

CHAPTER 5.

OVERLAY DISTRICTS

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DIVISION 5.1. **GENERAL PROVISIONS**

Sec. 5.1.1. **Intent**

Overlay districts are intended to apply additional regulations within a specific geographic area. These regulations may relate to design, noise, environmental protection, or any other issue that requires additional zoning regulation in a specific area of the City.

Sec. 5.1.2. **Applicability**

- A. Overlay District requirements apply to any lot with an Overlay District designation on the official zoning map. Some lots may have multiple Overlay Districts that apply.
- B. If an Overlay District standard conflicts with a standard in the underlying zoning district or other chapters of the Zoning Ordinance, the more stringent standard applies.

DIVISION 5.2. **GENERAL OVERLAYS**

Sec. 5.2.1. **Beltline (BL)**

A. Findings, Purpose, and Intent

1. The Beltline is a major initiative to link green space, trails, transit and economic development in Atlanta serving as a catalyst for transformative growth and investment encircling the urban core of the city by invigorating an underutilized rail corridor and surrounding underutilized industrial properties to create a better connected, more diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play.
2. The Beltline represents a unique opportunity: to enhance the quality of life in the city; preserve and revitalize existing neighborhoods; make greater mixed-use development feasible; strategically introduce or increase density and optimize resources in select locations; increase the affordable housing inventory; promote air quality; reduce auto dependency; and concurrently advance economic development through an increased tax base.
3. The City finds that taking special consideration to ensure that the redevelopment of properties adjacent to and within walking distance of the Beltline Corridor entails a compatible mixture of residential, commercial, cultural and recreational uses, and design standards conceptualized in the Beltline Redevelopment Plan is crucial to promote and ensure the public health, safety and welfare of its citizens. The City recognizes that as the Beltline attracts new development, the orientation and character of that growth should encourage pedestrian and transit-oriented uses and activities designed to support an urban character to foster the most positive impact on affected communities. By establishing the Beltline Overlay District, the city intends to institute a regulatory approach that anticipates, manages, and encourages quality Beltline development opportunities and impacts. Therefore, policies to promote these objectives within the Beltline Overlay District area will serve to:
 - a. Implement certain recommendations contained in the comprehensive study known as the Beltline Redevelopment Plan as adopted by the City of Atlanta;
 - b. Preserve a continuous corridor along the Beltline route of sufficient dimension for the implementation of transit, multi-use trails and green space;
 - c. Promote and maximize opportunities for safe and accessible green spaces, plazas, public art, and cultural and institutional buildings;
 - d. Preserve opportunities for connecting trails reaching beyond the Beltline to create a broad network of trails throughout the City;
 - e. Encourage a grid of smaller blocks and connected streets to improve access to the Beltline, reduce congestion, and further the urban character of the area;
 - f. Preserve the historic physical character of the industrial districts along the Beltline by promoting adaptive re-use of historic structures and encouraging new construction to be consistent with the size, scale, or character of those buildings;
 - g. Ensure that new construction is compatible with the character of existing established adjacent single-unit neighborhoods;

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- h. Create new mixed-use and commercial nodes at Beltline station areas that are pedestrian and transit-oriented;
- i. Create a diversified urban environment where people can live, work, shop, meet and play;
- j. Promote public health and safety by providing a pedestrian-oriented environment that includes active street-level uses, sufficient sidewalk widths, and primary pedestrian access from sidewalks to adjacent building entrances;
- k. Promote development of a wide range of housing types appropriate to meet various housing needs and income levels;
- l. Facilitate safe, pleasant and convenient pedestrian and bicycle circulation and minimize conflict between pedestrians and alternative transit modes;
- m. Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods;
- n. Maximize air and water quality, including that which supports tree planting, greenspace and watershed protection, and bicycle parking; and
- o. Improve the aesthetics of street and built environments.

B. Applicability

The scope of the regulations set forth in this Section are the regulations in the BeltLine Overlay District. These regulations are as follows:

1. The existing zoning map and underlying zoning regulations governing all properties within the BeltLine Overlay District will remain in full force and effect. The regulations contained within this chapter will be overlaid upon, and will be imposed in addition to, existing zoning regulations with the exception of existing lots of record that are zoned to any House-Scale District, N1, N2A, N2B, N3A, N3B, N4A, or N4B and not located immediately adjacent to the BeltLine Corridor. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with existing underlying zoning regulations, the regulations of this Section will apply.
2. Whenever the following regulations are at variance with historic district regulations of *Ch. 6. Historic & Landmark Districts*, the more stringent regulations will apply with the exception of regulations specific to the Beltline Corridor whereas not to impact designated historic structures or buildings.

C. Boundaries

The boundaries of the BeltLine Overlay District will be as shown on the official zoning map. Any lot in which any portion of the property is located within the boundary of the BeltLine Overlay District will be subject to the full regulations of in this Section.

D. Administrative Procedures

Development Review is required for certain projects in the Beltline Overlay District in accordance with *Sec. XX. Development Review*.

E. Use Standards

1. Permitted Uses

The underlying zoning requirements apply unless specifically prohibited by this Section.

2. Prohibited Uses

The underlying zoning prohibited use requirements shall apply. Provided, however, that the following uses are also specifically prohibited:

- a. Drive-through, enclosed and drive-through, unenclosed (either as a principal or accessory use) are prohibited.
- b. Drive-ins are prohibited.
- c. Fuel sales are prohibited.
- d. Data centers are prohibited.
- e. Pedestrian bridges or tunnels are prohibited.

3. Permitted Accessory Uses and Structures

Accessory uses and structures permitted within this district include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, other recreation amenities, parking to serve authorized residential and non-residential uses within the district, subject to the restrictions contained elsewhere in this Section, and electric vehicle charging stations equipped with Level 1 or Level 2 EVSE.

F. Site Standards

Except as provided below, development standards are regulated per the underlying zoning:

1. Properties adjacent to a public space such as a park space, greenway trail or railroad right-of-way (but not the BeltLine Corridor) must meet the following requirements:
 - a. Must have a minimum 20-foot wide buffer along the lot line adjacent to said public space in existence or proposed by the City. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director.
 - b. May not locate off-street surface parking lots or loading docks between any building and said public space except in cases where meeting this would require the development to be in conflict with other requirements of this Section.
 - c. Must include an entrance to all adjacent uses which:
 - i. Must face and be visible from said public space.
 - ii. Must be directly accessible from said public space.
2. Properties adjacent to the BeltLine Corridor:

