstances.

The Views of a Senior Member of the Atlanta-Fulton County Joint Planning Board

A senior member of the Atlanta-Fulton County Joint Planning Board was interviewed during this study to ascertain his opinion of the zoning process in the City of Atlanta. He stated that the role of the board in the zoning process should be strengthened by permitting it to hold an open hearing on each application in addition to the hearing now conducted by the Aldermanic Zoning Committee. This hearing would enable the board to weigh more effectively the merits of the application by hearing the opinions of both sides on it. At present, there is a lack of communication among the members of the board, the staff of the City of Atlanta Planning Department, and the members of the Aldermanic Zoning Committee. As a result the recommendations of the board are not given proper weight in the zoning process. In his opinion, the decisions in zoning cases should be made by elected officials, but they could be greatly assisted on the technical considerations of an application by the recommendations of a politically unbiased, appointed body like this board.

The Views of Planning Officials

Two senior members of the City of Atlanta Planning Department stated that in their opinions the zoning process is operating satisfactorily. They did not identify any particular weaknesses in the process. Although zoning is usually a negative control, in the opinion of these planning officials, Atlanta is one of a few cities where zoning is being used in a positive manner to insure growth along the lines of the plans of the city. These plans are in Planning Atlanta 1970 which the Planning Department published last year. In this book the city is divided into

planning areas with the plans for the development of each planning area being clearly stated in text and maps. Since the maps show adjoining areas in part, the reader can readily grasp the planning and development of a quadrant rather than just one neighborhood.

It was suggested by the planning officials that perhaps large areas could be zoned once every year or two and the problem of conformity of the buildings and the use of the land could then be left up to other city departments. This statement led to one, that in Atlanta the zoning process, through the use of conditional zoning, was being used as an economic tool. Conditional zoning allowed the architecture and the use to be controlled.³⁹

Under the present zoning ordinance the rezoning applications have to show a use and conformity to the established economic level in the vicinity. This has worked to exclude low-income and subsidized housing from affluent areas while at the same time causing these units to be concentrated in areas where lower, less stringent property requirements prevail. These are usually economically poorer areas as well.

The Views of Members of the Board of Education and Officials of the Atlanta School System

The Board of Education of the City of Atlanta is an elected body with one member representing the city-at-large and the other nine members being residents of the ward represented. However, all members are elected by citywide ballot. The president of the board is elected by the members from their number. The board is charged with the responsibility of setting policies for and approving a budget for the Atlanta School System.

Extended depth interviews were conducted with three members of the Board of Education during this study. Each member was asked to discuss

the topics listed in Appendix 6 concerning the zoning process and how it affects the activities of the Board of Education. In addition to these interviews, the school system official charged with advising the City of Atlanta Planning Department on the adequacy of the school plant was also interviewed using the topics listed in Appendix 6.

Zoning to these school board members means almost entirely the construction of new apartment complexes because this type has prevailed during the last few years. The new and old population in the area where the apartments are being erected look to the Board of Education for immediate relief from classroom overcrowding which results from new families in the school attendance area. Because the board often does not know of the impending development until shortly before the application to rezone is presented to the Board of Aldermen, there is a long lag between demonstrated need and resolution through additional classrooms. The public thinks that the Board of Education has the power to prevent this from happening by regulating the rezoning to prevent the erection of these apartments. Therefore, the public exerts pressure on the Board of Education rather than the Board of Aldermen.

The present board members feel that for the first time they have begun to have a real voice in planning in the city. There is a joint committee of the Board of Education and the Board of Aldermen, which is intended to coordinate matters of mutual concern such as the impact of zoning changes.

A representative of the Atlanta School System, rather than a member of the Board of Education, advises the Planning Department of the adequacy of a specific school plant to respond to the changes which a rezoning application may entail. However, neither the Board of Education nor the

Atlanta School System is empowered to stop a zoning change even if it can be shown that the school plant will not be adequate to provide educational facilities for the changed school population. Conversely, the Board of Education cannot be required by the Board of Aldermen to erect schools and other facilities at a rate other than that planned and financed. The annual school budget, which reflects the changes required to meet population shifts as well as replacement of physical facilities, is developed by the Board of Education and sent to the Board of Aldermen for the raising of tax revenue to finance its accomplishment.

The problem arises when the Board of Aldermen approves a major change in residential patterns through a series of zoning changes. This can drastically change the makeup of the school population as well as the racial balance, age ratios, etc., none of which may have been anticipated in the plans of the Atlanta School System, thereby creating a major cause of friction.

The result over the years has been that the school system tends to react to measures taken by other city government departments and the Board of Aldermen rather than being able to build facilities in anticipation of needs. The Board of Education is also restricted in its activities by state laws regarding education. There is legislation pending which would permit Atlanta to lease school facilities rather than having to build them.

In the opinion of these members of the Board of Education, the wishes of the citizens in general who will be affected by the zoning decision are not a major consideration with the Aldermanic Zoning Committee. Therefore, instead of the committee members acting for the citizens, the citizens must take time and loss of pay to appear before the committee to explain why

their interests are involved. Although the Board of Education does agree that a group of vocal citizens has an effect upon the zoning decisions, they also feel that black citizens wield relatively less power than whites do. There is evidence, in the opinion of the board, that decision makers in the zoning process are insensitive to the needs of certain segments of the population. They also appear dangerously vulnerable to pressures from developers due to a hazy, ill-formed vision of "growth for Atlanta."

Many citizens appear to feel that school facilities should be adequate before a change is approved, but the Board of Education agrees with the argument that many applications are approved but no construction ever results due to some change in plans. If, in the past, the Board of Education had reacted to every approved zoning change which would have involved schools, it would have at times provided unnecessary facilities and diverted needed resources to the wrong places.

There may be instances where facilities can be built concurrently with the housing where the children who use them will live. Public housing may be one such case. It has been recommended that a public housing law be passed which would provide guaranteed loans to school systems at low interest or direct grants to build facilities as public housing is being erected.

To counter the arguments of the Board of Education that it should be allowed to preplan and build in anticipation of, or concurrently with, the development of a new residential area, there is a second belief held by some city administrators and aldermen that the city should wait until there is a demonstrated need for public services before undertaking to provide them. To this group of administrators and public officials, it

is acceptable that there will be a nine-month to one-year lag between the time that the need for classroom expansion is demonstrated and the time that it is provided. This is approximately one school year. This acceptable lag is based on the assumption that the funds for construction and redistribution of school facilities and staff will be flexible enough to meet this deadline.

In the opinion of the members of the Board of Education who were interviewed, there are several views of Atlanta as it will be in the future. These views call for the central core of the city to be 1) a place where families without children will predominate, 2) the one place where low-income families will still be accepted, 3) the transportation hub where low-income families can live and work without the need for private transportation. Obviously, the need for schools will be different in each situation. There have been instances already where the type of apartments erected and the price range of rentals helped to determine the future school population. The Board of Education is ready to advise and assist the Board of Aldermen on the impact of these alternative futures for Atlanta.

