

CHAPTER 7.

LEGACY DISTRICTS

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DIVISION 7.1. **FORT MCPHERSON (FM)**

Sec. 7.1.1. **Intent**

- A. The intent of the Council in establishing Fort McPherson as a Legacy District is as follows:
1. Preserve, protect and foster the redevelopment of Fort McPherson through the integration of transportation and land planning in a way that balances local, regional, and state economic benefits;
 2. Preserve and protect Fort McPherson's historic buildings and sites as recognized by the inclusion of buildings on the National Register of Historic Places and appropriately integrate them into the revitalization and redevelopment of the property;
 3. Encourage the development of housing that provides a range of opportunities for citizens within the District;
 4. Encourage a compatible mixture of residential, commercial, industrial, and civic uses;
 5. Create an urban environment where people can live, work, meet and play;
 6. Promote pedestrian safety by providing for pleasant and convenient sidewalk level pedestrian circulation that minimizes impediments by vehicles;
 7. Encourage the use of MARTA and other public transit facilities;
 8. Enhance the efficient utilization of accessible and sufficient parking facilities in an unobtrusive manner, including encouraging shared parking and alternative modes of transportation;

Sec. 7.1.2. **District Boundaries**

- A. The boundaries of the Fort McPherson Legacy District are as shown on the zoning map. The district is divided into 4 subareas, as shown on the official zoning map, which are described as follows:
1. Subarea 1. Market District
 2. Subarea 2. Heritage District
 3. Subarea 3. Campbellton Road District
 4. Subarea 4. Western District
- B. All subareas are regulated by both conventional zoning and development standards and guidelines. The intent of these standards is to establish clear minimum development standards, allow for the orderly progression of development, and provide flexibility over time without compromising the goals and objectives of the Fort McPherson Legacy District.
- C. In addition, certain properties within Fort McPherson Legacy District will be considered to be historic properties for the purposes of this Division, as listed below:

Building ID	Description	Treatment Upon Transfer
N/A	Hedekin Parade Field	SHPC
Staff Row		
1	Officers' Quarters	SHPC
2	Officers' Quarters	SHPC
3	Officers' Quarters	SHPC
4	Officers' Quarters	SHPC
5	Officers' Quarters	SHPC
6	Officers' Quarters	SHPC
7	Officers' Quarters	SHPC
8	Officers' Quarters	SHPC
9	Officers' Quarters	SHPC
10	Officers' Quarters	SHPC
11	Officers' Quarters	SHPC
12	Officers' Quarters	SHPC
13	Officers' Quarters	SHPC
14	Officers' Quarters	SHPC
15	Officers' Quarters	SHPC
16	Officers' Quarters	SHPC
17	Officers' Quarters	SHPC
18	Officers' Quarters	SHPC
19	Officers' Quarters	SHPC
20	Officers' Quarters	SHPC
22	WWI - Walker Avenue	SHPC
Colquitt Street		
23	Staff Row Garage	SHPC
24	Staff Row Garage	SHPC
25	Staff Row Garage	SHPC
26	Staff Row Garage	SHPC
29	Staff Row Garage	SHPC
30	Staff Row Garage	SHPC
31	Staff Row Garage	SHPC
32	Staff Row Garage	SHPC
33	Staff Row Garage	SHPC
34	Staff Row Garage	SHPC
35	Staff Row Garage	SHPC
Hardee Street		
40	Guest House	SHPC
41	Historic Post HQ	SHPC
42	Chapel	SHPC
Haney Plaza		

Key: SHPC= Select Historic Property with Covenants, NC = No Covenants

Building ID	Description	Treatment Upon Transfer
46	Ex Red Cross Building	SHPC
47	Administrative Building	SHPC
50	Printing Service	SHPC
51	Chaplain Office	SHPC
52	Administrative Building	SHPC
53	Red Cross Facility	SHPC
54	Storage Facility	SHPC
Troop Row		
56	Administrative Building	SHPC
57	Administrative Building	SHPC
58	Administrative Building	SHPC
59	Administrative Building	SHPC
60	Administrative Building	SHPC
61	Administrative Building	SHPC
62	Administrative Building	SHPC
63	Administrative Building	SHPC
65	Administrative Building	SHPC
Hardee Avenue		
100	Administrative Building	SHPC
101	Administrative Building	SHPC
102	Security Police Building	SHPC
104	Union Facility	SHPC
Anderson Way		
128	Administrative Building	NC
129	Administrative Building	NC
130	Administrative Building	NC
131	Administrative Building	NC
Bartow Street		
136	N.C.O. Quarters	SHPC
137	N.C.O. Quarters	SHPC
138	N.C.O. Quarters	SHPC
139	N.C.O. Quarters	SHPC
140	N.C.O. Quarters	SHPC
141	N.C.O. Quarters	SHPC
142	N.C.O. Quarters	SHPC
144	Theater Film Vault	SHPC
Bates Circile		
160	Boiler House	SHPC
Hardee Avenue		
167	Administrative Building	SHPC

Key: SHPC= Select Historic Property with Covenants, NC = No Covenants

Building ID	Description	Treatment Upon Transfer
168	Transient Housing	SHPC
169	IMCOM South East	SHPC
170	IMCOM South East	SHPC
171	IMCOM South East	SHPC
Cobb Street		
180	Post Theater	SHPC
181	D.P.W. Facility	SHPC
183	Post Theater	SHPC
184	Rice Hall	SHPC
186	Laundry Facility	NC
Deshler Street		
326	MARS Station	
Walker Drive, Baseball and Softball Complex		
403	Dugout	NC
404	Dugout	NC
405	Dugout	NC
407	Dugout	NC
408	Dugout	NC
Thorne Avenue and Michael Place		
409	N.C.O. Quarters	NC
410	N.C.O. Quarters	NC
Van Horn and Miller Drive		
422	Gymnasium	NC
Miller Drive		
455	Shooting Range	NC
Miller Drive		
506	Family Housing	NC
507	Family Housing	NC
508	Family Housing	NC
509	Family Housing	NC
510	Family Housing	NC
512	Family Housing	NC
Wetzel Drive		
515	Family Housing	NC
522	Lee Hall	NC
Murphy Circle		
523	Family Housing	NC
524	Family Housing	NC
525	Family Housing	NC
526	Family Housing	NC

Key: SHPC= Select Historic Property with Covenants, NC = No Covenants

Building ID	Description	Treatment Upon Transfer
527	Family Housing	NC
528	Family Housing	NC
Miller Drive		
532	Family Housing	SHPC
533	Family Housing	NC
535	Family Housing	NC
536	Family Housing	NC
537	Family Housing	NC
538	Family Housing	NC
Miller Drive		
601	Family Housing	NC
602	Family Housing	NC
603	Family Housing	NC
604	Family Housing	NC
605	Family Housing	NC

Key: SHPC= Select Historic Property with Covenants, NC = No Covenants

Sec. 7.1.3. Administrative Procedures

- A. Development Review is required for certain projects in the Fort McPherson Legacy District in accordance with *Sec. XX. Development Review*.
- B. In addition to all review processes specified in *Sec. XX. Development Review*, all applications for proposals on or are located within 50 ft of a building or site listed as a historic property in this Division will be referred to the Director of the Atlanta Urban Design Commission for review. The Director of the Atlanta Urban Design Commission or their designee in the Office of Design, will be required to review and approve the proposed work per the requirements set forth in this Division prior to final issuance of the building permit by the Office of Zoning and Development.

Sec. 7.1.4. Use Standards

A. General

See the Permitted Use Table below for permitted principal and accessory uses and uses requiring a special use permits.

B. Principal Uses

1. A building or premise may be used only for the principal purposes as indicated with a "P" in the Permitted Use Table.
2. For the purposes of this Division, uses at sidewalk-level in what would otherwise be classified as an independent primary parking structure will not constitute principal uses.

C. Accessory Uses and Structures

Accessory uses and structures are permitted in this district and include those customarily accessory

and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district urban gardens, and market gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities all subject to the restrictions set forth in this Division.

D. Special Use Permits

Special use permits are required as indicated with “S” in the Permitted Use Table. These uses will be subject to the limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in *Sec. XX. Legislative Review*.

E. Permitted Use Table

Use Category Specific Use	Subarea 1: Market District	Subarea 2 : Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District
RESIDENTIAL USES				
Household Living				
General household living	P	P	P	P
Group Living				
General supervised group living	--	P*	P*	P*
PUBLIC AND INSTITUTIONAL USES				
Civic				
General civic	P	P	P	P
Library or museum, private	P	P	P	P
Religious assembly	P	P	P	P
Private Education				
General private education	P	P	P	P
College or university, private	P	P	--	--
Commercial school	P	P	P	P
Day care, private	P	P	P	P
Parks and Open Space				
General parks and open space	P	P	P	P
Wireless Telecommunication				
Type V: Non-small wireless structure	S*	S*	S*	S*
COMMERCIAL USES				
Agriculture				
Farmers market	P*	P*	P*	P*
Urban garden	P	P	P	P

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, See *Div. 4.3. Specific Use Standards*

Use Category Specific Use	Subarea 1: Market District	Subarea 2 : Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District
Entertainment and Recreation				
General indoor entertainment and recreation	P	P	P	P
Club, private				
Up to 5,000 SF	P	P	P	P
Above 5,000 SF	S	S	S	S
Party house	S*	S*	S*	S*
Food and Beverage				
General food and beverage	P	P	P	P
Lodging				
General lodging	P	P	--	--
Bed and breakfast	--	P*	P*	--
Short-term rental	P*	P*	P*	P*
Medical				
General medical	P	P	P	--
Office				
General office	P	P	--	--
Parking				
Commercial parking structure	S	S	--	--
Personal Service				
General personal service	P	P	P	--
Hair or nail salon	P	P	P	P
Laundry service				
Up to 2,500 SF	P	P	P	P
Above to 2,500 SF	--	--	--	--
Retail				
General retail	P	P	P	P
Retail bank	P	P	P	P
Small discount variety store	P*	P*	P*	P*
Vehicle Sale and Service				
Vehicle sale and rental, light	P*	P*	--	--
Vehicle service and repair, light	P*	P*	--	--
ACCESSORY USES				
Drive-in	P*	P*	--	--
Drive-thru, enclosed	P*	P*	--	--