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- a. Must have a minimum 20-foot wide buffer along any part of the property adjacent to the BeltLine Corridor. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director except as specified below.
 - b. Must meet the requirements of the subsection above except as specified below.
 - c. Any property within or adjacent to the BeltLine Corridor that is being used for transportation purposes or any property that has been acquired primarily for non-transportation use prior to November 20, 2006, will not be regulated by this Section. However, any property within the BeltLine Corridor will be governed by this section if either:
 - i. Acquired in fee simple or under a long-term ground lease after November 20, 2006; or
 - ii. Ceases to be used for presently active operational transit purposes after the date of adoption of the Zoning Ordinance.
3. Public or private access paths to connect to any existing or proposed greenway trails, including the BeltLine, must be built to a minimum paved width of 15' for two-directional bicycle and pedestrian use.
 4. Storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment are permitted, with the exception of a minimum depth of 20 feet of any ground floor street frontage beginning at any building facade along the public sidewalk.
 5. Parking within a building or structure, structures will be permitted subject to meeting all other requirements in the Zoning Ordinance.
 6. Properties adjacent to the BeltLine corridor or any railroad right-of-way with an existing or proposed multi-use trail must meet the following requirements:
 - a. Must have a minimum 20-foot wide buffer along the property line adjacent to said public space in existence or proposed by the city. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development. Provided the buffer meets the requirements of *Sec. XX. Outdoor Amenity Space*, a development may count this buffer area as part of the required outdoor amenity space for the lot, even if such setback area is dedicated to the City or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.
 - b. Must not locate on-site parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with the requirements of this Section.
 - c. Must include an entry feature to all adjacent uses which:
 - i. Must face and be visible from the BeltLine Corridor, park space, greenway or any railroad right-of-way with an existing or proposed multi-use rail-trail.
 - ii. Must be directly accessible from said space from the BeltLine Corridor park space, greenway, abandoned rail line or any railroad right-of-way line with an existing or proposed multi-use rail-trail.

G. Streetscape Standards

1. All public streetscapes in the Beltline Overlay District are required to meet the standards of **Sec. XX. Streetscapes**, unless otherwise noted in this Section.
2. Where the Beltline Overlay applies, all streetscapes must be Type D, unless relief is granted according to **Sec. XX. Streetscapes**.

H. Building Standards

1. The regulations contained in this subsection apply to all buildings and structures, including parking structures.
2. Building floors must be delineated to, and including, the third story above the ground story executed through windows, belt courses, cornice lines or similar architectural detailing.
3. The primary pedestrian entrance to all sidewalk-level uses with street or Beltline Corridor frontage must be architecturally articulated, face, be visible from, and be directly accessible from said required sidewalk along such street or Beltline Corridor. The use of fire-escape, entrance-only and exit-only doors as primary entrances is explicitly prohibited.

I. Relief

The Director may provide relief from standards in the Beltline Overlay District in accordance with **Sec. XX. Administrative Relief**.

Sec. 5.2.2. Campbellton Road (CR)

A. Findings, Purpose, and Intent

1. The City finds that Campbellton Road is a corridor of residential, commercial, and mixed-use land uses that serves as the main street of southwest Atlanta. Campbellton Road has been identified as an economic development priority area and is in the Campbellton Road Tax Allocation District (TAD). Historically the corridor has served the established neighborhoods of Adams Park, Arlington Estates, Ashley Courts, Baker Hills, Ben Hill, Ben Hill Acres, Ben Hill Forest, Ben Hill Pines, Ben Hill Terrace, Bonnybrook, Brentwood, Briar Glen, Butner/Tell, Campbellton Road, Cascade Green, Continental Colony, Deerwood, Elmco Estates, Fairburn, Fairburn Tell, Fairway Acres, Fort Valley, Greenbriar, Greenbriar Village, Heritage Valley, Huntington, Kings Forest, Lake Estates, Laurens Valley, Meadows, Meadowbrook Forest, Mellwood, Mt. Gilead Woods, Niskey Cove, Niskey Lake, Old Fairburn Village, Pamona Park, Princeton Lakes, Rue Royal, Sandlewood Estates, Southwest Canopy Overlook, Tampa Park, Venetian Hills, Wildwood Forest, and Windsor Forest and now serves newer neighbors in the City of South Fulton and the City of East Point.
2. To ensure that growth is in keeping with the needs and desires of residents there is a need for special consideration to ensure that future development and redevelopment within this area reflect a mixture of uses that promote the public health, safety, and welfare. In establishing this overlay district, the City intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses, in a manner that:
 - a. Is consistent with the Comprehensive Development Plan; and

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- b. Properly balances increasing residential and retail uses with the district's ongoing commercial and mixed-use development; and
- c. Provides greater regulation of businesses within the district that attract large numbers of people working and living on and along the corridor.

B. Applicability

Campbellton Road Overlay District regulations apply to any lot with a Campbellton Road (CR) Overlay District designation on the zoning map.

C. Use Standards

1. The following uses are prohibited:
 - a. General supervised group living;
 - b. Cemetery;
 - c. Adult establishment uses;
 - d. Lounge or nightclub;
 - e. Hair or nail salon;
 - f. Alternative financial service;
 - g. Package store, except in the following locations:
 - i. A maximum of 2 package stores are permitted in Subareas 1 and 2
 - ii. A maximum of 1 package store is permitted in Subarea 5
 - h. Small discount variety store;
 - i. Vehicle sale and rental uses;
 - j. Vehicle service and repair uses;
 - k. Car wash;
 - l. Fuel sales;
 - m. Drive-through, enclosed or drive-through, unenclosed on lots within 100 feet of Campbellton Road; and
 - n. Outdoor amplified sound in Subarea 5.
2. The following uses require a Special Use Permit:
 - a. Outdoor display;
 - b. Outdoor storage, minor; and
 - c. Outdoor storage, major.

D. Subarea 1. Niskey Park

1. Single-Unit Dwelling Units

- a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- b. Foundations are required and must be finished with brick, smooth stucco, or smooth finish concrete at least 2 feet above grade.

2. Townhouse Dwelling Units

- a. All street-facing building facades must be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding. Exposed concrete masonry units are not permitted.

3. All Other Buildings and Structures

- a. All street-facing building facades must be at least 30% brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- c. Any fence or wall required by *Sec. XX. Transitions* must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.
- d. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

E. Subarea 2. Ben Hill Village

1. Single-Unit Dwelling Units

- a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

2. Townhouse Dwelling Units

- a. All street-facing building facades must be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding.

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- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding. Exposed concrete masonry units are not permitted.

3. All Other Buildings and Structures

- a. All street-facing building facades must be at least 30% brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- c. Any fence or wall required by *Sec. XX. Transitions* must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.
- d. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

F. Subarea 3. Greenbriar Town Center**1. All Buildings and Structures**

- a. All street-facing building facades must be at least 51% brick per building facade. Thin brick is prohibited. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco may comprise the remaining portion of each street-facing building facade.
- b. All other building facades may be constructed using materials in the above list with the addition of synthetic stone, synthetic stucco, metal panels, and synthetic cast stone trim.

G. Subarea 4. Harbin Square**1. Single-Unit Dwelling Units**

- a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

2. Townhouse Dwelling Units

- a. All street-facing building facades must be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding. Exposed concrete masonry units are not permitted.

3. All Other Buildings and Structures

- a. All street-facing building facades must be at least 51% brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- c. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.
- d. Vending machines, paper stands, and other similar devices must be located interior to all buildings.
- e. Lights outlining or detailing a building or windows are prohibited.

H. Subarea 5. Campbellton East

1. Standards for All Buildings

- a. Buildings with residential uses on the ground story must use a minimum of 2 different cladding materials on street-facing building facades.
- b. Street-facing building facades must have a minimum height of at least 24 feet.

2. Single-Unit Dwelling Units

- a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.
- b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

3. Townhouse Dwelling Units

- a. All street-facing building facades must be brick, stone, cast stone, three-part hard coat stucco, horizontal wood clapboard siding or cementitious lap siding.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding. Exposed concrete masonry units are not permitted.