The Views of Other City Administrators

Personal interviews were conducted with eleven officials of various City of Atlanta governmental departments during this study. Each respondent was asked to discuss the questions shown in Appendix 6 as he saw them relating to the functions of his department. If, during the interview, another city official was mentioned as having an interest in the zoning process, that official was also interviewed.

It was determined from these interviews that there are basically two different types of departments in the city government insofar as zoning is concerned. One type has a role to play in the zoning process and the other type merely responds to the effects of decisions made in zoning changes. For example, one section in the Public Works Department is charged with making the determination whether the sewers in the area are adequate to handle the increase in use which would result from the approval of the zoning change and erection of the project planned in the application. An example of the other type of department is the Fire Department, which places its apparatus and fire stations according to recommendations of an outside agency rather than in response to zoning changes.

The Planning Department makes the decision on which elements of the city government are to be contacted for advice on an application. These may include the Atlanta School Superintendent, the Assistant Superintendent for School Plant Planning, other school officials, the Director of Public Works, the Water Pollution Control Engineer, the Traffic Engineer, Health Department officials, and Park Department officials. Other officials may be contacted when the circumstances require it.

The Assistant Zoning Administrator at the Planning Department prepares a letter to each official selected soliciting information from him with regard to the particular application. Upon receipt of this letter, the addressee evaluates the proposed change as it would affect the responsibilities of his department. The addressee prepares a written reply to the Planning Department recommending what action should be taken on the application from his standpoint. In addition to these elements, other

departments routinely receive a copy of each Zoning Committee agenda for their information. They are free to comment on each application or none. Examples of the kinds of interest are as follows.

- (1) The Traffic Department acts in an advisory capacity to the Planning Department in such matters as traffic problems, parking area design, set backs, and clearances at corners and intersections and site distances in subdivision plans.
- (2) The role of the Public Works Department in zoning is concerned with sewers and drainage. The department also receives a copy of the agenda of pending applications and from it determines those applications which might contain some problem with sewers or drainage. Due to the increased awareness of pollution control, the applications which involve the installation of new sewers or those which will place an additional load on the sanitary system are closely studied before a recommendation is made on accepting the proposed plan in the application. In addition to sewers, this review includes consideration of the topography of the flood plain if the application includes building on one.
- (3) The Fulton County Health Department, which is charged with the public health aspects of Atlanta, has a similar responsibility to that of the City Public Works Department. It is concerned with the topography of the land and the public health aspects of the water supply, sewage disposal and waste treatment. It can recommend to the Planning Department any action which will alleviate any problems thought to exist in pending applications. It can also recommend against the approval of applications for public health reasons. The reply to the Planning Department may contain information on plans to alleviate these conditions and the approximate time that improvement in the condition can be expected.

The replies from the addressees are incorporated into the overall evaluation of the application by the Planning Department and become part of the basis for its recommendation to the Aldermanic Zoning Committee and the Atlanta-Fulton County Joint Planning Board.

In addition to these departments which are actively engaged in some aspects of the zoning process, the Police and Fire Departments take a passive role. The Police Department is charged with the task of investigating and citing zoning violations, but it has elected to delegate that function to the Building Department. Building inspectors perform the work involved.

In the opinion of the Chief of Police, the principal duty of his department is the enforcement of the criminal statutes, including reacting to crime. Therefore, the only role played by the department in the zoning process is making its files available to the Planning Department as necessary.

The Fire Department reacts rather than acts in the zoning process. It does not receive notices of zoning changes but it is advised of building permits issued by the Building Department. From its analysis of the impact which the new construction will have on the deployment of its apparatus, the Fire Department plans reassignments of apparatus to maximize the fire protection in the city. An annual inspection of the Fire Department by the American Insurance Association includes recommendations on the placement of fire stations and equipment. It is this inspection rather than changes in the zoning ordinance that determines the distribution of the apparatus.

The city administrators see the zoning ordinance as benefitting the city as a whole. The zoning process is satisfactory insofar as the departments are concerned except for the amount of time which is allowed them by the Planning Department for evaluation of pending applications. As indicated in Figure 1, the Planning Department solicits and obtains

comments from various city departments concerning the applications which are to be considered by the Board of Aldermen. But often there is insufficient time for the detailed evaluation which several departments would like to conduct; for example, there is not enough time for inspection of each site. Many of the applications include major sets of plans which require detailed analysis which cannot be accomplished in the short time allotted to it. However, if the departments concerned do not reply within the time allowed, the Planning Department depends on the opinions of its own staff and proceeds on the assumption that no comments will be coming from the other departments.

The Views of Representatives of the Media

The research group, after scanning the media for mentions of zoning, decided to determine the views of the media on the zoning process and how they might affect it. There are two daily newspapers which serve the general public, the Atlanta Constitution (morning) and Journal (evening). In addition there are three newspapers which serve primarily the black people of Atlanta. They are the Daily World, the weekly Voice and the weekly Inquirer. There are many radio stations serving various publics but WAOK, selected for this study, states that it has the major black audience in this listening area. Television coverage is provided by three networks, two independent and two education television stations. WAGA-TV, selected for this study, is the CBS outlet for this area. Personal interviews of six media representatives were conducted during the study. Their views of the zoning process and how the media may affect it were obtained through the use of the questions shown in Appendix 7.

The role of the media as seen by these journalists is to inform citizens and to expose the problems inherent in and born of present zoning practices. Because of the nature of their profession, they are confined to reporting around an issue. As one journalist expressed it, this can cause the public to become exercised about an issue and then be left with the irrational feeling of bitterness and defeat. When enough information is available about a zoning issue to indicate a clear, logical position, the journalists prefer to editorialize about it. All of these individuals have been involved in the zoning process through their work and they have editorialized on some of the issues raised about the process.

As a result of their observation of the zoning process, they feel that citizens who appear in large numbers at Aldermanic Zoning Committee hearings, by speaking or merely being present, wield great influence on the decisions made by the committee. Therefore, through the use of news stories and editorials on zoning issues, the media can exert influence on these citizens which may result in their taking action on the issues. Those interviewed believe that the media exerts, in varying degrees, direct influence on the power structure which they view as being involved in zoning decisions. In criticizing the zoning process, as depicted in Figures 2 and 3, the representatives included many points which had been made by other participants but they stressed the following ones:

- (1) The present zoning process does not provide any paid official to protect the public interest.
- (2) Currently, the decision makers in the zoning process are too vulnerable to persuasion and influence in the interest of developers.

- (3) Lack of regional planning has permitted spot and strip zoning contrary to best interests of the community.
- (4) Hearings are held at times which are inconvenient for working people to attend.

In the opinion of the black journalists interviewed, many of the things which the Aldermanic Zoning Committee has done "as best for the community" did not really help the black community as has been alleged but in reality were in total disregard of and in direct opposition to the expressed wishes of the black community.