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

Use Category	Subarea 1: Market District	Subarea 2 : Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District
Specific Use				
Drive-thru, unenclosed	P*	P*	--	--
TEMPORARY USES				
General temporary event				
Up to 90 days	S	S	S	S
Beyond 90 days	S	S	S	S

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, See *Div. 4.3. Specific Use Standards*

Sec. 7.1.5. Lot and Building Standards

A. Development Controls

All development in the Fort McPherson Legacy District must meet the following standards:

	Subarea 1: Market District	Subarea 2 : Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District
FAR (max)				
Nonresidential FAR (max)	4.0 NLA	3.0 NLA	3.0 NLA	3.0 NLA
Residential FAR (max)	3.2 GLA	2.0 GLA	2.0 GLA	2.0 GLA
Facade setback (min)	70'	70'	70'	70'
Building height (max)				
1 or 2-units	35'	35'	35'	35'
All other primary structures	120'	120'	75'	75'
Streetscape				
Amenity zone	Required	Required	Required	Required
Pedestrian zone	Required	Required	Required	Required
Building setbacks (min)				
Street setback				
Nonresidential ground story	0'	0'	0'	0'
Residential ground story	5'	5'	5'	5'
Side setback	None	None	7'	7'
Rear setback	None	None	10'	10'

B. Open Space Requirements

1. Each development site must provide 15% outdoor amenity space as defined in *Sec. XX. Outdoor Amenity Space*.
2. The total minimum outdoor amenity space required for this Legacy District will be 1,500,000 square feet. At the time of submittal of development plans the applicant must demonstrate the amount of outdoor amenity space associated with the development. Each development must clearly identify the amount of outdoor amenity space that is proposed as a component of the larger requirement.

Sec. 7.1.6. Development Standards

A. General

All projects in the Fort McPherson Legacy District are required to meet the standards of *Ch. 8. Development Standards*, unless otherwise noted in this Section.

B. Parking Lot Landscaping

The requirements of City of Atlanta Code of Ordinances, *Chapter 158 Vegetation, article II Tree protection, Section 30* Parking lot requirements apply to this district except as modified as follows:

1. Said parking lot requirements will apply to all lots regardless of size;
2. All parking bays must be terminated with a landscaped strip a minimum width of 6 feet and equal to the length of the parking bay.

C. On-Site Parking Requirements

1. This district will have no parking minimum or maximum. Parking must be demonstrated at the time of each application for development.
2. All parking areas and structures must have delineated pedestrian access at a minimum width of 4 feet connecting parking to the required sidewalks and building entry features.
3. For any office use, the following applies:
 - a. All office developments over 100,000 square feet must reserve and designate at least 5% of the parking spaces "Carpool Only." Such spaces must be located near the building's entrance or other preferable locations within the employee parking areas as approved by the Commissioner of the Department of Transportation; and
 - b. All new parking structures must be built to accommodate vanpool access at entry level. The minimum ceiling height for vanpools is 8'-2".

Sec. 7.1.7. Historic Building Standards

- A. All exterior work, on or located within 50 ft. of a building or site listed as historic in this Division that requires Development Review (see *Sec. XX. Development Review*), must comply with the following requirements:

1. Every reasonable effort must be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
2. The distinguishing original qualities or character of a building, structure or site and its environment must not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
5. Deteriorated architectural features must be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
7. Painting of unpainted exterior masonry surfaces will be prohibited.
8. Contemporary design for alterations and additions to existing properties must not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. Wherever possible, new additions or alterations to buildings, structures or sites must be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
10. Considerations on proposed moving of structures, in whole or in part, must include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference will be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference will be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural or cultural character.
11. The height or width of any alteration or addition must not exceed the height or width of the existing building, and any additions shall be located to the rear of the building.
12. Any major alterations to the hardscape, landscape or topography must:
 - a. Maintain the spatial organization of any original open space around the building or on the site;
 - b. Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - c. Ensure that any new grades shall meet the existing topography in a smooth transition;

- d. Retain any existing historic circulation systems, including driveways, walkways and paths; and
 - e. Ensure that any new circulation systems and substantial reconstruction of existing circulation systems is compatible with the existing circulation systems with respect to layout, scale, materials, and topographic siting.
13. Signs attached to buildings must be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.

DIVISION 7.2. **BUCKHEAD VILLAGE (BV)**

Sec. 7.2.1. **Intent**

- A. The intent of the council in establishing the Buckhead Village Legacy District is as follows:
1. To encourage the redevelopment of properties within the Buckhead Village consistent with the community vision established in the City of Atlanta Comprehensive Development Plan, the 1999 Vision for the Buckhead Village, the 2001 Buckhead LCI Plan, 2005 Buckhead Village Parking & Circulation Study, and the 2007 Piedmont Area Transportation Plan;
 2. To provide for a balanced mix of office, retail, commercial, residential and related uses within the Buckhead Village Legacy District so as to serve the needs of the Buckhead community, surrounding residential neighborhoods, and specialty shoppers and visitors;
 3. To provide for appropriate transitions from the high intensity areas along Peachtree Road to the mixed-use character of the surrounding village areas and the lower density residential neighborhoods that border the district and to prevent incompatible commercial uses and parking in residential neighborhoods;
 4. To implement the community vision through the provision of specific graphic standards to provide a pleasing, cohesive urban aesthetic for the district through vibrant, quality design;
 5. To ensure the safe and convenient movement of pedestrians within Buckhead Village through the provision of adequate and accommodating streetscapes and to reduce pedestrian and vehicular conflicts by providing clear delineated streetscapes for pedestrian movement;
 6. To reduce auto dependency and create opportunities for increasing the use of alternative transportation modes thereby mitigating traffic congestion, noise, and other negative impacts that detract from the village and surrounding neighborhoods;
 7. To increase connectivity for all transportation modes within the district and between the district and other areas;
 8. To provide a cooperative means for meeting parking needs within the village;
 9. To create incentives for the provision of public facilities and functional, publicly-accessible open spaces;
 10. To encourage and implement environmentally-responsible development;
 11. To provide a range of housing types to meet varying housing needs; and
 12. To make more predictable, streamline, and expedite the permitting process for developments meeting the intent and requirements of the district regulations.

Sec. 7.2.2. **District Boundaries**

- A. The boundaries of the Buckhead Village Legacy District are as shown on the zoning map. The district is divided into 4 subareas, as shown on the official zoning map, which are described as follows:
1. Subarea 1: Core Village;

2. Subarea 2: Corridor Areas;
3. Subarea 3: Extended Village;
4. Subarea 4: Peachtree/Piedmont.

Sec. 7.2.3. **Administrative Procedures**

A. Administrative Relief

Administrative Relief will be reviewed as a Certificate of Administrative Variation according to *Sec. XX. Administrative Relief*.

B. Variances

Administrative relief for the following may only be authorized by action of the Board of Zoning Adjustment (BZA):

1. A reduction of required transitions where the boundaries of Buckhead Village Legacy District adjoin any residential district outside of Buckhead Village Legacy District without an intervening street;
2. A reduction of outdoor amenity space requirements as specified in these Buckhead Village Legacy District regulations;
3. A reduction of public access or public spaces as specified in these Buckhead Village Legacy District regulations; and
4. An increase of the maximum height as specified in these Buckhead Village Legacy District regulations.

C. Transfer of Development Rights

Any project seeking a Transfer of Development Rights must meet the following requirements in addition to the requirements of *Sec. XX. Transfer of Development Rights*:

1. The FAR for each parcel within Buckhead Village Legacy District must be as depicted on Regulating Map A: Bulk Limitations (see *Sec. XX. Regulating Maps*) except where modified by any zoning or Special Use Permit condition.
2. Where the Official Zoning Map would allow FAR different than the FAR shown on Regulating Map A: Bulk Limitations, the FAR shown on Regulating Map A: Bulk Limitations will control provided, however, that Regulating Map A: Bulk Limitations will not control any zoning or Special Use Permit condition.
3. The FAR allowed in Buckhead Village Legacy District may be increased by the application of bonuses as set forth in these regulations provided, however, that amendments to the Official Zoning Map allowing a parcel additional FAR above the existing FAR for that parcel by the application of such bonuses must be made as set forth in *Sec. XX. Legislative Amendment* for a change in condition of zoning with the following modifications:

- a. The application must include calculations showing the current permitted FAR and the proposed FAR and the type of bonus which is to be applied to increase the FAR to the proposed level;
- b. The impact analysis for the proposed increase in FAR by this change of condition with respect to each of the matters enumerated in *Sec. XX. Legislative Amendment* must discuss the effect of the increased FAR rather than the impact which would be associated with proposed change in a zoning classification; and
- c. The public notice required by *Sec. XX. Legislative Amendment* must include existing FAR, proposed FAR, the proposed maximum allowable FAR and the type of bonus which is to be applied to allow the increase of FAR to the proposed level.

Sec. 7.2.4. Use Standards

A. Permitted Uses

1. See the Permitted Use Table below for permitted principal and accessory uses and uses requiring a special use permits.
2. A building or premise may be used only for the principal purposes as indicated with a “P” in the Permitted Use Table.
3. Prohibited uses are indicated with ‘--’ in the Permitted Use Table.