4. All Other Buildings and Structures

- a. All street-facing building facades must be at least 51% brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.
- b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

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- c. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.
- d. Vending machines, paper stands, and other similar devices must be located interior to all buildings.
- e. Lights outlining or detailing a building or windows are prohibited.

Sec. 5.2.3. Marietta Street Artery (MSA)

A. Findings and Intent

The City finds that the Marietta Street Artery neighborhood is a unique, mixed use area of Atlanta. Its rapid evolution from an industrial transportation artery to a diverse mixture of residential, retail, commercial, industrial, and recreational uses requires special consideration to ensure that future development and redevelopment within this area reflect a mixture of uses that promote the public health, safety and welfare. Rapid rail and Beltline transit opportunities within this overlay are currently limited, making use, size, and parking limitations appropriate in order to reflect these transportation realities. In establishing this overlay district, the city intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses, in a manner that:

1. Is consistent with the Comprehensive Development Plan;
2. Properly balances increasing residential and retail uses with the district's ongoing commercial and industrial development; and
3. Provides greater regulation of businesses within the district that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours.

B. Applicability

Marietta Street Artery Overlay District regulations apply to any lot with a Marietta Street Artery (MSA) Overlay District designation on the zoning map.

C. Use Standards

1. The following uses are prohibited:
 - a. Vehicle sale and rental uses;
 - b. Vehicle service and repair uses;
 - c. Car wash;
 - d. Fuel sales;
 - e. Drive-through, unenclosed, when located more than 200 feet from Northside Drive public right-of-way;
 - f. High-impact industrial and manufacturing;
 - g. Self-storage;

- h. Storage yard;
2. The following standards are required for all nonresidential uses with a floor area greater than 7,500 square feet:
- a. A Special Use Permit is required for any use where alcoholic beverages are sold or consumed on the premises. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in *Section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages")*.
 - b. Applicants must submit a scaled and sealed site plan showing the entire project area as well as all other buildings, structures, and parking structures or locations on the site.
 - c. Applicants must submit a Transportation Management Plan (TMP) containing strategies to reduce single occupancy vehicle trips generated by the proposed use. The TMP must include, but not be limited to, the following traffic reduction strategies:
 - i. Incentives for public transit ridership such as transit cards;
 - ii. Carpooling and vanpooling;
 - iii. Ridesharing;
 - iv. Commuter bicycling and walking programs;
 - v. Alternative, staggered, compressed or flexible work hours for commercial uses;
 - vi. Improvements to alternative modes such as vanpooling;
 - vii. Financial incentives given to those who use commute alternatives;
 - viii. Parking management programs;
 - ix. Commute alternatives information and marketing;
 - x. Shared parking arrangements;
 - xi. Provisions addressing a mixture of uses if present on-site;
 - xii. Pedestrian links to adjacent uses; and
 - xiii. Programs to promote and maintain participation in the use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.
 - d. Applicants must submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP must include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.
3. Where private club and lounge is permitted, the following use standards apply:
- a. The use must be at least 7,500 SF;

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- b. The building where the use is located must have a minimum of 6 stories; and
- c. No residential uses are allowed in the same building as the use.

Sec. 5.2.4. Tuxedo Park (TP)

A. Intent

The intent of this Section is to establish the Tuxedo Park Overlay District so as:

1. To preserve and protect existing general landscaping features and existing spatial relationships between the building and public streets, and between buildings;
2. To ensure that new lots reflect and reinforce the exceptional park-like features established in the original planning and platting of Tuxedo Park;
3. To reinforce the lot pattern and platting of Tuxedo Park;
4. To reinforce the lot pattern of long, rectangular lots and deep setbacks of the residences; and
5. To maintain the spatial organization of large open spaces between residences and public streets.

B. Applicability

The scope of the regulations set forth in this Section are the regulations in the Tuxedo Park Overlay District. These regulations are as follows:

1. The official zoning map and underlying zoning regulations governing all properties within the Tuxedo Park Overlay District will remain in full force and effect. The regulations contained within this section will be overlaid upon, and will be imposed in addition to, the underlying zoning regulations.
2. Whenever the following overlay regulations conflict with other provisions of this ordinance, including the underlying zoning, or with *Part 15 - Land Subdivision Ordinance*, the following overlay zoning regulations will apply but only to the extent of the conflict.

C. Standards

1. Subdivisions

- a. The Tuxedo Park neighborhood, as designated by the City of Atlanta, is considered a historic neighborhood for the purposes of *Part 15 - Land Subdivision Ordinance*. Subdivisions within this overlay district are not subject to *Sec. 15-08.002(a)(2)* or *Sec. 15-008(5)(d)* of the Land Subdivision Ordinance, but must comply with all other applicable requirements of that ordinance, as well as the following:
 - i. New subdivisions may not create a new public street.
 - ii. All new lots may be no wider than the widest lot on the same side of the street between the two closest street intersections.
 - iii. All new lots zoned to the H-2 Form District may be no narrower than the narrowest lots on the same side of the street between the two closest street intersections, or 150', whichever is greater.

- iv. All new lots zoned to the H-3 Form District may be no narrower than the narrowest lots on the same side of the street between the two closest street intersections, or 100', whichever is greater.
 - v. All new lots must conform to the range of lot depths established by the lots on the same side of the street between the closest street intersections. However, no new lot may be created unless it contains a depth that is at least twice the length of its width; and
- b. All new lots must be oriented so that the shortest side of the lot faces the street.

2. Development Controls

- a. All new lots must contain a primary street setback that is equal to 1/2 of the lot depth.
- b. All new corner lots must contain a side street setback that is equal to 1/4 of the lot depth.

Sec. 5.2.5. Upper Westside (UW)

A. Findings and Intent

1. The district is a unique part of Atlanta containing a wide mix of land uses that range from single-unit residential, to mixed-use, to industrial. These are traditionally organized into a development pattern consisting of distinct low density residential areas separated by rail corridors, roadways, commercial and industrial uses, or major public facilities.
2. Recently, the district has experienced significant growth, especially in its traditional industrial and commercial areas, where piecemeal redevelopment is now common. Often, this redevelopment abuts residential areas.
3. The City finds that rapid evolution of portions of the district from industrial and commercial uses to a diverse mixture of residential, commercial, industrial, and open space uses requires special consideration to ensure that future development and redevelopment provides a mix of uses that promotes the public health, safety, and welfare.
4. The City also finds that rapid rail and Atlanta Beltline transit opportunities in the district are currently limited, making the use, block, streetscape, access management, and transportation management provision of this chapter appropriate given these transportation realities.
5. Therefore, in establishing this district it is the intent of the City to:
 - a. Implement provisions of the Comprehensive Development Plan, which incorporates certain recommendations contained in studies of this area, including the Upper Westside Masterplan and Beltline Subarea 8 and 9 Master Plans;
 - b. Balance increasing residential, retail, and offices uses with the district's ongoing industrial and commercial uses and existing residential neighborhoods;
 - c. Provide more regulation of businesses that are incompatible with other uses in the district due to excessive noise, dust, smoke, traffic, vibration, light, or similar impacts;
 - d. Provide more regulation of businesses that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours;

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- e. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles, in keeping with Vision Zero Policy adopted by the City.
- f. Encourage the increased use of alternative modes of transportation and mobility such as walking, biking, and public transportation;
- g. Support the creation of an interconnected street network of small blocks and inter-parcel access to evenly distribute traffic, improve access throughout the district, reduce congestion, and further walking, bicycling, and transit use; and
- h. Provide more regulation of certain auto-oriented uses, especially traffic congestion, roadway safety, and resulting conflicts with pedestrians, bicyclists, and transit riders.