Although none of the journalists mentioned it, members of the research group noted an apparent increase in the coverage of zoning hearings during the period of this study. It was customary for a full television camera crew and reporter to be present at hearings, recording the proceedings for broadcast during the nightly newscast. In addition, the daily newspapers summarized the proceedings in news stories.

When questioned about the apparent increase in coverage of zoning matters, the media representatives stated that they considered that public interest in zoning had increased and they were responding by providing more information on it.

V. CONCLUSIONS AND RECOMMENDATIONS

Figures 2 and 3 without the heavy lines present to indicate interaction among the participants, do accurately depict the property owner's view of the zoning process. As was learned from the statements of the property owners or their agents in the cases studied, it is highly desirable to avoid intercession by others who may compel the property owner to interact with them which will create friction and retard the process. The basic

process depicted in Figures 2 and 3 provides for the exercise of private rights.

The opponents of the proposed change disagree with the conceptualization of the zoning process which stresses private property rights. As was brought out during the analysis of the Northeast case, they see the process modified to include intercession by other participants. These participants would be exercising their rights as citizens of Atlanta to participate in the decision on certain future land uses.

The aldermen conceptualize the zoning process as an opportunity for participation by themselves and their constituents in the continuing changes in land use in Atlanta. Their views on the extent of participation by opponents in the zoning process are ambivalent since as legislators they must not only conduct the business of Atlanta efficiently but also with due consideration to all views on each application for zoning change.

However, the realities of the pressure to complete zoning hearings quickly is a cause of friction because the participants often feel deprived of adequate time for a presentation.

The administration of the zoning process as conceptualized in Figure 1 has been largely routinized by the Planning Department in procedures which are based on the views that only minor deviations from the timing shown in the figure will occur.

The differences among these conceptualizations of the zoning process are the principal causes of friction which retard the process. The analysis of data made during the Rupnow Study indicates citizen participation, either in support of or opposed to the change, occurred in 64 percent of the applications analyzed.

Therefore, it is more likely that friction will occur in the zoning

process than that it will not. It is more likely to occur when the participants have previous experience in zoning in Atlanta.

Several different frictions may occur in any given proposal for zoning change. These include:

- (1) That between the applicant and the city administrators. For example, the administrators routinely seek certain basic information on each application. When additional information or greater detail is requested to assist in the decision on the application, the applicant tends to consider that its disclosure would unnecessarily restrict his future options for developing the property. This was brought out in the Southwest case.
- (2) That between the aldermen and the proponents of a zoning change. For example, the proper timing of an application for zoning change may be essential if the investment potential of the property is to be realized. The proponents see this as the time for submission while the aldermen may see the application as premature. The Southeast case revolved around the importance of timing.
- (3) That between the aldermen and the opponents of a zoning change. For example, the opponents may not present cogent arguments showing why the change would be undesirable. This lack of information leaves the aldermen uncertain whether the opponents are correct. Closely related to this friction is the one which results when the aldermen view the opponents as being against all changes in zoning or as frequent participants in hearings on applications where the opponents have no legitimate reason for being heard (i.e., they are not adjacent property owners). This point was emphasized during interviews with the aldermen.
- (4) That among the aldermen and the members of the Atlanta-Fulton County Joint Planning Board. As was mentioned in the interview with a senior member of the Joint Planning Board, it appears to members of that board that the aldermen sometimes do not give proper weight to the recommendations of that board.

During this study it was possible to identify some of the major sources of friction in the zoning process. They are discussed in the following section of this study.

Some means of mediating among the conflicting views of property rights and obligations in Atlanta is essential. The zoning process with its provisions for interaction among participants is one such means. It includes provisions for public disclosure of the features and drawbacks which the zoning change will bring to the city.

The zoning process is serving the needs of Atlantans and should be continued.

The procedures used to implement the zoning process contain inadequacies which appear to participants as faults in the process. Examples of these inadequacies are as follows:

- (1) In all cases, the lack of a requirement to notify each adjacent property owner of the decision on applications for change which concern his property.
- (2) As illustrated by the Southwest case, the custom of reviewing denied applications without arranging for the adjacent property owners to be notified of the review.
- (3) As illustrated by the Southwest case, the failure of the chairman of the Aldermanic Zoning Committee to make public during the hearing the additional data which the committee will consider, beyond those obtained during the hearing. For example, a frequent argument against rezoning is the inadequacy of nearby schools. Usually the APOs stress this point, citing data which may be at variance with those furnished to the committee by the Atlanta School System. But this difference is unknown to the participants other than the committee members.

The present procedures can be modified to eliminate these and other inadequacies reported in this study.

There is a need for a service-oriented group of city administrators

whose duty it is to deal with current realities in land use and the probabilities of certain events occurring within the next five years (which can also be considered the short-term future). This group should co-exist with and work with those city administrators charged with mid- and long-range planning.

If the functions of planning and zoning are separated, the zoning administrator can prepare his recommendations with the stress on the short-range effects of the proposed change. His advice will be more directly useful to members of the Aldermanic Zoning Committee than it is at present. The administrator must now consider the long-range plans for Atlanta primarily because his division is a part of the Planning Department. Some of the aldermen stated that they had little confidence in the application of this type of planning to the immediate problems presented in a zoning application. What is needed by these aldermen is advice based on consideration of the same factors which they will eventually use in reaching a decision.

If zoning functions are separated from planning functions, it will also be possible to establish a service-oriented section which can offer advice and technical assistance to citizens who wish to participate in zoning matters.

Summary of Some General Causes of Friction in the Zoning Process

Some of the causes of friction identified were as follows:

(1) Attempts by either side to sway the aldermen by political pressure rather than presentation of rational, well-thought-out comments on the ideas presented in the application. The point of friction was the use of political means to affect what should be an administratively oriented process.

(2) The inability of the Aldermanic Zoning Committee to obtain full details of what was planned for the property if the zoning change was approved. In the past, there has been only limited use of conditional zoning under which the applicant may be required to specify in his initial submission the full details of the project. Applications which were vaguely worded, leaving out details, made evaluation difficult. When pressed for details, the applicant took the position that only conceptual designs were needed in support of the application and that detailed plans would be developed later. The APOs and the Aldermanic Zoning Committee wanted to see fully developed plans that showed the applicant had obtained professional help to think through what was proposed. The points of friction were the cost of preparing these plans and the desire to retain flexibility versus the experience that vague plans often end disastrously. In the opinion of some of the aldermen, this omission sometimes resulted in the execution of the project in a manner which had not been evident from the general description of the structures and their arrangement on the property. To avoid friction later over what was intended in the change, the aldermen tended to require more detail than was formerly provided with the application. In addition, the committee has used the conditional suffix on the new zoning more often to specify that details which were not in the original submission, but were agreed to by the applicant during the process of the application, must be adhered to in the execution of the project.

(3) Attempts to change the life styles in a neighborhood by introducing what the APOs saw as incompatible uses for some of the property. The property owner saw this opposition as an attempt to retain an outdated zoning rather than allowing him to develop the property in accordance

with the changed market for it. This friction arose from different concepts of the means of determining what was the highest and best use for the property at the time of the application. It also arose when nearby property owners thought low-income housing was being introduced into the neighborhood.