B. Special Use Permits

Special use permits are required as indicated with “S” in the Permitted Use Table. These uses will be subject to the limitations and requirements set herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in *Sec. XX. Legislative Review*.

C. Permitted Use Table

Use Category Specific Use	Subarea 1: Core Village	Subarea 2: Corridor Areas	Subarea 3: Extended Village	Subarea 4: Peachtree / Piedmont	Ground Story Active Uses
RESIDENTIAL USES					
Household Living					
General household living	P	P	P	P	Only if multi-unit dwellings
Group Living					
General supervised group living	S*	S*	S*	S*	No
Emergency shelter	S*	S*	S*	S*	No
PUBLIC AND INSTITUTIONAL USES					

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, See *Div. 4.3. Specific Use Standards*

Use Category Specific Use	Subarea 1: Core Village	Subarea 2 : Corridor Areas	Subarea 3: Extended Village	Subarea 4: Peachtree / Piedmont	Ground Story Active Uses
Civic					
General civic	P	P	P	P	No
Community center, private	P	P	P	P	Yes
Library or museum, private	S	S	S	S	Yes
Religious assembly	S	S	S	S	Yes
Private Education					
General private education	--	S	S	--	Yes
College or university, private	S	S	S	S	Yes
Commercial school	S	S	S	S	Yes
Day care, private	P	P	P	P	Yes
Parks and Open Space					
General parks and open space	P	P	P	P	Yes
Cemetery	--	--	S	--	No
Utility					
General utility	P	P	P	P	No
Wireless Telecommunication					
Type IV: Small wireless structure	P*	P*	P*	P*	No
Type V: Non-small wireless structure	S*	S*	S*	S*	No
COMMERCIAL USES					
Agriculture					
Farmers market	S*	S*	S*	S*	N/A
Urban garden	P*	P*	P*	P*	N/A
Entertainment and Recreation					
General indoor entertainment and recreation	S	S	S	S	Yes
Club, private	S	S	S	S	Yes
Lounge or nightclub	S	S	--	S	No
Party house	P*	P*	P*	P*	No
Food and Beverage					
General food and beverage	P	P	P	P	Yes
Bakery, wholesale	P	P	--	--	Yes
Bar	P	P	P	P	Yes
Catering establishment	P	P	--	--	Yes
Lodging					

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, See *Div. 4.3. Specific Use Standards*

Use Category Specific Use	Subarea 1: Core Village	Subarea 2: Corridor Areas	Subarea 3: Extended Village	Subarea 4: Peachtree / Piedmont	Ground Story Active Uses
General lodging	P	P	S	P	Only hotel lobbies, business centers and fitness centers
Short-term rental	P*	P*	P*	P*	No
Medical					
General medical	P	P	P	P	Yes
Office					
General office	P	P	P	P	Yes
Parking					
Commercial parking lot	--	--	--	--	No
Commercial parking structure	P	P	P	P	No
Personal Service					
General personal service	P	P	P	P	Yes
Animal care, indoor	P	P	P	P	No
Funeral home	P	P	S	P	No
Hair or nail salon	P	P	P	P	Yes
Laundry service	P	P	P	P	Yes
Retail					
General retail	P	P	P	P	Yes
Grocery store	P	P	P	P	Yes
Retail bank	P	P	P	P	Yes
Small discount variety store	P*	P*	P*	P*	Yes
Transportation					
Helipad	S	S	--	S	No
Vehicle Sale and Service					
Vehicle sale and rental, light	P*	P*	P*	P*	Yes
Vehicle service and repair, light	P*	P*	P*	--	No
TEMPORARY USES					
General temporary event					
Up to 90 days	P	P	P	P	N/A
Beyond 90 days	S	S	S	S	N/A

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, See *Div. 4.3. Specific Use Standards*

D. Prohibited Uses

- Any principal use and structure not specifically listed in the Permitted Use Table is prohibited in this district. The Director is authorized to determine the classification of a use listed in this district

where such use is combined with another use or the classification of the use does not meet an applicable definition.

2. No use or manner of operation will be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

E. Supplemental Use Regulations

1. The following uses are subject to further restrictions as contained herein:
 - a. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment are permitted when located on subterranean levels, the second floor above ground story or higher, or on the ground story where the minimum active use depth as specified in *Sec. XX. Lot and Building Standards* is provided.
 - b. Fuel dispenser structures and associated vehicular services such as air pumps and car washes must not be located between the principal structure and the street.
2. Active sidewalk-level uses are required along all Type 1, 2, and 3 street frontages within Subareas 1, 2, and 4 and must have entrances opening directly either onto the sidewalk, the supplemental zone or a public space connected to the sidewalk adjacent to the street. Also, see *Sec. XX. Lot and Building Standards* and *Sec. XX. Development Standards*.

F. Accessory Uses

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 and other recreation amenities, child care facilities, greenhouses and storage and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in *Sec. XX. Development Standards* and elsewhere in this Division. No use which would not be permitted as a principal use is allowed as an accessory use, provided however that stormwater management structures approved by the Department of Watershed Management will be permitted.

G. Special Permits

The following uses are permissible only by special permits of the kinds indicated, subject to any conditions of approval of such special permit and to any additional limitations and requirements set forth herein or elsewhere in this Part, subject to the procedures and requirements set forth in *Sec. XX. Special Use Permits*.

1. Special Use Permits

As shown in the Permitted Use Table and as follows:

- a. Transfer of development rights will be permissible pursuant to a Special Use Permit or other future method as designated by the City of Atlanta. For purposes of application of this subsection to *Sec. XX. Transfer of Development Rights*, properties will be deemed to be closely proximate if both lie within the Buckhead Village Legacy District. Transfer of development rights within Buckhead Village Legacy District is permissible provided each of

the following criteria are met in addition to those set forth in *Sec. XX. Transfer of Development Rights*:

- i. Properties designated as sending areas within Buckhead Village Legacy District may transfer development rights to properties that are designated as receiving areas within Buckhead Village Legacy District as shown on Regulating Map C: Transfer Areas (see *Sec. XX. Regulating Maps*). See also *Sec. XX. Administrative Procedures*;
 - ii. Properties sending development rights are limited to transferring no more than 50% of their maximum FAR without bonuses as displayed on Regulating Map A: Bulk Limitations;
 - iii. The total height of buildings on receiving properties must not exceed the maximum building height permitted in said subarea unless granted a separate Variance. See *Sec. XX. Quasi-Judicial Review*.
- b. Changes to a site plan which were established under an existing Special Use Permit may be permitted by the Director through a minor site plan amendment provided that no other condition of the existing Special Use Permit is violated by such change.

Sec. 7.2.5. Lot and Building Standards

A. Development Controls

All development in the Buckhead Village Legacy District must meet the following standards:

Street Type (See Regulating Map B)	Setback from Sidewalk (max) ¹
Type 1	25 ft
Type 2	25 ft
Type 3	20 ft
Type 4	10 ft

¹ A minimum of 60% of each property must be fronted by buildings no greater than the maximum distance listed by street type classification from the back of the required sidewalk.

	Subarea 1: Core Village	Subarea 2: Corridor Areas	Subarea 3: Extended Village	Subarea 4: Peachtree / Piedmont
Bulk Limitations¹				
FAR without Bonus (max)	See Regulating Map A. Bulk Limitations			

¹ Maximum FAR for development projects not seeking bonus density or bonus GFA as provided for in this Division are as shown in Regulating Map A. Bulk Limitations. Increased FAR or GFA may be allowed per *Sec. XX. Density Bonus*.

² Maximum height of any development that utilizes density bonuses (*Sec. XX. Density Bonus*) or transfer of development rights. Developments are limited to transitional height restriction where applicable and a maximum height as specified.

	Subarea 1: Core Village	Subarea 2 : Corridor Areas	Subarea 3: Extended Village	Subarea 4: Peachtree / Piedmont
FAR with Bonus (max)	8.2	Mixed Use Building: 5.0 Single Use Building 3.0	Mixed Use Building: 5.0 Single Use Building 3.0	5.0
Transfer of Development Rights	Properties designated as sending areas as shown on Regulating Map C. Transfer Areas with excess allowable floor area available may transfer floor area to properties designated as receiving areas as shown on Regulating Map C.			Not permitted
Outdoor Amenity Space				
Residential uses	20% NLA or GLA, as applicable, for any parcel over 1 acre. Otherwise, none required		25% NLA or GLA, as applicable, for any parcel over 1 acre. Otherwise, none required	20% NLA or GLA, as applicable, for any parcel over 1 acre. Otherwise, none required
Nonresidential uses	10% NLA for any parcel over 1 acre. Otherwise, none required.			
Max Building Height with Bonuses or Transfer of Development Rights²	225 ft	150 ft	150 ft	225 ft

¹ Maximum FAR for development projects not seeking bonus density or bonus GFA as provided for in this Division are as shown in Regulating Map A. Bulk Limitations. Increased FAR or GFA may be allowed per *Sec. XX. Density Bonus*.

² Maximum height of any development that utilizes density bonuses (*Sec. XX. Density Bonus*) or transfer of development rights. Developments are limited to transitional height restriction where applicable and a maximum height as specified.

B. Outdoor Amenity Space

1. General Standards

- a. Required outdoor amenity space must meet the requirements of *Sec. XX. Outdoor Amenity Space*, unless noted otherwise in this Section.
- b. For all nonresidential uses, mixed-use buildings and proposed developments utilizing bonuses as provided in *Sec. XX. Density Bonus* or transfer of development rights, outdoor amenity space requirements will be calculated utilizing net lot area (NLA).
- c. For residential uses not utilizing bonuses as provided in *Sec. XX. Density Bonus* or a transfer of development rights, outdoor amenity space requirements will be calculated utilizing gross lot area (GLA).
- d. For all uses, a minimum of 50% of the outdoor amenity space requirements must be pedestrian amenity space as defined in *Sec. XX. Outdoor Amenity Space* with such public space having 2 or more points of entry from adjacent sidewalks and surrounding buildings.