B. Applicability

The regulations in this Section constitute the Upper Westside Overlay District. The scope of these regulations is as follows:

1. The official zoning map and underlying zoning regulations governing all properties within the district will remain in full force and effect. The regulations in this Section will be overlaid upon, and will be imposed in addition to, these underlying zoning regulations.
2. The provisions of this Section apply to all properties in the district, except properties to be used exclusively for household living with 1 or 2 dwelling units.
3. Whenever the following overlay regulations vary from the underlying zoning regulations, another overlay, or conditions of rezoning, the more restrictive will apply.

C. Boundaries

The boundaries of the district include any lot with a Upper Westside (UW) Overlay District designation on the official zoning map.

D. Definitions

The following definitions apply to the district only. If a term is not defined below, then the definitions in *Chapter 10. General Rules and Definitions* govern:

1. **Official city project.** A project identified or designed in one of the following:
 - a. **Priority city project.** A project that has undergone study, design, and design refinement and can be implemented without significant modification, including:
 - i. Projects fully or partially funded by the City of Atlanta or its agencies or authorities, including Atlanta Beltline, Inc., Atlanta Housing, Atlanta Public Schools, Invest Atlanta, and similar agencies or authorities;
 - ii. Projects undertaken by MARTA in city rights-of-way which have been authorized by the city;
 - iii. Projects fully or partially funded with state or federal grants;
 - iv. Transportation, park, stormwater, or other infrastructure concept reports, scoping studies, designs, or similar materials that include city rights-of way or other lands, and that have

been undertaken or approved by the Atlanta Department of Transportation, the Atlanta Department of Public Works, or other City agency.

- b. **Secondary city project.** A project identified in one or more of the following, but which has not undergone the professional design required to advance beyond a conceptual planning phase:
 - i. The Comprehensive Development Plan (CDP), including all supplements and incorporations by reference;
 - ii. The Capital Improvements Program (CIP);
 - iii. The Capital Improvement Element (CIE);
 - iv. The Community Work Program (CWP);
 - v. SPLOST or bond project lists;
 - vi. Connect Atlanta Plan or Atlanta Transportation Plan (ATP); and
 - vii. Cycle Atlanta 1.0 or Cycle Atlanta 2.0.
- c. **Conflicts.**
 - i. When the same project is identified in both a priority city project and secondary city project, the design show in the priority city project will be the official city project.
 - ii. When the same project is identified in 2 or more priority city projects, the design that is designed and funded will be the official city project.
 - iii. When the same project is identified in 2 or more secondary city projects, the design that is most recent will be the official city project.

E. Use Standards

- 1. The following uses are prohibited:
 - a. Adult establishment uses;
 - b. Alternative financial service;
 - c. Truck stop;
 - d. Vehicle sale and rental;
 - e. Car wash;
 - f. Fuel sales;
 - g. High-impact industrial and manufacturing;
 - h. Freight terminal;
 - i. Storage yard;
 - j. Waste-related service uses;

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2. Where the use is permitted, the following use standards apply:
 - a. Drive-through, unenclosed must meet the following requirements:
 - i. Drive-through, unenclosed is not permitted on any lot within 2,000 feet of Howell Mill Road.
 - ii. Along public streets, curb cuts for driveways exclusively serving a drive-through are not allowed.
 - iii. Along arterial streets, collector streets, and Chattahoochee Avenue, curb cuts for driveways directly or indirectly serving a drive-through are not allowed within 300 feet of a public street intersection (measured along the right-of-way along the same side of the same street from the intersecting street right-of-way).
 - b. Drive-through, enclosed on a lot within 2,000 feet of Howell Mill Road must meet the following requirements:
 - i. Drive-through, enclosed that is accessory to any food and beverage use is only permitted when:
 - a) The food and beverage use is located in a multi-story building with at least 10,000 square feet of floor area; and
 - b) The multistory building contains 3 or more occupiable stories directly above the entire food and beverage use, excluding any drive-through or outdoor dining area.
 - c. Drive-through, enclosed in all other locations must meet the following requirements:
 - i. Drive-through, enclosed is not allowed within 1,500 feet of another property containing a drive-through.
 - d. General household living use with multiple dwelling units with more than 25,000 square feet of floor area must meet the following requirements:
 - i. Applicants must submit a Transportation Management Plan (TMP) meeting the requirements of *Sec. XX. Transportation Management Plan*.
 - e. Food and beverage uses must meet the following requirements:
 - i. Food and beverage uses located within 50 feet of any of the following Form Districts are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. unless the use already operated before 6:30 a.m. daily before the date this Overlay District went into effect:
 - a) Any House-Scale District,
 - b) N1,
 - c) N2A,
 - d) N2B, or
 - e) N4A.

- ii. Outdoor dining or outdoor amplified sound is not allowed to operate outside enclosed permanent structures between the hours 11:00 p.m. to 6:30 a.m.
- f. Outdoor storage, major must meet the following requirements:
 - i. Outdoor storage, major is not allowed within 200 feet of an arterial street, collector street, or Chattahoochee Avenue (measured in a straight line from the edge of the applicable right-of-way to closest portion of any fleet or equipment storage use).
 - ii. Outdoor storage, major in all other locations must be screened from view from the street by a continuous opaque evergreen hedge at least 36 inches high at time of planting. In lieu of the hedge, a screening wall at least 5 feet high may be installed in zoning districts that allow them.
- g. Package store must meet the following requirements:
 - i. Package store over 1,200 square feet in floor area is not permitted within 1,500 feet of another property containing a package store over 1,200 square feet in floor area.
 - ii. Drive-through, enclosed or drive-through, unenclosed is prohibited.
- h. Self-storage must meet the following requirements:
 - i. Self-storage used exclusively by residents, employees, or owners of the development, where individual storage units are not rented to the general public, must meet the following requirements:
 - a) The total floor area used for self-storage must not exceed 10% of the total project floor area.
 - b) The total project floor area must be calculated to include the total floor area of all existing and proposed uses, including within any Unified Development Plan; and
 - c) Self-storage is not allowed within 60 feet of any street-facing building facade.
 - d) No occupancy permit will be issued for self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the floor area of the self-storage.
 - ii. Self-storage where individual storage units are rented out to the general public must meet the following requirements:
 - a) The total floor area used for self-storage must not exceed 25% of the total project floor area.
 - b) The total project floor area must be calculated to include the total floor area of all existing and proposed uses, including within any Unified Development Plan.
 - c) No occupancy permit will be issued for self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the floor area of the self-storage.