(4) Attempts to block the orderly development of a neighborhood by insisting that adjacent property remain undeveloped or developed only in the same fashion as that used by APOs. This view presumed that the earlier development had been suitable for the neighborhood and should be perpetuated. The changed market for the property made it evident to the property owner that the neighborhood was no longer in the stage of development that it was thought to be by the APOs. In some cases it was economically impracticable for the applicant to follow the earlier pattern of development, but the alternative was no development at all. This friction arose because of different views of orderly development.

(5) Attempts to obtain rezoning of property so that it can be sold at a higher price and possibly higher profit than could be obtained if the zoning was not changed. This view totally disregarded the future uses to which the property might be put. The point of friction was the view that a property owner has the right to maximize his profit provided the proposed use is legal. A corollary would be that the APOs have similar rights, the exercise of which would be acceptable to the applicant.

(6) The inability of the applicant to present fully the details of the proposed change within the time allotted to him during the hearing. Due to a change in policy of the Aldermanic Zoning Committee, the informal meetings between the committee and the applicant prior to the hearing were

any fact known to it. These facts may or may not be mentioned during the hearing.

(8) The differential views of citizens concerning zoning as identified through the study of opinions obtained in this research. It appeared from this study that a citizen with no previous involvement in zoning was little concerned with the functioning of the zoning process. But experience in zoning matters led to interest in the process and the desire to learn more about it. Prolonged exposure to zoning problems appeared to condition the citizen to respond vigorously on either side of those zoning changes which he saw as affecting his interests. But the degree of involvement in a single given situation appeared to vary widely among individuals. This led to friction when, due to lack of opposition, the aldermen approved a zoning change which later proved to be unacceptable to the APOs. The degree of involvement also caused friction between the concerned citizen who saw himself as helping the aldermen see the fallacies in what was proposed, and the aldermen who cannot see how the interests of the concerned citizen are affected by the change. A further source of friction among the APOs related to this point was caused by the militancy of some APOs which was in contrast to the apathy displayed by others.

(9) The differences among the aldermen as they viewed their constituents and themselves. As was brought out during the interviews, many aldermen stated that their responsibilities were citywide rather than solely to the ward in which they resided. The citizens in their ward tended to think of the ward aldermen as their representatives who should place local interests above citywide interests. Since some aldermen do respond to requests for assistance and intervention in zoning matters, the varying

interpretations of the role of aldermen were a cause of friction.

(10) The propriety of an alderman appearing at the hearing or otherwise intervening on either side of an application was a major cause of friction. The participants in the zoning viewed the intervention of any alderman as having a major effect upon the decision of the Aldermanic Zoning Committee.

(11) The difference in views of the need for commercial services in a residential area. Many APOs appeared to believe that the city should regulate through zoning the numbers and types of businesses in any residential neighborhood. The developers of new businesses argue that competition will provide ample regulation by eliminating unneeded services while the neighborhood residents have the advantages of a wide selection from which to fill their needs.

(12) The difference in views of the purposes of city streets in Atlanta. Local residents appeared to prefer that these streets be primarily for their use as contrasted to the view that the streets were highways for high speed movement into and out of Atlanta.

(13) The difference in views of the purposes of the interstate highways in and around Atlanta. Developers appeared to see these highways as providing access to areas for development with apartments, office parks, and industrial parks while other Atlantans saw these highways as alternative means for routing interstate traffic off city streets. A related problem is the use of the interstate buffer strip and the land immediately adjacent to it. Developers saw this area as a desirable location for commercial and industrial uses, as well as apartments. Local residents preferred to have the areas remain vacant and wooded, if possible, as screens against the interstate highway traffic.

(14) The difference in views of the need for professional assistance in preparing and presenting information at a zoning hearing. The aldermen appeared to be impressed with a professionally prepared presentation by either side particularly when it was presented by a professional. Many of the APOs considered that an attorney was necessary if their views were to be properly presented. The attorneys who were interviewed saw no use for legal services at a zoning hearing.

(15) The scheduling of Aldermanic Zoning Committee hearings in the afternoon of a working day rather than at night or on a weekend. The scheduling of hearings during the holiday periods.

(16) The authority of the Aldermanic Zoning Committee to withhold certain applications for further study after they have been heard and acted upon. The committee has the right to reconsider its action on a given application. This may or may not be done at a second public hearing. This authority was disputed by the APOs who seemed to prefer a closely controlled process.

(17) The lack of a citizen-oriented Planning Department that can work with citizens and yet remain fully professional in its approach to zoning.

(18) The belief of some citizens that their section of the city has received a disproportionate number of low-income families because their area is thought of by some other Atlantans as the logical place for low-income housing.

(19) The belief, based on experience in other cities, that zoning is a negative control device that is a barrier to change as contrasted to the belief that in Atlanta zoning is used in a positive way to facilitate the change in growth patterns of the city.

(20) The difference in views of supporters of a regional approach to zoning as a means of control of the orderly growth of the entire area under a master plan and those who favored continuation of direct local control of zoning as a matter best handled on the local level.

(21) The difference in views that apartments are residential in the same way as are single-family detached homes.

(22) The difference in views that apartments placed an abnormal load on schools compared with single-family residential areas.

(23) The difference in views concerning the necessity to provide city facilities and services prior to the demonstrated demand for them.

(24) The need to plan for social changes in Atlanta which result from zoning actions.

(25) The difference in views concerning the purposes for which individuals own land.

(26) The differences in views of Atlanta as primarily a residential city supported by a commercial and industrial core or as a dynamic ever-changing city with no long-range or fixed land use patterns. These patterns to be developed through the operations of the economy as Atlanta grows.

(27) The difference in views of acceptable proximity and compatible uses in zoning.

(28) The difference in views as to the procedures to be used in the zoning process and how they are to be administered.

(29) The difference in views of what is reasonable exercise of private property rights.

(30) The difference in views on the need to preserve and defend the status quo in zoning disputes.

Recommendations

Based on this study, it appears that:

(1) The Board of Aldermen should make clear the philosophy under which the Aldermanic Zoning Committee will consider the merits of applications for zoning changes. For example, the burden of establishing that the present zoning is no longer descriptive of the highest and best use of a piece of property might be placed upon the applicant while the committee members took the position that the present zoning is still preferable.

(2) The Board of Aldermen should establish the procedural guidelines under which the zoning process will operate. These guidelines, expressed in part as standing procedures, are intended to lend continuity to actions by both the board and the Aldermanic Zoning Committee.

(3) The Board of Aldermen should direct that the guidelines and philosophy used in the zoning process be published for information and use. Two forms of publication are recommended. One, a popularly written pamphlet like The Atlanta Zoning Ordinance and You⁴⁰, which was formerly available from the City Planning Department, but currently needs revision. The second and much more technically worded book would be published for the use of applicants, realtors, and developers as well as land planning consultants, attorneys, etc., whose professions include zoning matters.