2. New Streets Incentive

New public streets and private streets that function as public streets (See *Sec. XX. Streets*) may be counted towards outdoor amenity space and pedestrian amenity space requirements provided they conform to the Connect Atlanta Plan and all of the following criteria are met:

- a. Right-of-way and design of the new street shall meet applicable requirements of provided in *Sec. XX. Streets* and *Sec. XX. Sidewalks*; and
- b. No gates or other physical obstructions will be permitted preventing access to such streets.

3. On-Street Parking Incentive

New on-street parking may be counted towards outdoor amenity space and pedestrian amenity space requirements provided all of the following criteria are met:

- a. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
- b. New on-street parking is located where there is no existing street lane;
- c. New on-street parking occupies more than 60% of an entire block face or a minimum distance of 200 feet for lots that occupy more than 300 feet of street frontage;
- d. Sidewalk bulb outs are provided at street intersections; and
- e. All other sidewalk requirements of this chapter are met.

4. Additional Open Space

Outdoor amenity space, meeting the definition of pedestrian amenity space as provided in *Sec. XX. Outdoor Amenity Space* in excess of the required outdoor amenity space requirements may be eligible for a density bonus as provided in *Sec. XX. Density Bonus*.

5. Relocation of Open Space

Up to 50% of outdoor amenity space requirements for residential uses and up to 80% of outdoor amenity space requirements required for nonresidential uses may be relocated to an off-site lot as follows:

- a. Outdoor amenity space requirements within Subarea 1 may only be transferred to another lot within Subarea 1 or Subarea 3.
- b. Within Subareas 2, 3, and 4, outdoor amenity space requirements may be transferred to a lot within Subarea 3.
- c. For all outdoor amenity space requirements transfers all of the following criteria must be met:
 - i. The receiving must contain the amount of outdoor amenity space required for any development of the receiving lot in addition to the transferred amount of outdoor amenity space requirements, not including areas that reduce its utility for public access, recreation, and enjoyment such as excessive slopes over 15%;

- ii. The receiving lot is owned and maintained either by a public agency, private property owner, or by a private property owners association and a copy of a valid maintenance agreement submitted to the Director indicating the property owner and responsible party for the continuous maintenance of the outdoor amenity space;
- iii. The outdoor amenity space in the receiving lot:
 - a) Must be accessible to the public during normal city park hours;
 - b) Must be no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the adjacent sidewalk;
 - c) Must be located, visible from and accessible (having no walls, fences, or other vertical obstructions) along a minimum of 60% of any adjacent sidewalk; and
 - d) Must permit and encourage pedestrian access on a minimum of 60% of the surface of the outdoor amenity space including landscaped areas, fountains, pedestrian furniture, public art, and similar elements which are specifically listed in the application.

6. Area-Wide Stormwater Management Facility Incentive

The owner of property upon which an area-wide stormwater management facility is constructed may be eligible for gross floor area (GFA) bonus credit, as provided in *Sec. XX. Density Bonus* provided that:

- a. Said facility is located, designed and maintained in accordance with the requirements of the City of Atlanta Department of Watershed Management and the Georgia Environmental Protection Division and part of a stormwater management plan approved by the department of watershed management that includes each land development project being served by such facility;
- b. Said facility serves as the stormwater detention/retention area for at least 2 acres in the same drainage basin and is designed to provide a level of stormwater quantity and quality control that is equal to or greater than the stormwater quantity and quality control that would be afforded by separate on-site facilities;
- c. The developer of said facility provides the director with written agreements that any property which could reasonably be served by the facility will be allowed access; and
- d. Said facility either landscaped and integrated with adjacent outdoor amenity space that provide public amenities as approved by the Director or not visible from any public right-of-way.

C. Density Bonus

1. Floor Area Ratio (FAR) Bonuses

The maximum allowable floor area ratio (FAR) of a development on a lot located within the Buckhead Village Legacy District may be increased in exchange for one or more of the additional amenities as provided in the table below.

Amenities	FAR Bonus
Mixed-use development in Subareas 1, 2 & 4 including residential uses at a min. of 50% residential floor area.	0.5 FAR
Mixed-use development in Subarea 3 including residential uses at a min. of 75% residential floor area.	0.5 FAR
Increased outdoor amenity space that is a min. of 2,000 square feet of floor area meeting the definition of pedestrian amenity space as provided in <i>Sec. XX. Outdoor Amenity Space</i> and the standards of <i>Sec. XX. Outdoor Amenity Space</i>	0.2 FAR for each 1% of lot area in qualifying pedestrian amenity space in excess of the min. pedestrian amenity space required to a maximum of 1.0 FAR. Credit may be earned for additional pedestrian amenity space contiguous to the development parcel to a maximum distance of 1,200 feet from the parcel either constructed or prioritized within any City adopted Buckhead Village Area Open Space and Public Improvements Plan.
Structured Parking utilized at least in part with a shared parking arrangement in accordance with <i>Sec. XX. Vehicle Parking</i> .	0.5 FAR
LEED Certification (or similar)—Silver or an equivalent level using other similar rating system as adopted by the City of Atlanta. See section 16-181.012.7.	Nonresidential and mixed use: 0.5 FAR Multi-unit residential only: 1.0 FAR

2. Additional GFA Bonus

To encourage public dedication of right-of-way and construction of streets, multi-use paths, public art displays, and other improvements, the property owner shall be entitled to additional gross floor area (GFA), in addition to that otherwise allowed in accordance with the following table.

Publicly Dedicated or Accessible Improvement	GFA Bonus
Connectivity improvements. New streets as described in <i>Sec. XX. New Street Incentive</i> and meeting the standards of <i>Sec. XX. Streets</i> .	GFA equal to 5 times the square footage improved or dedicated.
Public Art Displays that are privately owned and permanently maintained	Will be counted as 15,000 sq. ft. toward the required public space calculation.
Museums, galleries, auditoriums, libraries and similar cultural facilities with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Child care facilities (open to the public) with a minimum size of 2,500 square feet.	GFA equal to 2 times the square footage of the facility provided.
Area-wide stormwater management facility meeting the standards of <i>Sec. XX. Area-Wide Stormwater Facility Incentive</i>	GFA equal to 4 times the square footage dedicated or improved.

- For sites meeting the requirements of this Section for a FAR bonus or Bonus GFA, as-built drawings of the improvements meriting the award of bonus GFA or FAR, must be attached to the final plat or approved development plan for the property and recorded with the property deed by the Office of the Clerk of Superior Court of Fulton County. The density bonus must be specific to the development for which it was initially conferred. Failure to build the structure or meet the condition which formed the basis for the granting of the bonus will authorize withholding or revoking the Certificate of Occupancy for the amount of FAR associated with such bonus until such time as the structure is completed or the condition satisfied. Failure to maintain the property

or improvements meriting of the award of the bonus GFA or FAR is enforceable in the same manner as other zoning conditions.

4. Land dedicated to the city pursuant to these bonuses will be deemed part of the area of the parcel from which it was subdivided when computing maximum allowable FAR and GFA for a development.
5. In no case may the total GFA of a development, including all bonuses earned in this Section, result in development that exceeds the maximum FAR or maximum building height allowable for the applicable subarea per the lot and building standards in this Section.

D. Streets

The following regulations apply to all new roadways within the Buckhead Village Legacy District:

1. No new development may be constructed along any single block face longer than 400 feet along a Type 1, Type 2 or Type 3 street as shown on Regulating Map B. Street Types without an intervening street or publicly accessible walkway or path unless an intervening street or walkway cannot reasonably connect 2 publicly accessible roadways or walkways.
2. Culs-de-sac are prohibited. However, mid-block roadways constructed to provide future connectivity between public streets will not be considered a cul-de-sac.

E. Streetscapes

1. All public streetscapes in the Buckhead Village Legacy District are required to meet the standards of *Sec. XX. Streetscapes*, unless otherwise noted in this Section.
2. Public streetscapes must be located along all public streets and must consist of two zones: an amenity zone and a pedestrian zone. Public streetscapes must have minimum widths as specified by street type, as shown on Regulating Map B. Street Types and the following table:

	Street Type 1	Street Type 2	Street Type 3	Street Type 4
Amenity Zone Width (min)	7 ft	7 ft with bicycle lane 5 ft without bicycle lane ¹	5 ft	4 ft
Pedestrian Zone Width (min) ²	13 ft	10 ft	10 ft	6 ft
Street Setback (min)	5 ft	Varies ³	Varies ³	Varies ³
Street Tree Planting (max)	40 ft. on center	40 ft. on center	30 ft. on center	60 ft. on center
Pedestrian Lighting Standards				
Spacing (max)	40 ft on center	40 ft on center	60 ft on center	60 ft on center

¹ Bicycle lanes are required on Piedmont Road south of Peachtree Street.

² For properties less than 100 feet in depth see *Sec. XX. Street Setbacks*

³ See *Sec. XX. Street Setbacks*

	Street Type 1	Street Type 2	Street Type 3	Street Type 4
Type	Alternating Atlanta Type "A" and Type "C"	Alternating Atlanta Type "A" and Type "C"	Alternating Atlanta Type "A" and Type "C"	Alternating Atlanta Type "A" and Type "C"

¹ Bicycle lanes are required on Piedmont Road south of Peachtree Street.