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- iii. Active depth (see *Sec. XX. Active Depth*) is required in the following locations:
 - a) For street-facing building facades, at least 60 feet of active depth must be provided.
 - b) For building facades facing an existing public park or multi-use trail, or a proposed public park or multi-use trail identified in a plan adopted by City Council, at least 30 feet of active depth must be provided.
- i. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash must meet the following requirements:
 - i. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash are not allowed on any lot located within 2,000 feet of Howell Mill Road (measured in a straight line from the centerline of Howell Mill Road to the closest portion of the lot).
 - ii. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash are not permitted on any lot located with 1,500 of another lot with vehicle service and repair, light, vehicle service and repair, heavy, or car wash.
- j. Data center must meet the following requirements:
 - i. Data centers that are not part of a Unified Development Plan must not exceed 150,000 SF floor area per floor, and:
 - a) Must not be located within 2,000 SF of another data center, and
 - b) Must obtain a Special Use Permit.
 - ii. Data centers that are part of a Unified Development Plan:
 - a) Must not exceed 300,000 SF floor area per floor;
 - b) Must not be located within 2,000 SF of another data center not part of the Unified Development Plan; and
 - c) Must obtain a Special Use Permit.
 - iii. Art or green walls, or architecturally treated custom precast concrete may be installed along blank walls facing public rights-of-way in lieu of meeting glazing requirements.
 - iv. Parapets, cornices, and other design features can be used to articulate roof lines.
 - v. For new buildings:
 - a) For every 75 feet of building length on a single face, there must be a variation in the facade to include, but not limited to, projections, recesses, changes in patterns or materials, or green walls.
 - b) Buildings with facades facing the public right-of-way must have architectural articulation and architectural design elements of the facades up to the first 3 stories of the building or within a minimum height of 24 feet as measured from the sidewalk level. Architectural articulation and architectural design elements such as a variety in facade treatment, materials, textures, colors, or windows and door patterns to provide visual interest are allowed.

- c) Barb-wire, chain link coated and uncoated, or razor wire fencing is prohibited.
 - d) Aluminum siding and synthetic stucco is prohibited.
 - e) Mechanical equipment must be located in the side or rear yard of the principal structure and where possible in the location least visible from a public right-of-way or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public right-of-way or park.
- vi. For converted buildings:
- a) Only buildings older than 50 years may be converted.
 - b) Barb-wire, chain link coated and uncoated, or razor wire fencing is prohibited.
 - c) Architectural articulation and architectural design elements such as a variety in facade treatments, materials, textures, colors, or window and door patterns to provide visual interest are allowed.
- vii. Concurrency requirement:
- a) The total floor area used for data center must not exceed 50% of the total proposed floor area for the site.
 - b) The total floor area for the site includes the total floor area of all existing and proposed uses, including within any Unified Development Plan.
 - c) No occupancy permit will be issued for a data center before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all other permitted uses holding occupancy permits must equal or exceed the floor area of the data center.
- viii. Active use requirement:
- Active uses that conform to *Sec. XX. Active Depth* must be provided as follows, even when not otherwise applicable. Data center is not considered an active use:
- a) An active depth of 60 feet is required for any building that faces a public street.
 - b) An active depth of 30 feet is required for any building that faces an existing public park or multi-use trail.
- k. The following standards are required for all nonresidential uses with a floor area greater than 7,500 square feet:
- i. A Special Use Permit is required for any use where alcoholic beverages are sold or consumed on the premises. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in *section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages")*.

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- ii. Applicants must submit a scaled and sealed site plan showing the entire project area as well as all other buildings, structures, and parking structures or locations on the site.
- iii. Applicants must submit a Transportation Management Plan (TMP) meeting the requirements of *Sec. XX. Transportation Management Plan*.
- iv. Applicants must submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP must include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

F. Site Standards

1. Public or private multi-use paths must be built to the same standard required by the Beltline Overlay District, see *Sec. XX. Site Standards*.
2. Properties adjacent to a public space such as a park space, greenway trail, railroad right-of-way which has been abandoned, or a railroad right-of-way with an existing or proposed rail-trail must meet the following requirements:
 - a. Must have a minimum of a 20-foot-wide buffer along the lot line adjacent to said public space. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development, or
 - b. Must provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and meet the following requirements:
 - i. Streets must meet the requirements of *Div. XX. Streetscape*.
 - ii. Pedestrian walkways must be at least 6 feet wide, and bike and jog paths must conform to the Beltline Overlay District, see *Sec. XX. Site Standards*.
 - iii. Wherever possible, streets, pedestrian walkways and bike and jog paths must connect to other streets, pedestrian walkways, bike and jog paths and parks.
 - c. Must not locate off-street parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with any applicable requirements to screen loading areas, loading dock entrances, and building mechanical and accessory features, or any applicable requirements for parking lot barriers and landscaping.
 - d. Must include an entrance to all adjacent uses which:
 - i. Must face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - ii. Must be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.
 - iii. Wherever possible must open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.

G. Transportation Management Plan

1. For uses in the Upper Westside Overlay District requiring a Transportation Management Plan (TMP), the Office of Buildings will not issue any Certificate of Occupancy permits for any use until the developer, or their specified agent, has submitted to the Office of Zoning and Development a TMP meeting the requirements of this Section.
2. The TMP must contain strategies to reduce single occupancy vehicle trips generated by the project and must be in accordance with the Transportation Management Plan development guide, a document maintained by the Atlanta Department of Transportation.
3. On the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant must acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements of this Section and certify which strategies will be used to reduce single occupancy vehicle trips.
4. A summary report of ongoing implementation of the TMP must be submitted annually.

DIVISION 5.3. AFFORDABLE HOUSING OVERLAYS

Sec. 5.3.1. General Provisions

A. Applicability

The provisions of this Section apply to any project where affordable workforce dwelling units are required by an Affordable Housing Overlay District, including the Beltline Overlay District, or where affordable workforce dwelling units are provided as part of a Development Bonus, according to *Sec. XX. Affordable Housing Bonus*.

B. Definitions

As used in this Division, unless specifically stated otherwise, the following terms have the meanings set forth below:

1. **Affordable workforce housing unit.** A residential dwelling unit that complies with the affordability requirements in the applicable Affordable Housing Overlay District.
2. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after the effective date of this Zoning Ordinance, develops a total of 10 or more new residential dwelling units at one location in an Affordable Housing Overlay District.
3. **At one location.** All real property of an Applicant in an Affordable Housing Overlay District if:
 - a. Such properties are contiguous at any point;
 - b. Such properties are separated only by a right-of-way or utility corridor right-of-way, at any point; or
 - c. Such properties are separated only by other real property of the Applicant which is not subject to this Division at the time of any building permit, site plan, and development or subdivision application by the applicant.
4. **Land use declaration.** A land use restrictive covenant that will encumber property in a manner that will require the development and active marketing of a percentage of dwelling units as affordable workforce housing units.
5. **Land use restrictive agreement (LURA).** A Land Use Restrictive Agreement between the City and the Applicant that will encumber property in a manner that will require the development and active marketing of a percentage of units as affordable workforce housing units.
6. **Market rate unit.** A residential dwelling unit that is not an affordable workforce housing unit.
7. **Qualified administrator.** An organization identified by the City of Atlanta Office of Housing and Community Development demonstrating the necessary capacity to provide long term stewardship of home ownership affordable workforce housing units by identifying purchasers that meet income requirements, and administering ongoing compliance.