(4) The existence of the 1983 Land Use Plan for the City of Atlanta should be publicized if it is to serve as the general basis for both planning and zoning. The publication Planning Atlanta 1970 is an excellent presentation of the essence of the "master plan." Consideration should be given to even wider circulation of this publication together

with periodic updating of it based on new data and suggestions from users.

(5) The Aldermanic Zoning Committee should consider holding at least some of its meetings at night or on weekends so that greater citizen input may be available to the committee. Because the committee members are part-time officials and zoning changes require time consuming hearings, consideration should be given to reducing the workload on each member.

(6) The Aldermanic Zoning Committee should consider whether it would be feasible for the Atlanta-Fulton County Joint Planning Board to assume part of the responsibility for public hearings on zoning applications. Perhaps all applications which are not contested could be heard by the board in public hearings. Other functions of the board would not be affected.

(7) The zoning function which deals primarily with present realities and the short-range future should be separated from the planning function which deals with alternative futures for Atlanta beyond the short-range period. No additional staffing is contemplated. Personnel of the Planning Department whose duties involve zoning and short-range planning would constitute the staff for the new city "Zoning Department."

(8) The primary purposes of the Zoning Department are:

(a) To provide a staff capability for the Aldermanic Zoning Committee and the Joint Planning Board and the full Board of Aldermen, when necessary, on zoning matters.

(b) To coordinate the collection of data and recommendations from all sources including the Planning Department, on the impact of proposed zoning changes, on the execution of approved changes, on the desirability of city-initiated zoning changes, and make such studies of zoning matters as the Board of Aldermen may direct.

(9) The secondary purposes are to provide an office for citizen service and technical assistance. This office should also be responsible for the publication of material which will explain the zoning process in both technical and lay terms.

(10) Where circumstances warrant it, the applicant should be required to provide the Zoning Department with detailed plans for the project which will be placed on the property if the zoning change is granted. These plans become a part of the application and are considered by each department in reaching its recommended action on the application.

(11) When it is necessary, in the opinion of members of the Aldermanic Zoning Committee or the full Board of Aldermen, a zoning change would be approved subject to certain conditions of timing, placement and construction which become parts of the approved change.

PERSONAL INTERVIEW INSTRUMENT

ADJACENT PROPERTY OWNERS SURVEY SCHEDULE

Name of Respondent. _____

Address: _____

INTRODUCTION: Call person who comes to the door by family name, or by full name if it appears that the person opening the door is the designated respondent.

Example: Mr. _____? I am _____ from Emory University. Emory, Georgia State, and Georgia Tech are cooperating in a study of the zoning process in the City of Atlanta, under contract with the Urban Observatory. I need to obtain your ideas about some important questions pertaining to local zoning. This will only take a few minutes of your time, but is crucial to the future of our city. Everything you share with me as well as your identity will be handled in a completely confidential way. When our study is completed next summer, if you would like I will be happy to provide you with a free copy of the final report. Would you like such a copy No ____ Yes ____

1. (D1) How long have you lived in Atlanta?

Born Here ____ (Skip to Question 3)

Years ____

2. (D2) Where did you live before you moved to Atlanta? _____
City, State

3. When did you acquire this property? _____ (Year)

4. What is the official zoning of this property? _____

Don't know ____

5. Was the present zoning in force when you acquired this property?

No ____ Yes ____ Uncertain ____

6. When did you first become aware of Atlanta's zoning ordinances? _____ (year)

7. Do you know how these ordinances were first set up? No ____ Yes ____ DK ____

If yes, explain _____

8. Have you ever been involved in any effort in Atlanta to rezone a piece of property?

No ____ Yes ____

9. a. If yes, how many times? _____
9. b. In these attempts, how many were you successful? _____
9. c. Were you satisfied with the results of the action taken on your applications? _____
10. Do you feel, as an individual, that you have power to influence a zoning change?
- No _____ Yes _____ Uncertain _____
11. If you, as an individual, went to the aldermanic zoning committee to express your views about a proposed change in zoning, would they let you into the hearing?
- No _____ Yes _____ Uncertain _____
11. a. If yes, would they listen to your suggestions and views on the matter?
- No _____ Yes _____ Uncertain _____
12. If you went to the same hearing with a group, do you think that you would be able to wield greater influence in the decision?
- No _____ Yes _____ Uncertain _____
13. Which person, group, or governmental division has the final authority to approve or disapprove proposed zoning changes?
- Specify _____
14. I would like to read a brief list of possible actions which some people do take when a zoning change is in process. Please give me your opinion on the extent to which each of these possible actions might influence the outcome. I am using a four step scoring scale starting with "No effect," then "little effect," "some effect," and "strong effect": (circle number for each answer given)
- | | No Effect | Little Effect | Some Effect | Strong Effect |
|-----------------------------------|-----------|---------------|-------------|---------------|
| a. talking to neighbors | 1 | 2 | 3 | 4 |
| b. writing letters | 1 | 2 | 3 | 4 |
| c. talking to friends | 1 | 2 | 3 | 4 |
| d. getting up a petition | 1 | 2 | 3 | 4 |
| e. organizing a group | 1 | 2 | 3 | 4 |
| f. contacting aldermen | 1 | 2 | 3 | 4 |
| g. contacting the mayor | 1 | 2 | 3 | 4 |
| h. hiring a lawyer or expert | 1 | 2 | 3 | 4 |
| i. appearing at the hearing | 1 | 2 | 3 | 4 |
| j. testifying yourself at hearing | 1 | 2 | 3 | 4 |

- | | No Effect | Little Effect | Some Effect | Strong Effect |
|--------------------------------------|-----------|---------------|-------------|---------------|
| k. appealing to the Planning Commis. | 1 | 2 | 3 | 4 |
| l. other (what _____) | 1 | 2 | 3 | 4 |
15. Do you believe that the City of Atlanta Zoning Committee hearings actually affect the outcome of zoning decisions?
- No _____ Yes _____ Don't Know _____
16. Do you know whether Atlanta has a Master Plan showing present and future patterns of land use?
- No _____ Yes _____ Don't Know _____
17. Do you think that Atlanta should have such a plan?
- No _____ Yes _____ Don't Know _____
18. Generally speaking, do you feel that all changes in zoning are wrong?
- No _____ Yes _____ Don't Know _____
19. Do you feel that any zoning change made in accordance with a Master Plan will be in your best interests?
- No _____ Yes _____ Don't Know _____
20. If you knew that a certain change in zoning a piece of property would not be to your best interests, but would benefit some other property owner, would you oppose it?
- No _____ Yes _____ Other (what? _____)
21. If you knew that a certain change in zoning a piece of property would not be to your best interests, but would benefit the public in general, would you oppose it?
- No _____ Yes _____ Other (what? _____)
22. Do you think that a property owner has the right to use his property in anyway that he sees fit?
- No _____ Yes _____ Other (what? _____)
23. Do you think that the city should exert control to prevent a property owner from using his property in a way which might be contrary to the public good?
- No _____ Yes _____ Other (what? _____)