² For properties less than 100 feet in depth see *Sec. XX. Street Setbacks*

³ See *Sec. XX. Street Setbacks*

F. Street Setbacks

For purposes of these regulations, the area between any building, parking lot or parking structure and the back of the required sidewalk when no intervening building exists will be defined as the street setback. The street setback will have the minimum widths specified herein and meet the following requirements:

1. Must be no more than 30 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent pedestrian zone unless existing topographical considerations render this requirement impractical as determined by the Director.
2. Plazas, terraces, porches and stoops within the street setback must have a maximum ground story finished floor elevation of 30 inches above either:
 - a. The provided street setback elevation; or
 - b. The finished sidewalk grade unless existing topographical considerations render this requirement impractical as determined by the Director.
3. Dimensions and components within the street setback:
 - a. Adjacent to all uses:
 - i. Must provide a walkway with a minimum width of 4 feet through said street setback to connect to the adjacent required sidewalk. Said walkway must be perpendicular to the street unless topography prohibits.
 - ii. Retail display windows may project into the required street setback but must not occupy more than 2/3 of the street setback area, must have a minimum depth of 3 feet, and must be internally illuminated serviced by electricity and accessible from the interior of a building.
 - b. Adjacent to ground story residential uses:
 - i. Must be required at a minimum width of 5 feet unless the lot depth is less than 100 feet.
 - ii. Said street setback must be landscaped except for terraces, porches, stoops and walkways which may occupy a maximum of 2/3 of the street setback area.

- iii. For all such buildings with more than 4 residential units are permitted to share said required pedestrian zone with one adjacent unit.
- c. Adjacent to ground story nonresidential uses:
 - i. Must permit and allow pedestrians to walk on a minimum of 80% of the surface of the street setback excluding water features, pedestrian furniture, public art, and similar elements.
 - ii. Along all streets except Peachtree Road unless the lot depth is less than 100 feet:
 - a) The minimum area must be no less than 20% of the total square footage of the total of both the amenity zone and pedestrian zone;
 - b) The street setback must be a minimum width of 5 feet and a minimum linear distance of 10 consecutive feet tangent to the adjacent sidewalk; and
 - c) No more than 150 uninterrupted linear feet of sidewalk frontage on any lot may be without an adjacent street setback.

G. Relationship of Building to Street

1. Building stories must be delineated at or below the third story of the building. Delineation must be expressed through window openings, belt courses, cornice lines or other means of architectural detailing.
2. Pedestrian entry features with access to all ground floor uses and business establishments with street frontage:
 - a. Must face and be visible from the street; and
 - b. Must be directly accessible and visible from the sidewalk.
3. A street address number at a minimum of 6 inches in height must be located directly above or beside the primary building entry feature and must be clearly visible from the sidewalk.
4. When ground story active uses are required per *Sec. XX. Use Standards*:
 - a. Said uses must be provided for a minimum depth of 20 feet from any building facade along the public sidewalk, unless existing topographical considerations render this requirement impractical as determined by the Director; and
 - b. Entry features to said uses must be architecturally articulated, face, be visible from, and be directly accessible from the required sidewalk along such street.
5. Glazing including all window and door openings must be provided at the ground story for a minimum of 65% of the length of the building for nonresidential uses on all Type 1, 2 and 3 streets. (See *Sec. XX. Glazing*)
6. Fences and walls, as defined in *Ch. 10. Definitions*, must meet the following regulations:
 - a. Fences and walls are only allowed in the street setback when meeting the following regulations:

- i. For all ground story residential uses:
 - a) Fences must not exceed 42 inches in height.
 - b) Walls must not exceed 30 inches in height unless existing topography requires a retaining wall of greater height.
 - ii. For outdoor dining:

Only movable planters, movable fencing, or similar movable barriers are allowed to separate outdoor dining from the sidewalk provided they do not exceed a height of 36 inches including any plant material.
 - iii. For all other nonresidential ground story uses:

Fencing and walls are prohibited with the exception of screening for authorized off-street loading areas and retaining walls as permitted below:

 - a) Retaining walls located adjacent to a sidewalk along a public street must not exceed a height of 24 inches.
 - b) The combined height of a fence where otherwise authorized and retaining wall must not exceed a height of 5 feet, unless existing topography prohibits retaining walls of a lesser height.
 - c) Retaining walls must be finished poured concrete or must be faced with stone, brick or smooth stucco and must be architecturally compatible with the adjacent building's design.
- b. Fences and walls located between the primary building and the lot line and not exceeding 6 feet in height may be erected, but are not permitted between the primary building and the street.
 - c. No barbed wire, razor wire, chain link fence or similar elements may be visible from any public plaza or ground story outdoor dining area, or public right-of-way.
7. Building facades greater than 100 continuous feet in horizontal length must include variety in facade treatment, materials, textures, colors or window and door patterns and depth at a minimum of 2 feet to provide visual interest.
 8. The minimum height of a building facade facing a Type 1 or Type 2 street must be no less than 18 feet.

Sec. 7.2.6. **Development Standards**

A. General

All projects in the Buckhead Village Legacy District are required to meet the standards of *Ch. 8. Development Standards*, unless otherwise noted in this Section.

B. Loading Dock Entrances

1. Off-street loading docks and servicing areas must be located to the rear or side of all buildings or screened from public view by a combination of opaque walls, gates, or screens and landscaping so that related activities are not visible from the public right-of-way of Type 1, 2, or 3 streets or from any adjacent single-unit residential area.
2. Access ways and loading areas must provide safe means of ingress and egress from public streets such that vehicles would not reverse onto Type 1 streets, Type 2 streets, Pharr Road between Peachtree Road and Piedmont Road, West Paces Ferry Road, and East Paces Ferry Road.

C. Site Access and Parking

1. Driveways and Drive-Thrus

- a. Driveways must be perpendicular to any adjacent street. Circular drives are not permitted between the sidewalk and a building with the exception of hotels, child care centers, kindergartens, and special schools.
- b. Drive-through service windows and drive-in facilities must not be located between the principal structure and the street and must not be visible from the public right-of-way along a Type 1 or Type 2 street (see Regulating Map B).

2. Inter-Parcel Access

- a. Inter-parcel access, joint driveways, cross-access drives, and access easements must be accommodated when adjacent nonresidential lots have direct vehicular access to a street or a driveway from a private street which functions as a public street based on traffic considerations, notwithstanding the provisions of *Sec. XX. Vehicle Access* except where the Director determines that they are impractical due to topographic or other site-specific constraints.

3. Parking Structures

In addition to requirements contained in *Sec. XX. Vehicle Parking Design* the following regulations apply:

- a. When located immediately adjacent to any public right-of-way, private street, public park, or single-unit residential district:
 - i. Must have an appearance of a horizontal storied building on all levels. Said structure must have an appearance similar to or compatible with that of the adjoining or attached structure.
 - ii. Facades at ground story along any public right-of-way, private street or public park must meet the active use and facade treatment requirements as applicable in *Sec. XX. Use Standards* unless topographic considerations render this requirement impractical.
 - iii. Above-ground parking structures must be designed so that the only openings at street level are those to accommodate vehicle entrances and pedestrian access to the structure. Any openings for ventilation, service, or emergency access located on the ground story

in the building facade must be an integral part of the overall building design or screened from view with landscaping at least 10 feet in height.

4. Valet Facilities

No valet facilities or uses may be located within existing travel lanes within the public right-of-way or upon on-street parking spaces, unless authorized by the Commissioner of Transportation with review comment from the Director.

D. Vehicle Parking Design

1. Lighting must be provided throughout all parking facilities to equal a minimum of one foot-candle of light. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it will be the responsibility of the parking operator to independently provide these required levels of illumination and all lighting shall reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90 degree illumination.
2. All lighting fixtures that up-light trees, buildings, or other elements shall be located a minimum height of 8 feet above sidewalk-level, except when located within predominately landscaped areas.
3. Parking facilities must be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots must not be operated when any damage impairs the drivability of the parking lot. See *Sec. XX. Vehicle Parking Design* for additional requirements.

E. On-Site Parking Requirements

1. Office Uses

Any development providing more than 50,000 square feet of gross office space must reserve and designate at least 5% of the required parking spaces as "Carpool Only," or "Vanpool Only". Such spaces must be located near the building's entry feature or other preferable locations. Parking structures accommodating vanpool access at ground story must provide a minimum ceiling height of 8'-2".

2. Transportation Management Plans

- a. The Office of Buildings will not issue any Certificate of Occupancy permits for any multi-unit residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a Transportation management plan (TMP). This 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.
- b. Upon 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.

- c. A summary report of ongoing implementation of the TMP must be submitted annually.