8. **Workforce resident.** The person or persons occupying an affordable workforce housing unit earning in the aggregate no more than the maximum eligible area median income (AMI) for the Atlanta-Sandy Springs-Marietta area, as published by HUD, specified by the Affordable Housing Overlay District. The published income limits will be adjusted by household size. The income limits and the rent limits, with respect to market rate units, will be adjusted annually according to the HUD published limits.

C. Active Marketing of Units

An applicant must actively market all affordable workforce housing units as follows:

1. Rental Units

Applicant must coordinate with the City of Atlanta Office of Housing and Community Development, or its program designee, to locate and place workforce residents in available workforce housing units. If the Applicant coordinates in writing and in a commercially reasonable manner with the City of Atlanta Office of Housing and Community Development for a period of 60 days with respect to any affordable workforce housing unit from the completion of such units or the vacation of such unit by any workforce resident, and despite such coordination, such unit has not been leased to workforce resident, then such units will be counted towards the affordable workforce housing unit requirement if so certified by the City of Atlanta Office of Housing and Community Development.

2. Homeownership Units

- a. Applicant must exercise its best efforts, in coordination with the City of Atlanta Office of Housing and Community Development, for a period of 6 months following the issuance of the Certificate of Occupancy, to market the units at levels set forth in the applicable Affordable Housing Overlay District to a qualified administrator as defined in this Division, unless no qualified administrator can be identified, in which case the applicant may market to income-qualified buyers at the levels set forth in the applicable Affordable Housing Overlay District, and provide documentation for approval by the City of Atlanta's housing and Community Development of the proposed buyer's income eligibility prior to closing. Upon expiration of the 6-month period, the applicant will have a right to sell any remaining units at market price provided the applicant has provided the following:
 - i. Notice to the City of Atlanta Office of Housing and Community Development of the intent to sell workforce owner housing units at market rate, and
 - ii. Documentation to support the failure to sell the workforce owner housing units as evidenced by sales offers declined by the applicant or buyer's requests to terminate sales contracts at the workforce housing maximum prices, or any other documentation satisfactory to the City of Atlanta Office of Housing and Community Development.
- b. In the event the applicant obtains the right from the City of Atlanta's Office of Housing and Community Development to sell a unit at a market price pursuant to this definition, any obligation to the City of Atlanta created by a land use restrictive agreement (LURA) with respect that particular unit will be deemed to be extinguished.

D. On-Site Affordability Requirement

1. Required Duration of Affordability

The affordability requirement applies for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit.

2. Design and Configuration of Units

- a. The affordable workforce housing units must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and must not be in isolated areas in the development, but must be interspersed among market rate units.
- b. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) must be proportionate to the number of bedrooms in the market rate units.

3. Concurrency

Applicants must use best efforts to develop affordable workforce housing units concurrently with market rate units.

E. Calculation of Affordability Requirement

1. Rental Units

- a. The area median income (AMI) requirements for a rental unit must be based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area published annually by the United States Department of Housing and Urban Development (HUD), adjusted for household size.
- b. The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit must not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis.
- c. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households pay no more than 30% of their household's monthly gross income, adjusting for the number of bedrooms in the units.

2. Homeownership Units

- a. The area median income (AMI) requirements for a home ownership unit must be based on the AMI data for Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development (HUD), adjusted for household size.
- b. The maximum sales price must not exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development, adjusted by household size.

F. Plans to Conform

Upon the face of the permit plans, and as a condition of the building permit for improvement of real property subject to the affordability requirement, the Applicant must acknowledge by signature, for itself its successors and assigns on the permit plans, that it will satisfy the affordable dwelling unit requirements and certify which floor plans to be built within the property will be the affordable units and the number of units to be designated affordable within each floor plan type.

G. Certificate of Occupancy

No temporary or final Certificate of Occupancy will be issued until a LURA in the form provided by the City is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for Certificate of Occupancy.

H. Deed Restriction of Homeownership Units

1. In the event an affordable workforce housing unit is sold to an income-qualified buyer and not a qualified administrator, the applicant must ensure the unit is deed restricted so that the unit may only be sold to a household having an income, as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development, that meets the affordability requirements.
2. The deed restriction must indicate the original AMI designation for the unit and establish that the maximum sales price may not exceed the updated workforce owner housing maximums for the original AMI designation at the time of the sale as established by the City of Atlanta Office of Housing and Community Development, adjusted by household size.

I. Calculation of In-Lieu Option

1. In-lieu fees are a public record and are calculated yearly to reflect the current market. Rates will be published and available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year.
2. The in-lieu fees for affordable workforce rental units are based on the approximate cost of construction of replacement affordable workforce housing units that were not built on-site plus administrative costs.
3. The in-lieu fees for affordable workforce homeownership units are based on the difference between the average home value for the area and the affordable purchase price for households meeting the AMI requirement for an affordable workforce housing unit.
4. The in-lieu fee for a project must be equivalent to the applicable in-lieu fee category, as published on the City of Atlanta Department of City Planning website, multiplied by the percentage of total units in the project that are required to meet the affordable dwelling housing unit requirement.

J. Density Bonus

1. Where a development does not meet the applicability for an Affordable Housing Bonus according to *Sec. XX. Affordable Housing Bonus*, a development in compliance with the affordability requirements of this Division will be entitled to a 15% FAR increase above the floor-area ratio set by the current zoning for the development.

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2. In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in *Sec. XX. Transfer of Development Rights*. In the event construction of all or a portion of the density bonus would exceed the maximum FAR set forth in the City's Comprehensive Development Plan, if any, Applicant will only be entitled to apply for Transfer of Development Rights for such excess portion.
3. Evidence of a development exercising the density bonus on-site will be entitled to an increase of the maximum parking requirements of *Sec. XX. Vehicle Parking*, if necessary, but only commensurate with the number of spaces required in accordance with the density bonus granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum outdoor amenity space requirements set by the underlying zoning district for the development.

K. Parking Incentive

1. Where a project has a minimum parking requirement according to *Sec. XX. Vehicle Parking*, a development in compliance with the affordability requirements of this Division will be entitled to a reduction in the minimum parking requirements.
2. For residential uses, there will be no minimum parking requirement.
3. For nonresidential uses in a mixed-use development, the minimum parking requirement set by *Sec. XX. Vehicle Parking* will be reduced by 25%.

L. Application Review

1. Where review is required by a Design Review Committee, a development that will meet the on-site affordability requirement will be entitled to an expedited review. Once a complete application is submitted, all Design Review Committee comments must be given to the City of Atlanta Office of Zoning and Development within 14 days.
2. A development that will meet the on-site affordability requirement will be given major project status and will be afforded a "Major Projects Meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

M. Monitoring and Enforcement

1. The City of Atlanta's Office of Buildings will enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development will enforce the affordability requirement after issuance of the certificate of occupancy and oversee compliance of qualified administrators.
2. Each development must comply with reporting requirements set forth in the LURA or the land use declaration, as applicable, as described in *Sec. XX. Definitions*.
3. No development will maintain its eligibility for incentives under this Division unless a valid LURA or land use declaration, as applicable, remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA or land use declaration, as applicable. The City may take any other legal remedies allowed under the LURA or land use

declaration, as applicable, including but not limited to seeking an injunction to prevent the leasing or sale of units that would cause the project to exceed the number of market rate units to be leased under the LURA or sold under the land use declaration, as applicable.