24. In decisions involving zoning changes for the "public good," a number of conditions have been suggested by various experts which might be considered. I will read you a list of some of these; please indicate whether or not these conditions should have no effect, little effect, some effect, or strong effect on the resolution of zoning changes:

| | No Effect | Little Effect | Some Effect | Strong Effect |
|---|-----------|---------------|-------------|---------------|
| a. what the owner wants | 1 | 2 | 3 | 4 |
| b. what city planners want | 1 | 2 | 3 | 4 |
| c. what property owners nearby want | 1 | 2 | 3 | 4 |
| d. what transportation experts recommend | 1 | 2 | 3 | 4 |
| e. what pollution experts say | 1 | 2 | 3 | 4 |
| f. what school officials say | 1 | 2 | 3 | 4 |
| g. what aesthetic or artistic experts say | 1 | 2 | 3 | 4 |
| h. what tax experts recommend | 1 | 2 | 3 | 4 |
| i. investment in the property | 1 | 2 | 3 | 4 |

25. Do you believe that a person's feelings about zoning change when his own property rights are involved or threatened?

No ____ Yes ____ Don't Know ____

26. If one parcel of land in a residential neighborhood is rezoned for commercial purposes, how would this affect the value of the residential property in that neighborhood?

Value Increased ____ Value Decreased ____ Value Unchanged ____

27. Do you believe that any change in zoning within a residential area represents a "foot in the door" for other zoning changes?

No ____ Yes ____ Don't Know ____

28. Suppose someone in your neighborhood requested a zoning change to construct a beauty shop or other small commercial building on his property and the rest of the neighbors decided to oppose the change. Would you

- | | | |
|--------------------------------------|---------|----------|
| a. Join in as a member of the group? | No ____ | Yes ____ |
| b. Take the lead for the group? | No ____ | Yes ____ |
| c. Donate money to the group? | No ____ | Yes ____ |
| d. Let them use your name? | No ____ | Yes ____ |
| e. Sign a petition? | No ____ | Yes ____ |

- f. Let them meet in your home? No ____ Yes ____
- g. Let them put a sign opposing the zoning change on your property? No ____ Yes ____
- h. Speak publicly through the newspaper or television against the change? No ____ Yes ____
- i. Appear at zoning hearing? No ____ Yes ____
- j. Contact a politician? No ____ Yes ____ Who ____

29. (D18) How do you feel about low-cost housing being built in your home neighborhood of Atlanta.

Good idea ____ Accept it ____ Against it ____

30. Does a city like Atlanta need both a Master Plan and Zoning Ordinances?

No ____ Yes ____ Don't Know ____

31. Do you believe that the zoning process as currently carried out in Atlanta is any way discriminatory against:

- a. owners of residential property No ____ Yes ____
- b. owners of commercial property No ____ Yes ____
- c. Cooperative groups such as churches or non-profit agencies No ____ Yes ____
- d. minority groups such as Negroes and Puerto Ricans No ____ Yes ____
- e. apartment owners No ____ Yes ____
- f. realtors No ____ Yes ____
- g. property owners who live outside of Atlanta but own property in Atlanta No ____ Yes ____
- h. poor people No ____ Yes ____
- i. upper-income people No ____ Yes ____

32. Can you suggest ways to improve the present system of zoning and zoning changes?

No ____ Yes ____

If yes, please tell me about them: _____

33. Approximately how many parcels of property do you own in Atlanta ____

- a. How many of these are used for residential purposes? _____
- b. How many of these are used for commercial purposes? _____
- c. How many of these are currently undeveloped? _____

34. Do you consider that the two aldermen from your ward are your representatives in Atlanta government?

No ____ Yes ____ Don't Know ____

35. Should they represent the interests of your ward primarily?

No ____ Yes ____ Don't Know ____

36. In the event of disputes between citizens living in your ward and other people from outside your ward, would you expect your aldermen to support the opinion of ward citizens against that of the outsider?

No ____ Yes ____ Don't Know ____

37. Do you look to your aldermen for assistance in obtaining city services?

No ____ (Skip to #38) Yes ____ (Complete #37(a)) Don't Know ____

- 37.(a) If yes, please rank the following services in terms of the help which you expect to obtain from your aldermen:

| | A great deal | Some | Very little | None |
|------------------|--------------|------|-------------|------|
| Police | 1 | 2 | 3 | 4 |
| Fire | 1 | 2 | 3 | 4 |
| Water | 1 | 2 | 3 | 4 |
| Sewers | 1 | 2 | 3 | 4 |
| Traffic | 1 | 2 | 3 | 4 |
| Schools | 1 | 2 | 3 | 4 |
| Streets | 1 | 2 | 3 | 4 |
| Zoning | 1 | 2 | 3 | 4 |
| Planning | 1 | 2 | 3 | 4 |
| Housing | 1 | 2 | 3 | 4 |
| Parks/Recreation | 1 | 2 | 3 | 4 |

38. (A10) Thinking of all public services - fire and police protection, schools, parks, transportation, trash collection, street maintenance, and other things, do you think the services here in your neighborhood are generally better than in other parts of Atlanta, are they about the same, or are they not as good as in other parts of the city?

Better ____ Same ____ Not as good ____

39. (A6) How much do you think the people who count in local government in Atlanta are concerned about the same problems you are concerned about - very much, some, a little, or hardly at all?

Very Much ____ Some ____ A Little ____ Hardly at All ____

40. (A3) And over all, how would you rate the way Atlanta is run - excellent, very good, good enough, not so good, or not good at all?

Excellent ____ Very Good ____ Good Enough ____ Not So Good ____
Not Good At All ____

- 41 (A1) Over the past five or ten years, do you think that local government here in Atlanta has gotten better, has stayed about the same, or do you think it is not as good as it used to be?

Better ____ Same ____ Not as Good ____

42. Did you vote in the last city election?

No ____ Yes ____

43. Did you vote for the present aldermen in your ward?

No ____ Yes ____

THANK YOU VERY MUCH

Date _____ Time started _____ Time finished _____.

From seeing house and furnishings, rank this respondent's socio-economic level:

Circle: Lowest third

Middle third

Upper third

From Directory: Occupation _____

Place of Employment _____

Marital Status _____

Home Ownership _____

Telephone Number _____

Sex: M F Race: W B Other Age: 30 30 to 60 60+

Respondents Name _____

Supplement A - If respondent identifies a specific zoning case pending in his neighborhood, indicate on Survey Schedule the point where this occurred, ask these questions, then return to the regular schedule.

You just mentioned a specific zoning case which evidently is occurring now in your neighborhood. Would you please tell me more about this?