F. Pedestrian Bridges and Tunnels

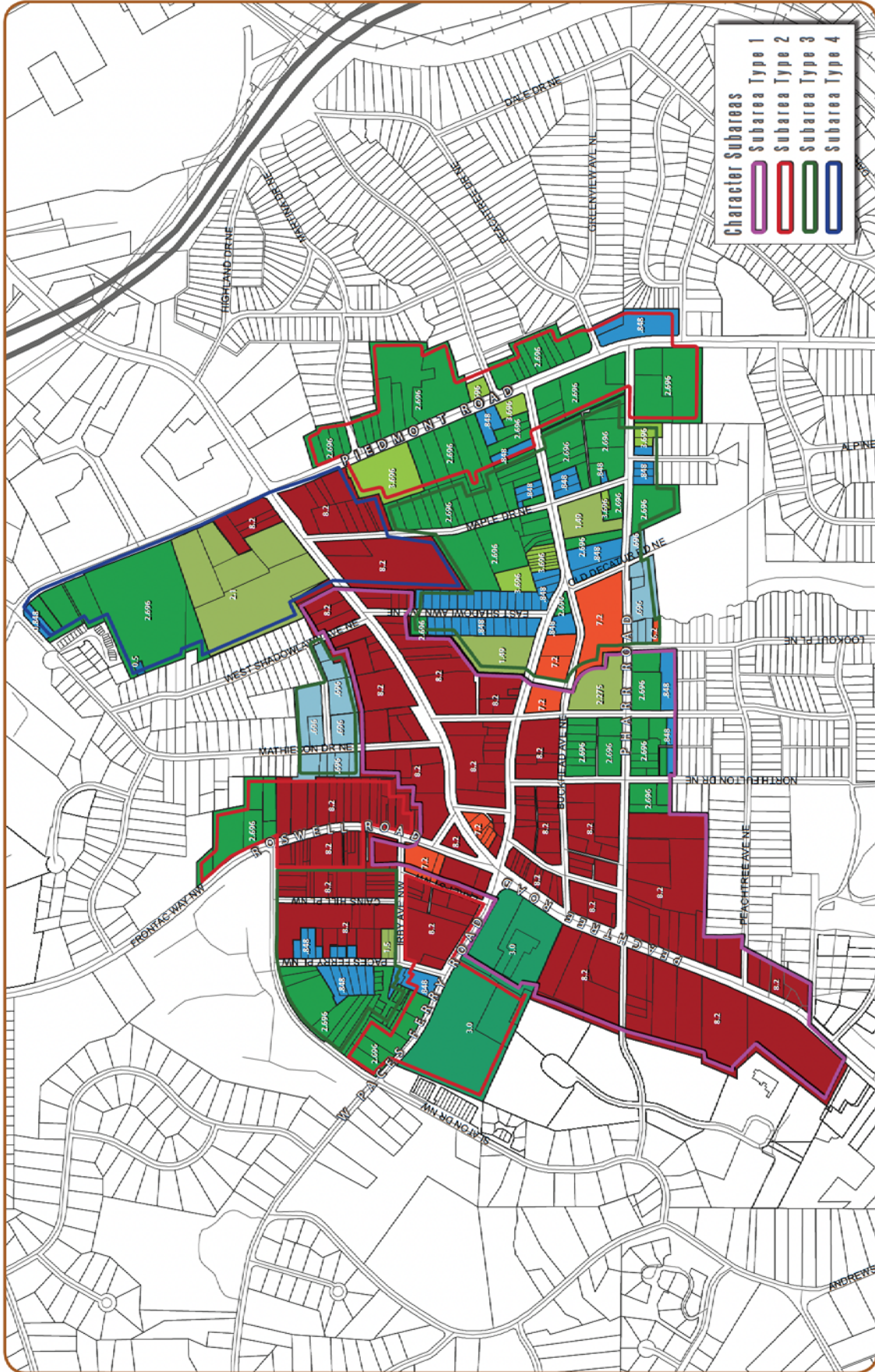
Pedestrian bridges, tunnels are prohibited when located above or below public streets with the exception of tunnels for either service, loading or access to accessory parking only.

G. Architectural Design Standards

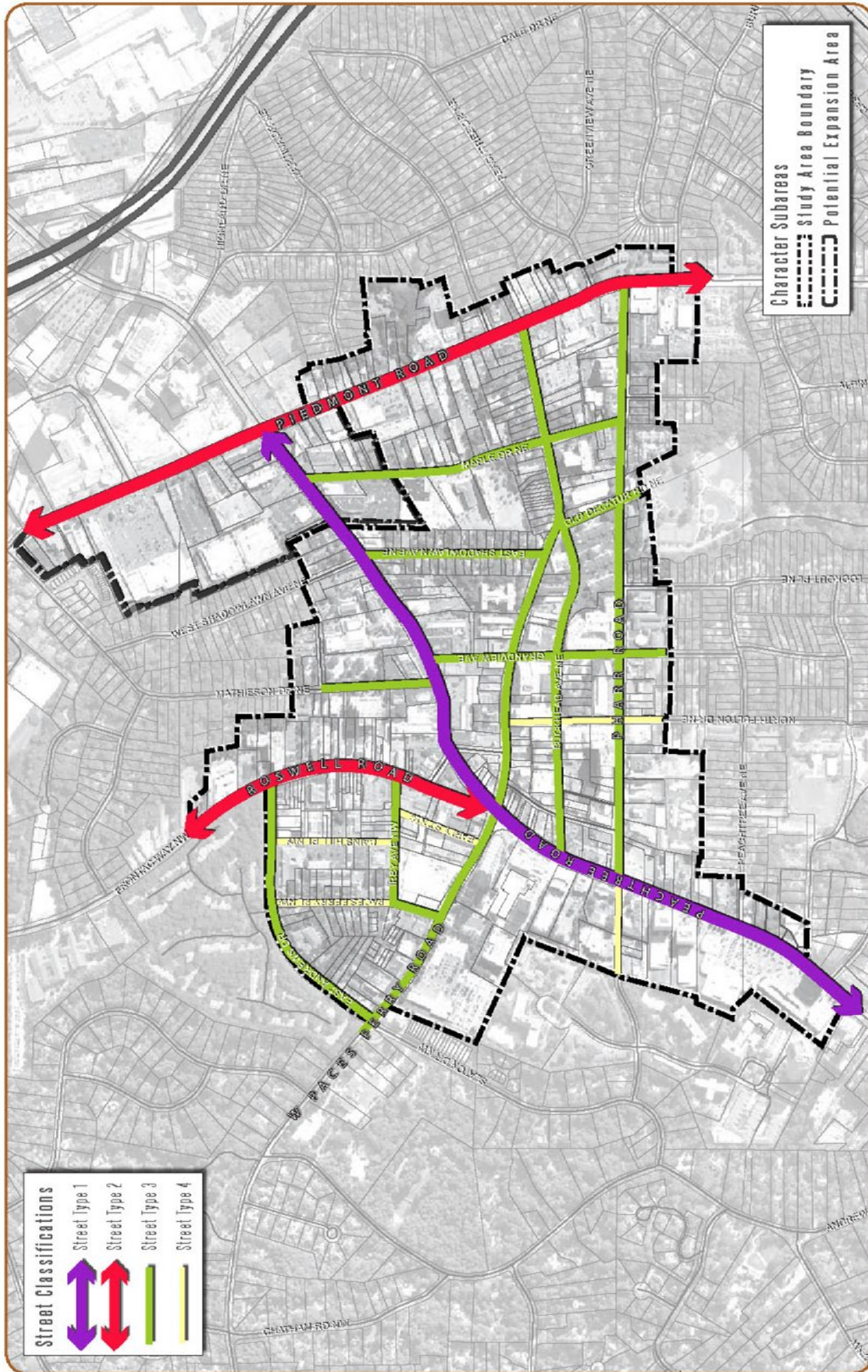
1. All buildings except single-unit residential buildings must be faced with brick, masonry, stone, textured concrete masonry, precast concrete, synthetic stone, wood, metal, fiber cement siding, stucco, and glass or similar products only. However, the use of textured concrete masonry, fiber cement siding, stucco or architectural metal is restricted to no more than 30% of any building's total exterior wall surface fronting a public street.
2. Wood or fiber cement siding is also permitted on exteriors of residential only buildings limited to no more than 50% of the total exterior wall surface on any building larger than 600 square feet of floor area.