4. Violations of the requirements in this Division will be subject to the penalties outlined in *Sec. XX. Enforcement*.

N. Reporting

The Office of Housing and Community Development will provide a status report every 2 years on the program. The report will include the number of affordable units created pursuant to this Division, the dollar amount of in lieu fees collected, and the dollar amount of in lieu fees expended.

O. Severability

It is declared the intention of the City of Atlanta that the provisions of any part of this Division are severable. If any court of competent jurisdiction shall adjudge any provision of this Division to be invalid, such judgment will not affect any other provision of this Division not specifically included in the judgment. If a court of competent jurisdiction adjudges invalid the application of any provision of this chapter to a particular property, development, building or structure, such judgment will not affect the application of said provision to any other property, development, building or structure not specifically included in said judgment.

Sec. 5.3.2. Affordable Workforce Housing (H)

A. Applicability

1. All improvement of real property in the Beltline (BL) Overlay District, as defined by *Sec. XX. Beltline (BL) Overlay District*, regardless of the number of parcels, upon which 10 or more new residential rental dwelling units will be constructed at one location, must comply with the requirements of this Section.
2. Affordable Workforce Housing regulations apply to any lot with a Affordable Workforce Housing (H) Overlay District designation on the zoning map.
3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

Providing a range of affordable housing choices for working persons in the Beltline Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. The purpose of this Section is to increase the availability of housing choices for individuals and families earning at or below 80% of the area median income ("AMI") or at or below 60% of AMI.

Therefore, policies to promote these objectives will serve to:

1. Implement the goals, policies, and objectives contained in the City's Comprehensive Development Plan;

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2. Ensure diverse housing options continue to be available for persons households at or below AMI;
3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;
4. Ensure the availability of housing with better access to jobs in the city and thereby promoting household economic mobility through increased access to MARTA and other public transit;
5. Improve the opportunity for working people to elevate their economic status;
6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Beltline Overlay District;
7. Afford developers of residential development the flexibility to meet the broad objectives of the City's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and
8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

C. On-site Affordability Requirement

1. At least 15% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 80% of AMI; or
2. At least 10% of the total residential rental units shall be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 60% of AMI.
3. Units actively marketed for lease in accordance with the terms of the LURA will be considered to be in compliance with the requirements of this Section.

D. In-Lieu Option

1. In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the Beltline Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit.
2. In-lieu fees are calculated according to *Sec. XX. Calculation of In-Lieu Option*.

Sec. 5.3.3. Westside Affordable Workforce Housing (WH)**A. Applicability**

Westside Affordable Workforce Housing regulations apply to any lot with a Westside Affordable Workforce Housing (WH) Overlay District designation on the official zoning map. These regulations are as follows:

1. All improvement of real property in the Westside Affordable Workforce Housing Overlay District, regardless of the number of parcels, upon which 10 or more new residential rental dwelling units will be constructed at one location, must comply with the requirements of this Section.

2. The provisions of this Section do not apply to residential rental developments governed by *City Code Section 54-1(c)* (publicly-subsidized multi-family residential property), in which case said code section will govern the provision of affordable housing.
3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

Providing a range of affordable housing choices in the Westside Affordable Workforce Housing Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. The purpose of this Section is to increase the availability of housing choices for individuals and families earning at or below 60% or at or below 80% of the area median income ("AMI").

Therefore, City policies that promote these objectives will serve to:

1. Implement the goals, policies, and objectives contained in the City's Comprehensive Development Plan;
2. Ensure diverse housing options continue to be available for persons households at or below AMI;
3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;
4. Ensure the availability of housing with better access to jobs in the city and thereby promoting household economic mobility through increased access to MARTA and other public transit;
5. Improve the opportunity for working people to elevate their economic status;
6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Westside Affordable Workforce Housing Overlay District;
7. Afford developers of residential development the flexibility to meet the broad objectives of the City's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and
8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

C. On-Site Affordability Requirement

1. At least 15% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 80% of AMI; or
2. At least 10% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 60% of AMI.

3. Units actively marketed for lease in accordance with the terms of the LURA will be considered to be in compliance with the requirements of this Section.

D. In-Lieu Option

1. In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the Westside Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit.
2. In-lieu fees are calculated according to *Sec. XX. Calculation of In-Lieu Option.*

Sec. 5.3.4. Northwest Atlanta Affordable Workforce Housing (NWH)

A. Applicability

Northwest Atlanta Affordable Workforce Housing regulations apply to any lot with a Northwest Atlanta Affordable Workforce Housing (WPH) Overlay District designation on the official zoning map. These regulations are as follows:

1. All improvement of real property in the Northwest Atlanta Affordable Workforce Housing Overlay District, regardless of the number of parcels, upon which 10 or more new residential rental or residential for sale dwelling units will be constructed at one location, must comply with the requirements of this Section.
2. The provisions of this Section do not apply to developments governed by *City Code Section 54-1(c)* (publicly-subsidized multi-family residential property), in which case said code section will govern the provision of affordable housing.
3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

Providing a range of affordable housing choices in the Northwest Atlanta Affordable Workforce Housing Overlay District is a difficult but vital objective. Housing shortages for persons of various income levels are detrimental to the public health, safety and welfare, causing detrimental transportation, environmental, business and social consequences. Furthermore, the creation of both rental and homeownership housing is desirable, and the use of qualified administrators to administer homeownership units lessens the cost and administrative burden for developers and the public alike. The purpose of this Section is to increase the availability of housing choices for individuals and families earning at or below 60% or at or below 80% of the area median income ("AMI").

Therefore, city policies that promote these objectives will serve to:

1. Implement the goals, policies, and objectives contained in the City's Comprehensive Development Plan;
2. Ensure diverse housing options continue to be available for persons or households at or below AMI;

3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;
4. Ensure the availability of housing with better access to jobs in the city and thereby promoting household economic mobility through increased access to MARTA and other public transit;
5. Improve the opportunity for working people to elevate their economic status;
6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Northwest Atlanta Affordable Workforce Housing Overlay District;
7. Afford developers of residential development the flexibility to meet the broad objectives of the city's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and
8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

C. On-Site Affordability Requirement

1. Rental Units

- a. At least 15% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 80% of AMI; or
- b. At least 10% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 60% of AMI.
- c. At least 5% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 30% of AMI.
- d. Units actively marketed for lease in accordance with the terms of the LURA will be considered in compliance with the requirements of this Section.

2. Homeownership Units

- a. At least 10% of the total dwelling units must be made available for sale to qualified administrators as defined in this Division, or, in the event no qualified administrator can be identified, to households having an income as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development that does not exceed either 80% of AMI or 120% of AMI. The percentage of units at 80% of AMI and the percentage of units at 120% of AMI must be equal. In the event there is an odd number of required affordable workforce home ownership units, the developer may choose whether the last unit will be at either 80% AMI or at 120% AMI.
- b. Units actively marketed for sale in accordance with the terms of the Land Use Declaration will be considered to be in compliance with the requirements of this Section.