51. Where is this parcel of land in relation to your property? _____

52. Do you know who owns it? No ____ Yes ____ (name of owner _____)

53. What does the proposed zoning change permit the owner to do with this property? _____

54. If the zoning change is approved, will this affect:

- a. the value of your property? No ____ Yes ____ (How? _____)
- b. traffic flow in this area? No ____ Yes ____ (How? _____)
- c. city's services such as
trash and garbage pickup? No ____ Yes ____ (How? _____)
- d. this area's schools? No ____ Yes ____ (How? _____)
- e. the natural beauty of this
area? No ____ Yes ____ (How? _____)

55. What other effects might this zoning change produce if passed? _____

56. Are you in favor, or opposed to this proposed change? Favor ____

Opposed ____

57. Have you done anything to affect the outcome of the proposed change?

No ____ Yes ____ If yes, what? _____

58. Do you think the proposed change will be approved? No ____ Yes ____

59. If it is approved, what will happen to this area in the future? _____

Appendix 2

LETTER TO ARRANGE PERSONAL INTERVIEWS

EMORY UNIVERSITY

ATLANTA, GEORGIA 30322

Center for Research in Social Change

December 10, 1970

Mr. John Doe
23 Peachtree Street
Atlanta, Georgia 30303

Dear Mr. Doe:

The Urban Observatory of the City of Atlanta at Georgia State University has sub-contracted with Emory University and Georgia Tech to conduct a special study of land zoning procedures as currently practiced in Atlanta. Many specialists believe today that land use and the control of space is of vital importance to the future growth and survival of American cities.

Emory's part of the study focuses upon the process of changes in zoning ordinances. We have randomly selected your neighborhood for special study in order to learn from property owners what they think about Atlanta's current zoning practices. Within the next few days, one of our professional field interviewers--Mrs. Viola Ralston, or Mr. or Mrs. Robert Latham, will contact you seeking an interview. Your cooperation is greatly needed and we sincerely hope you will be kind enough to grant time for an interview. Our interviewer will use a questionnaire and the whole contact should not require more than thirty minutes of your time. We believe that this is an important opportunity for the property owners of Atlanta to tell the city government what is right and wrong about the current zoning process. We need your comments, criticisms, and ideas to make the study meaningful.

Each respondent's identity will be kept confidential within our own staff. No names or other identifying information will be seen by anyone other than the interviewer and our data processing team, which reduces your responses to coded data for computer tabulation. The results will be reported out as group data, never as individual responses. Thus we pledge to you that the information you share will be kept confidential and you will remain as an anonymous respondent.

Please help us in this important study. If further information about the study or our work is needed, please feel free to call me. My Emory telephone number is 377-2411, extension 7583. Thank you.

Sincerely yours,

Fred R. Crawford, Ph. D.
Director

Appendix 3

LETTER USED FOR MAIL CONTACT

EMORY UNIVERSITY

ATLANTA, GEORGIA 30322

Center for Research in Social Change

February 11, 1971

Mr. John Doe
23 Peachtree Street
Augusta, Georgia 30803

Dear Mr. Doe:

The Urban Observatory of the City of Atlanta at Georgia State University has sub-contracted with Emory University and Georgia Tech to conduct a special study of land zoning procedures as currently practiced in Atlanta, Georgia. Many specialists believe today that land use and the control of space is of vital importance to the future growth and survival of American cities.

Emory's part of the study focuses upon the process of changes in zoning ordinances. We have randomly selected several neighborhoods for special study in order to learn from property owners what they think about Atlanta's current zoning practices. Your cooperation is greatly needed and we sincerely hope you will be kind enough to complete the enclosed questionnaire and return it to us in the enclosed addressed envelope. We believe that this is an important opportunity for the property owners of Atlanta to tell the city government what is right and wrong about the current zoning process. We need your comments, criticisms, and ideas to make the study meaningful.

Each respondent's identity will be kept confidential within our own staff. No names or other identifying information will be seen by anyone other than the interviewer and our data processing team, which reduces your responses to coded data for computer tabulation. The results will be reported out as group data, never as individual responses. Thus we pledge to you that the information you share will be kept confidential and you will remain as an anonymous respondent.

Please help us in this important study. If further information about the study or our work is needed, please feel free to call me. My Emory telephone number is 377-2411, extension 7583. Thank you.

Sincerely yours,

Fred R. Crawford. Ph. D.
Director

Enclosure

Appendix 4

FOLLOWUP LETTER

EMORY UNIVERSITY
ATLANTA, GEORGIA 30322

CENTER FOR RESEARCH IN SOCIAL CHANGE

January 21, 1971

Mr. John Doe
23 Peachtree Street
Atlanta, Georgia 30303

Dear Mr. Doe:

Several weeks ago we wrote you telling about our study of the opinions of Atlantans about zoning.

We need your opinion too. Will you please complete the enclosed questionnaire and return it to us in the enclosed self-addressed, stamped envelope. Your comments will be held in strictest confidence. Thank you.

Sincerely yours,

Frank J. Clarke
Principal Investigator

Enclosures

Appendix 5

QUESTIONS ASKED THE ALDERMEN

Why do people own property?

Should they be able to do what they want with property?

What is compatible use?

Do zoning laws protect masses as opposed to the individual?

Do you support a change in the zoning ordinance?

Do most people think zoning regulations are for their protection?

In changes in zoning, do both pressure groups contact you?

Does the Board of Aldermen usually agree with the committee's recommendations?

Does presence of large masses of opposition sway the committee in making a decision?

You represent a certain ward, are you a city-wide alderman or ward alderman?

Do you feel people think they have any power to fight zoning?

Do you think people should organize to fight it?

Appendix 6

QUESTIONS ASKED THE CITY ADMINISTRATORS

What is the role of your department in the zoning process?

Do you offer recommendations on zoning changes or building permits?

What are some of the reasons that you have for turning down these requests?

Does the aldermanic zoning committee usually follow your recommendations?

Does your department work with other departments in zoning matters?

What shortcomings do you see in the zoning process?

What changes would you like to see?

How would you go about getting these changes acted upon?

Do you own property in Atlanta?

Would you appear at a hearing of the aldermanic zoning committee if a change affected your property?

Appendix 7

QUESTIONS ASKED REPRESENTATIVES OF THE MEDIA

What do you see as the role of the media in zoning?

Do you think of the media as being influential in zoning matters in Atlanta? In what way? Have you instances of action taken by the media that you can cite?

How do you handle a news story on zoning? How do you determine when an editorial on zoning is warranted?

Who, that is, what individual, do you think of as influential in zoning in Atlanta?

How much influence does the average Atlantan have in a zoning matter? Do you think a group has a stronger voice in the same matter?

What shortcomings do you see in the present process of zoning in Atlanta?

Can you recommend changes in the process? If so, what are they?

FOOTNOTES

¹Paul H. Douglas, Report #11, Zoning Controversies in the Suburbs: Three Case Studies (Washington: Government Printing Office, 1968), foreword.