Sec. 7.2.7. Regulating Maps

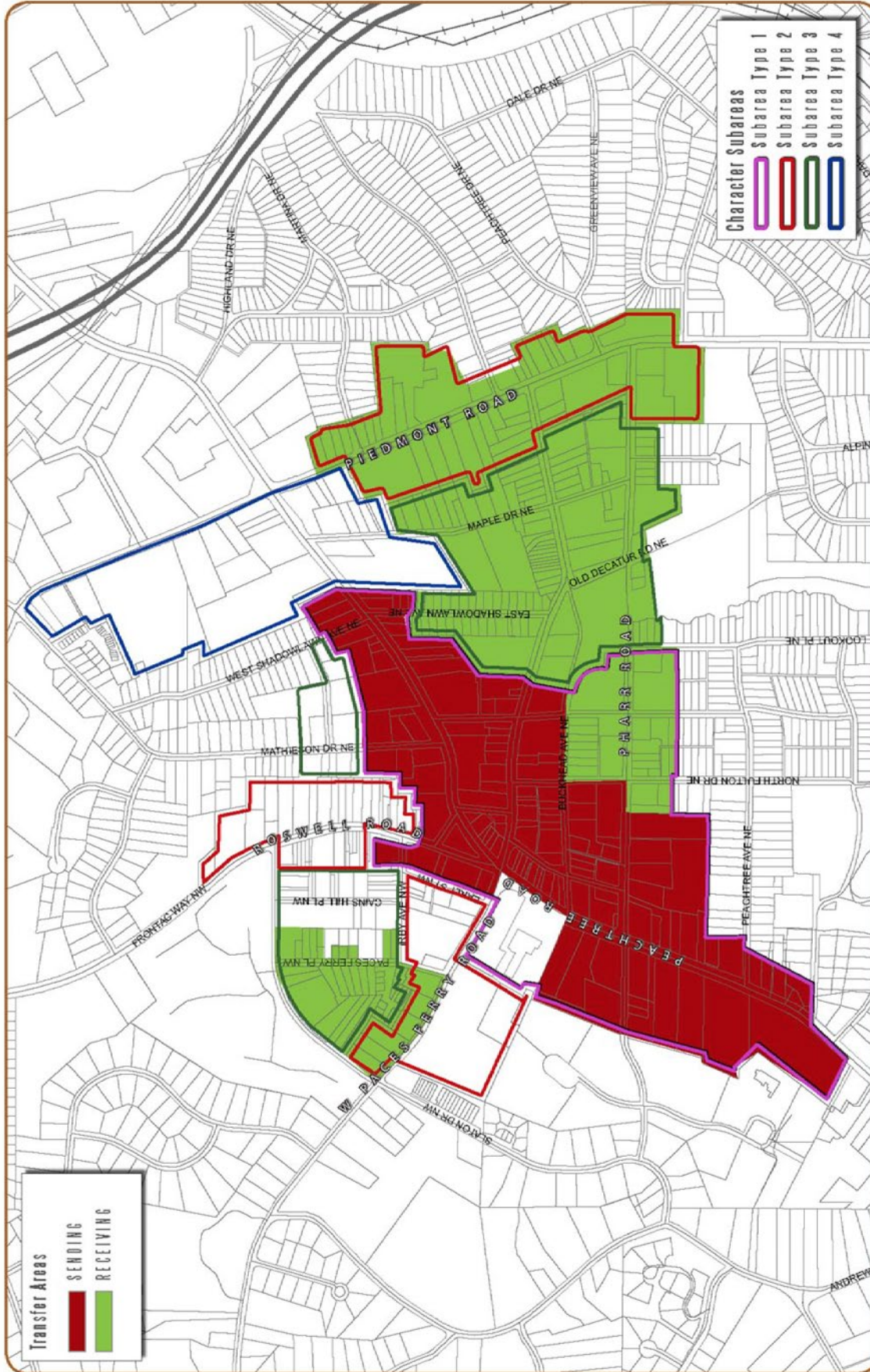
A. Bulk Limitations



B. Street Types



C. Transfer Areas



DIVISION 7.3. **BUCKHEAD / LENOX STATIONS (BX)**

Sec. 7.3.1. **Intent**

The intent of the council in establishing the Buckhead/Lenox Stations Legacy District is as follows:

1. Preserve, protect and enhance the district as a local, regional and national premier destination for business, living and visiting;
2. Preserve and protect the adjacent single-family residential neighborhoods which adjoin the Buckhead/Lenox Stations District including Brookhaven, Buckhead Forest, North Buckhead, Peachtree Park, Pine Hills and Ridgedale Park;
3. Ensure the overall aesthetic of the built environment is urban in nature and extremely high in quality;
4. Implement local plans and policies within the district, including the Comprehensive Development Plan and the District 7 Community Greenspace Action Plan;
5. Provide housing opportunities that reflect a rich diversity of incomes and ages;
6. Promote the district as a lifelong living community providing residential opportunities for all stages of life;
7. Preserve and continue to facilitate the mixture and connectivity of commercial uses and residential uses via a dense street network throughout the district;
8. Significantly increase the amount of open space throughout the district;
9. Promote future development that is sustainable and environmentally sensitive including encouraging green building standards and incorporating alternative energy sources;
10. Ensure the planting of trees on all district streets and in all open spaces;
11. Encourage the development of communal spaces through the use of public sidewalks, plazas, parks and public art;
12. Discourage the creation of above ground stormwater retention facilities except when properly designed as publicly accessible amenities;
13. Facilitate safe and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
14. Ensure that area block infrastructure is adequate to facilitate mobility and connectivity of proposed intensities of uses;
15. Ensure pedestrian connectivity enables successful connections to the adjacent areas outside of the district;
16. Encourage the creation of vibrant streets through the provision of active street uses and engaging street fronting building design;
17. Accentuate Peachtree Road as a marquis and prominent boulevard;

BUCKHEAD / LENOX STATIONS (BX)

18. Preserve and continue the area as a transit oriented district through the facilitation of high densities;
19. Encourage the use of various transportation alternatives including bus, rail, walking and biking;
20. Encourage the participation in and support of the local Transportation Management Association to further aid in the reduction of single occupancy vehicle traffic congestion; and
21. Minimize excessive parking requirements and encourage shared parking for compatible uses.

Sec. 7.3.2. District Boundaries

- A. The boundaries of the Buckhead / Lenox Stations Legacy District are as shown on the zoning map. The district is divided into 4 subareas, as shown on the official zoning map, which are described as follows:
 1. Subarea 1: Buckhead Central Core
 2. Subarea 2: Buckhead Heights
 3. Subarea 3: North Buckhead
 4. Subarea 4: Piedmont Center

Sec. 7.3.3. Administrative Procedures

A. Administrative Relief

1. Administrative Relief will be reviewed as a Certificate of Administrative Variation according to **Sec. XX. Administrative Relief**.
2. Lots abutting Peachtree Road that become out of compliance with these zoning regulations, including existing site plans that were approved prior to May 30, 2012, as a direct result of the construction of the Peachtree Corridor Project, will be permitted to utilize the provisions for variations provided in this Section to request administrative site plan amendments without further City Council review to administratively correct said compliance discrepancies as to said elements. This subsection must not be construed or utilized so as to exceed or increase the pre-construction development permission of any such lot.

B. Variances

1. Notwithstanding any provision in this Division or part to the contrary, neither administrative variation nor variance by the Board of Zoning Adjustment may be authorized from this Division's building height requirements or block area formula.
2. Alterations to block area calculations based upon construction of new authorized street types, and recalculations of the square footage of an individual block area based upon more accurate survey data, must be authorized by administrative relief consistent with Buckhead / Lenox Station Legacy District requirements.
3. Changes to transitional height requirements will not be authorized by administrative relief but requests for variance from transitional height requirements will be only through application to the Board of Zoning Adjustment.

Sec. 7.3.4. Definitions

- A. The following words, terms and phrases, when used in this Division, will have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.
1. **Active uses.** The ground story uses regulated in *Sec. XX. Use Standards* for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets within the district.
 2. **Block area.** The total area (in square footage) within a block perimeter continuously bounded by any of the following street types as defined in this chapter: Peachtree Road, primary streets, local streets, pedestrian ways, and private streets that function as a public street. Block area measurements utilize the back edge of curb of the adjacent street types, or the back edge of the adjacent pedestrian way, for purposes of defining the perimeter of the block. Georgia State Route 400, the MARTA northern concourse pedestrian bridge and the Buckhead / Lenox Station Legacy District boundary, when no intervening street exists, will be permitted to count as streets for purposes of the block area calculation.
 3. **Building footprint, ground story.** The conditioned floor of a building located at the ground floor. For buildings with more than one ground story level, the portion of such building located at the primary building facade shall will be used.
 4. **Building footprint, tower level.** The conditioned floors of a building located in excess of 125 feet in height above the defined ground story as established by this district.
 5. **Local streets.** Those public streets or portions of public streets that constitute the minor roadways of the district and that are designated as local streets on Regulating Map A. Street Framework.
 6. **Mixed-use developments.** Development containing more than one principal use on the same development site.
 7. **Peachtree frontage area.** That area designated as such on Regulating Map B. Height Framework that lies within 300 feet of the outer edge of the Peachtree Road right-of-way.
 8. **Peachtree Corridor Project.** The reconstruction of a portion of Peachtree Road within this district to better accommodate pedestrians bicyclists and mass transit facilitated through coordination of the Buckhead Community Improvement District, the City of Atlanta and the Georgia Department of Transportation.
 9. **Pedestrian path.** A path for pedestrian traffic within a pedestrian way meeting the requirements of *Sec. XX. Connectivity and Block Standards*.
 10. **Pedestrian way.** An external area permitting public accessibility to pedestrian-only traffic, containing an unobstructed pedestrian path and meeting the requirements of *Sec. XX. Connectivity and Block Standards*.
 11. **Pet-walking area.** The dedicated area of a lot set aside for the purposes of satisfying the daily exercising regimens necessary for pets.
 12. **Plaza.** The dedicated area between the street-facing building facade and the adjacent pedestrian zone incorporated into larger scale nonresidential developments for the purposes of facilitating pedestrian movement and establishing visual points of interest.

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13. **Primary streets.** Those streets or portions of streets that constitute the major thoroughfares of the district and that are designated as Primary Streets on Regulating Map A. Street Framework.
14. **Private streets that function as a public street.** Private streets, drives or pedestrian ways that meet the applicable requirements of *Sec. XX. Streets, Sec. XX. Streetscapes, Street Setbacks, Sec. XX. Relationship of Building to Streets, and Sec. XX. Connectivity and Block Standards.*
15. **Regional shopping center.** One or more attached buildings containing primarily retail establishments which exceed 800,000 square feet of gross leasable floor area.
16. **Screen wall extensions.** A wing wall extension of a building facade matching the material and design of the adjacent adjoining building and not located within an open space, sidewalk or street setback.
17. **Transit station area.** The area nearest the district MARTA stations designated as the transit station area on Regulating Regulating Map B. Height Framework.
18. **Transitional height line.** The boundary located along the centerline of the segment of Roxboro Road specifically demarcated on Regulating Map B. Height Framework, representing the area of the district in need of protection from building shadowing and massing.

Sec. 7.3.5. Use Standards

A. Permitted Uses

1. The permitted principal uses and special permit uses set forth in this Section are permitted only as listed within each subarea within said table of uses and only in the manner so listed.
2. A building or premises must be used only for the principal uses indicated with a "P" in the Permitted Use Table subject to the following:
 - a. For the purposes of this chapter, uses at-the ground story in what would otherwise be classified as an independent primary parking structure do not constitute principal uses.
 - b. Surface parking lots and detached single-unit dwellings are prohibited principal uses within the district.
 - c. Battery exchange stations are permitted where service stations are permitted.

B. Special Use Permits

1. The following uses are permissible only by special permits of the type indicated subject to limitations and requirements set forth herein or elsewhere in this part, and subject to the applicable procedures and requirements set forth in *Sec. XX. Legislative Review.*
2. Special use permits will be required as indicated with "S" in the Permitted Use Table.