D. In-Lieu Option

1. In lieu of compliance with the on-site affordability requirement, the applicant may elect to pay an in-lieu fee to the city to be deposited into the Northwest Atlanta Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit.
2. In-lieu fees are calculated according to *Sec. XX. Calculation of In-Lieu Option.*

DIVISION 5.4. **ARCHITECTURAL DESIGN OVERLAYS**

Sec. 5.4.1. **Traditional Neighborhood (TN) Overlays**

A. Applicability

Traditional Neighborhood regulations apply to any lot with a Traditional Neighborhood (TN) Overlay District designation on the official zoning map.

B. Standards for House-Scale and Neighborhood-Scale Form Districts

1. General

- a. These standards apply when the underlying zoning is a House-Scale (H-) or Neighborhood-Scale (N-) Form District.
- b. Buildings with more than two dwelling units, or containing commercial, civic, and institutional uses, may instead use the Urban General (UG-) standards.

2. Exterior Walls

- a. Exterior wall materials must be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, or stone.
- b. Horizontal wood and cementitious clapboard siding must have a maximum exposed width of 6 inches.
- c. No more than two exterior wall materials are permitted, not including windows, doors, or foundations.
- d. Brick and stone may not be located above clapboard siding.

3. Windows

- a. Windows facing a primary street, side street, or side lot line must be double-hung.
- b. Each double-hung window must have wood trim between 4 and 6 inches wide and a bottom sill. Windows installed in groups must include center mullions that are 2 inches wider than the side trim.
- c. Windowsills facing a primary or side street must be set between 2.5 and 3 feet above the finished floor elevation.
- d. Grilles-between-glass and muntins placed between layers of glass are not permitted.

4. Roofs

- a. Primary roof forms must be gable or hipped with a pitch of at least 4:12.
- b. Secondary roof forms:
 - i. May be shed roofs with a pitch of at least 3:12.
 - ii. May not exceed 25 percent of the building footprint.

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- iii. Must be located to the rear of the primary structure.
- iv. May not extend above the top of the primary roof form.
- c. Flat roofs are not allowed.
- d. Rooftop decks, roof walks, and similar occupiable roof areas are not allowed facing a primary or side street, nor within 20 feet of a primary street-facing façade.

5. Foundations

- a. Foundations facing a primary or side street must be exposed between 2 and 4 feet above finished grade. Slab on grade foundations are not allowed.
- b. Exposed foundations facing a primary or side street must form a distinct design element and must contrast with the exterior wall material.
- c. All exposed foundations must be faced with brick, stone, or hard-coat stucco. Standard unfinished concrete block and stacked stone are not permitted.

C. Standards for Urban General Form Districts**1. General**

These standards apply when the underlying zoning is an Urban General (UG-) Form District, and when they are otherwise authorized for use in House-Scale (H-) or Neighborhood-Scale (N-) Form Districts.

2. Exterior Walls

- a. The first 3 stories of facades facing a primary or side street must be articulated with windows, belt courses, cornice lines, or similar architectural detailing.
- b. Exterior wall materials facing a primary or side street must be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, stone, cast stone, architectural metal panels, or true hard-coat stucco.
- c. Exterior wall materials facing a side or rear lot line may be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, stone, cast stone, architectural metal panels, true hard-coat stucco, concrete masonry units, split-faced concrete, or split-faced block.
- d. Horizontal wood and cementitious clapboard siding must have a maximum exposed width of 6 inches.
- e. No more than two exterior wall materials are permitted, excluding windows, doors, and foundations.
- f. Brick, stone, cast stone, concrete masonry units, split-faced concrete, and split-faced block may not be located above architectural metal panels, clapboard siding, or true hard-coat stucco.
- g. True hard-coat stucco may not be located above clapboard siding.

3. Windows

Grilles-between-glass and muntins placed between layers of glass are not permitted.

4. Roofs

Roof forms must be either:

- a. Gable, pitched, or hipped with a minimum pitch of 4:12; or
- b. Flat and enclosed by a parapet wall at least 3 feet high along all street-facing facades.

5. Foundations

- a. Residential foundations facing a primary or side street must be exposed at least 2 feet above finished grade.
- b. Residential slab-on-grade foundations are not permitted along primary or side streets.
- c. Exposed foundations facing a primary or side street must form a distinct design element and must contrast with the exterior wall material.
- d. All exposed foundations must be faced with brick, stone, or hard-coat stucco. Standard unfinished concrete block and stacked stone are not permitted.

Sec. 5.4.2. Traditional Commercial (TC) Overlays

A. Applicability

Traditional Commercial regulations apply to any lot with a Traditional Commercial (TC) Overlay District designation on the official zoning map.

B. Building Facades

1. Buildings equal or less than 7 stories must have facades divided into 3 distinct horizontal parts as follows:
 - a. A base, which must include the ground story.
 - b. A shaft, which must include the second story through the bottom 1/2 of the floor immediately below the top story.
 - c. A cap, which must include a belt course located at the line defining the top 1/2 of the top story or a cornice located on a parapet wall above the top story.
2. Buildings with 8 or more stories must have facades divided into 3 distinct horizontal parts as follows:
 - a. A base, which must include the ground story and the second story, but must not extend above the third story.
 - b. A shaft, which must extend from above the base, but must not extend into the top story of the building.

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- c. A cap, which must, at a minimum, include the top story and may include up to the top 3 stories.
3. Within the shaft, windows are subject to the following:
 - a. Must be equal in size.
 - b. Must be greater in height than width.
 - c. Must be arranged in a grid pattern.
 - i. The total surface area of the street-facing facade treated as windows must be between 45% and 85%.

C. Balconies

1. Street-facing balconies must not extend greater than 18 inches beyond the building facade and must not be inset greater than 18 inches into the facade.
2. Non-street facing balconies sidewalk do not have any requirements.
3. The underside of balconies must not have exposed wood framing.
4. Awnings and canopies are subject to the following:
 - a. Must be cloth, canvas, metal or glass.
 - b. Must not be internally lit.
 - c. Must be directly above a window or storefront and must reflect the shape of the window or storefront.

D. Windows

1. Street-facing windows must be one of the following types: True divided, simulated divided, or one-over-one. Flat “snap-in” muntins and mullions and those between layers of glass are prohibited.
2. Windows, including display windows, but not transoms, must be greater in height than in width.
3. When dropped ceilings are located below the head of a window, display window or transom at the ground story, the dropped ceiling must be recessed a minimum of 18 inches from the window opening.
4. Street facing windows not located at sidewalk-level are subject to the following:
 - a. Must include sills of masonry, stone, cast stone, or terra cotta.
 - b. Must include windowpanes recessed a minimum of 3 inches from the adjacent facade.

E. Facade Treatment

1. Street-facing facades must be brick, cast stone, unpolished or unpainted stone, or unpainted terra cotta.

2. Street-facing cornices, wall details and decorations must be brick, stone, cast stone, terra cotta, or painted metal except that cornices, wall details and decorations located at a height greater than 45 feet above the required sidewalk may be fiberglass or composite materials. Cornice lines must be predominantly horizontal in character.
3. Non-street facing facades must be brick, cast stone, unpainted stone, unpainted terra cotta, stucco, or concrete masonry units, with the exception of widows and openings in parking structures.