²Anonymous, "A New Assault on Suburban Zoning," Business Week (January 16, 1971): 30. This 2-1/2 column story contains 3 mentions of assault and 3 mentions of pressure by opponents of zoning "armed with civil rights lawyers." On December 14, 1971, two people were slain and one shot after a neighborhood dispute concerning zoning; see "Two Slain, One Shot Over Zoning," Atlanta Constitution, December 15, 1971.

³William H. Whyte, The Last Landscape (Garden City: Doubleday, 1968).

⁴John Rahenkamp, "The Zoning Scene," House and Home 39 no. 2 (February 1971): 38.

⁵Department of Planning, City of Atlanta, Planning Atlanta 1970 (Atlanta: Department of Planning, 1970), unpagged introduction.

⁶Department of Planning, City of Atlanta, Atlanta Zoning Ordinance (Atlanta: Department of Planning, 1970), p. 9.

⁷This is a 30-page internal procedure of the Planning Department, City of Atlanta, that assigns the responsibility for each step in the processing of an application for rezoning.

⁸Section 38.20 Atlanta Zoning Ordinance.

⁹Rupnow Study (Table 5) shows that, during the 12-month study period, of 44 applications filed in North area, 70 percent were to commercial (C) or commercial-conditional (C-C); of this category, 57 percent were approved (Appendix, Table 12).

¹⁰Rupnow Study (Table 5) shows that, during the 12-month study period, of 59 applications filed in South area, 39 percent were to apartments (A) or apartments-conditional (A-C). In addition, 46 percent were to commercial (C) or commercial-conditional (C-C). Of these categories, A and A-C changes were approved 85 percent and C and C-C changes were approved 68 percent of the time (Appendix, Table 14).

¹¹This is the city description of the planning area, Planning Atlanta 1970.

¹²The spokesman of one neighborhood association stated that the association had been involved in opposition to over 12 other applications for rezoning as the piecemeal change from residential to commercial usage came steadily nearer to their neighborhood. From this involvement the association

developed an early warning system to detect proposed changes, a differentiation of roles so that at least some representatives would be present at meetings and hearings, and the ability to mobilize the neighbors and present a cogent argument against what was perceived as an incursion into the neighborhood. They had been generally unsuccessful in these efforts and commercial establishments had been opened along the major road, but not in their immediate neighborhood until this past year.

¹³At the time of this hearing, the Planning Department and the Joint Planning Board merely gave the recommendation to the Aldermanic Zoning Committee without specifying the basis for each recommendation. Additional data were furnished on subsequent applications but not this one.

¹⁴This neighborhood group has a wider purpose including social functions, but it did not display the early warning ability of the group on the opposite side of the major road.

¹⁵This appears to be accurate. According to the spokesman for one neighborhood association, the lots along the major road were not offered for sale at the same time as those along side streets leading from it.

¹⁶This case involves two branches of a national civic club. The "down-town civic club" in this case is seeking the rezoning, and the "neighborhood civic club"--a branch of the same national organization--is one of the major forces in opposition to the application.

¹⁷The purpose of Section 236 of the Federal Housing Act ("Interest Supplements on Mortgages for Rental Housing for Lower Income Families"), according to the Federal Housing Administration, is to permit the mortgagee to reduce monthly rental charges to a level which lower income families can afford (25 percent of the tenant's adjusted monthly income). According to proponents of the rezoning, this apartment complex would be designed to attract families in the \$500-\$600 monthly income range.

¹⁸This area description is taken from Planning Atlanta 1970. The Southeast quadrant has 2-1/2 times as many public housing projects as the other three quadrants of the city combined. See "Most Public Housing in Small Area," Atlanta Journal-Constitution, April 4, 1971.

¹⁹Planning Atlanta 1970.

²⁰For a discussion of the relationship of land costs to the problem of locating low-income housing units, as seen by the director of the Atlanta Housing Authority, see "Most Public Housing in Small Area," Atlanta Journal-Constitution, April 4, 1971.

²¹This question read: "How do you feel about low-cost housing being built in your home neighborhood of Atlanta?" It was a modification of the question asked in the urban observatory network citizen attitude survey. See Tim C. Ryles, Citizen Attitudes Toward Public Policies and Political Authorities in Atlanta (Atlanta: Atlanta Urban Observatory, 1971).

²²Planning Atlanta 1970.

²³Atlanta Journal, May 15, 1970.

²⁴Atlanta Journal, March 30, 1971.

²⁵Atlanta Constitution, March 31, 1971

²⁶Atlanta Constitution, October 23, 1970.

²⁷Atlanta Constitution, March 31, 1971.

²⁸Throughout this chapter, the phrase "more experienced" or "was experienced" group refers to the fact that a higher (or lower) proportion of the individuals making up the group had prior experience with zoning.

²⁹"Within four days after the passage thereof," the Mayor, or in his absence, the Mayor pro tem shall approve or veto the resolutions, orders, ordinances adopted by the Board of Aldermen. (Charter of City of Atlanta as amended by Georgia Laws 1889, pp. 811-812, Section 1 in part).

³⁰In Flanigan v. Preferred Development Corporation, 226 Georgia 267 (1970) the court found that the general statute grants zoning powers to the governing authorities of municipalities and further that the Mayor is a part of the governing authority of the city. As such he has the authority to veto ordinances, including zoning ordinances, adopted by the Board of Aldermen.

³¹The reaction of the Southwest respondents against "school officials" may stem from the current problems in that quadrant relating to alleged dramatic overcrowding of area schools. A newspaper article ("SW Parents to Meet on School Jams," Atlanta Journal, April 26, 1971) describes the formation of a SW parents group "to discuss overcrowding in Southwest schools." It notes, for example, "[One] school, built to accommodate 470 children, has 1,200 children going to school in portable classrooms, a church, and a house."

³²See Footnote 21 above.

³³The four aldermen not interviewed were one who was ill, one who had been suspended, one who refused, and one with whom an interview could not be scheduled.

³⁴The Rupnow Study analyzed 104 applications filed in 1970-71. Of these, only 15 did not have someone appearing in support and only 37 did not have opposition.

³⁵This is not borne out by data in the Rupnow Study which shows that the rate of approval of applications has risen during the period 1970-71.

³⁶During 1970 permits were issued by the City of Atlanta to build only 419 single-family residences. There has been an increase during the first nine months of 1971 with 443 permits being issued. During the same period of 1971, Atlanta issued permits for 5,759 apartment units (one family occupies one unit). "Record Year Seen in Home Building," Atlanta Journal, October 19, 1971.

³⁷For a period during this study there were no black aldermen on the Aldermanic Zoning Committee.

³⁸Raymond C. Otwell, Jr. with assistance from William R. Bassett, A Review of Georgia Zoning Law, with Special Attention to the Legality of the Atlanta Practice of Conditional Zoning (Atlanta: Atlanta Urban Observatory, 1971), Section 3 and 4.

³⁹Ibid., Section 4.

⁴⁰Department of Planning, City of Atlanta, The Atlanta Zoning Ordinance and You (Atlanta: Planning Department, 1960).