C. Prohibited Uses

All uses marked with an "--" in the Permitted Use Table are prohibited in the subarea identified. All other uses not listed in the Permitted Use Table are prohibited in all district subareas.

D. Accessory Uses and Structures

Accessory uses and structures are permitted in this district and include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district as well as repair garages, service stations, paint and body shops car washes, urban gardens, and market gardens limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities in Subareas 2 and 3, all subject to the restrictions set forth in this Division.

E. Permitted Use Table

Use Category Specific Use	Subarea 1: Buckhead Central Core	Subarea 2: Buckhead Heights	Subarea 3: North Buckhead	Subarea 4: Piedmont Center
RESIDENTIAL USES				
Household Living				
General household living				
Multi-unit	P	P	--	P
Townhouse	P	P	P	P
Group Living				
General supervised group living	S*	S*	-- / S* ^e	S*
PUBLIC AND INSTITUTIONAL USES				
Civic				
General civic	P	S ^b	S	P
Community center, private	P	S ^b	S	P
Library or museum, private	P	P / S ^b	--	P
Religious assembly	P	P / S ^b	S	P
Private Education				
General private education	P	--	--	P
College or university, private	P	--	--	P
Commercial school	P	--	--	P

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

- ^a Only permitted if at a distance greater than 200 feet from any other similarly defined "lounge or nightclub" and less than 10,000 square feet in area provided that a SUP is required for such establishment at a size between 5,000 and 10,000 square feet in area.
- ^b Nonresidential uses must not be located on stories above the building's ground story, must be limited to a minimum ratio of 1 square foot of nonresidential use for every 2 square feet of residential use within the same building and require a SUP for individual uses greater than 8,000 square feet in floor area.
- ^c See *Sec. XX. Relationship of Building to Street* for additional provisions for containing such uses within enclosed buildings.
- ^d The number of such automobile related establishments in Subarea 1 must not exceed 2.
- ^e Personal care homes permitted by SUP. Nursing homes and assisted living facilities prohibited in Subarea 3.

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Use Category Specific Use	Subarea 1: Buckhead Central Core	Subarea 2: Buckhead Heights	Subarea 3: North Buckhead	Subarea 4: Piedmont Center
Day care, private	P	--	--	P
Parks and Open Space				
General parks and open space	P	S ^b	S	P
Wireless Telecommunication				
Type II: Small wireless collocation	P	P	P	P
Type V: Non-small wireless structure	S	S	S	S
COMMERCIAL USES				
Agriculture				
Urban garden	P*	--	--	P*
Entertainment and Recreation				
General indoor entertainment and recreation	P	--	--	P
Club, private	S	--	--	S
Lounge or nightclub ^a	P / S / --	--	--	P / S / --
Party house	P*	P*	P*	P*
Food and Beverage				
General food and beverage	P	P / S ^b	--	P
Bakery, wholesale	P	P / S ^b	--	P
Bar				
Catering establishment	P	P / S ^b	--	P
Microbrewery, microdistillery or winery	--	--	--	P
Lodging				
General lodging	P	--	--	P
Short-term rental	P*	P*	P*	P*
Medical				
General medical	P	--	--	P
Office				

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

- ^a Only permitted if at a distance greater than 200 feet from any other similarly defined "lounge or nightclub" and less than 10,000 square feet in area provided that a SUP is required for such establishment at a size between 5,000 and 10,000 square feet in area.
- ^b Nonresidential uses must not be located on stories above the building's ground story, must be limited to a minimum ratio of 1 square foot of nonresidential use for every 2 square feet of residential use within the same building and require a SUP for individual uses greater than 8,000 square feet in floor area.
- ^c See *Sec. XX. Relationship of Building to Street* for additional provisions for containing such uses within enclosed buildings.
- ^d The number of such automobile related establishments in Subarea 1 must not exceed 2.
- ^e Personal care homes permitted by SUP. Nursing homes and assisted living facilities prohibited in Subarea 3.

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Use Category Specific Use	Subarea 1: Buckhead Central Core	Subarea 2: Buckhead Heights	Subarea 3: North Buckhead	Subarea 4: Piedmont Center
General office	P	P / S ^b	--	P
Parking				
Commercial parking lot	--	--	--	--
Commercial parking structure	P	P	S	P
Personal Service				
General personal service	P	P / S ^b	--	P
Animal care, indoor	P*	--	--	P*
Laundry service	P	P / S ^b	--	P
Retail				
General retail	P	P / S ^b	--	P
Grocery store	P	P / S ^b	--	P
Retail bank	P	P / S ^b	--	P
Small discount variety store	P*	P* / S ^{*b}	--	P*
Transportation				
Helipad	S	--	--	S
Vehicle Sale and Service				
Vehicle sale and rental, light ^c	P*	P* / S ^{*b}	--	P*
Vehicle service and repair, light ^d	P ^{*d}	--	--	--
Fuel sales ^e	P*	--	--	--
Wholesale Trade Uses				
General wholesale trades	P	P / S ^b	--	P
TEMPORARY USES				
General temporary event				
Up to 90 days	P	--	--	P
Beyond 90 days	S	--	--	S

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

^a Only permitted if at a distance greater than 200 feet from any other similarly defined "lounge or nightclub" and less than 10,000 square feet in area provided that a SUP is required for such establishment at a size between 5,000 and 10,000 square feet in area.

^b Nonresidential uses must not be located on stories above the building's ground story, must be limited to a minimum ratio of 1 square foot of nonresidential use for every 2 square feet of residential use within the same building and require a SUP for individual uses greater than 8,000 square feet in floor area.

^c See *Sec. XX. Relationship of Building to Street* for additional provisions for containing such uses within enclosed buildings.

^d The number of such automobile related establishments in Subarea 1 must not exceed 2.

^e Personal care homes permitted by SUP. Nursing homes and assisted living facilities prohibited in Subarea 3.

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Sec. 7.3.6. Lot and Building Standards

A. Development Controls

Any project in the Buckhead / Lenox Stations Legacy District must meet the following standards:

	Subarea 1: Buckhead Central Core	Subarea 2: Buckhead Heights	Subarea 3: North Buckhead	Subarea 4: Piedmont Center
FAR (max)	N/A ^a	N/A ^a	N/A ^a	N/A ^a
Street Setback (min)	See. <i>Sec. XX. Street Setback</i>	See. <i>Sec. XX. Street Setback</i>	See. <i>Sec. XX. Street Setback</i>	See. <i>Sec. XX. Street Setback</i>
Side and Rear Setback (min)	None	None	20 ft	None
Building Height (max)				
Baseline height	225 ft	225 ft	35 ft	Office uses: 100 ft All other uses: 225 ft
Block area height	225 ft	225 ft	N/A	Office uses: 0 ft All other uses: 39 ft
Peachtree frontage area height	75 ft	75 ft	N/A	N/A
Transit station area height	200 ft	100 ft	N/A	N/A
Total buildable height	600 ft ^b	600 ft ^b	35 ft	Office uses: 100 ft All other uses: 264 ft

^a Not Applicable in Subareas 1, 2 and 4. See *Sec. XX. Transitions*

^b Maximum total building height in Subarea 1, 2 and 4 is the sum of *Sec. XX. Building Height in Subareas 1, 2, and 4*, provided that said sum does not exceed 600 feet except for architectural features and incentivized development in Subarea 1 and 2 as regulated in *Sec. XX. Building Height in Subareas 1, 2, and 4*.

Street Type	Minimum Facade Height
Peachtree fronting facade	35'
Primary street fronting facade	24'
All other street fronting facades	No minimum

B. Building Height in Subareas 1, 2, and 4

Building heights in Subareas 1, 2 and 4 will be governed by the following provisions, subject to the transitional height limits set forth in *Sec. XX. Transitions*:

1. Baseline Height

As a matter of right, a building height of 225 feet will be permitted.

2. Block Area Height

- a. An additional building height of up to 225 feet may be permitted as determined by the following calculation formula: $((160,000/\text{block area square footage}) \times 225) = \text{additional building height in feet}$, not to exceed 225 feet.
- b. Once installed, the removal or alteration of private streets that function as public streets will not result in a reduction in height calculations for properties within adjoining blocks, nor will such prior height calculations be deemed nonconforming under *Sec. XX. Nonconformities*.
- c. The Director will create a block area map illustrating current blocks within the district that meet this district's block area definition. The Director will maintain public records of future block area alterations or recalculations authorized by the Director, and will periodically update the block area map to reflect said changes.

3. Peachtree Frontage Area.

An additional building height of 75 feet will be permitted when located within the Peachtree Frontage Area as demarcated on Regulating Map B. Height Framework.

4. Transit Station Area

An additional building height of 100 feet will be permitted when located within the Transit Station Area as demarcated on Regulating Map B. Height Framework.

5. Combined Height

- a. Maximum total building height will be the sum of the subsections above, provided that said sum must not exceed 600 feet, except as provided below.
- b. Architectural features, with no habitable elements, may exceed the maximum total building height limitations. Such features must not exceed a maximum height of 60 feet above the height otherwise authorized above.
- c. Incentivized developments may exceed the maximum total building height limitations. Such features must not exceed a maximum height greater than the sum of subsections above and those heights set forth for incentivized developments in *Sec. XX Incentivized Developments*.
- d. Building heights in subarea 3 must not exceed a maximum of 35 feet.

C. Future Connectivity

Any buildings must be designed so as not to prohibit or obstruct the ability for future inter-parcel access and connectivity except where the Director determines that such connectivity is impractical due to topographic or other site-specific constraints. This provision will not be interpreted to prohibit or restrict that which would otherwise be permitted within this district or require inter-parcel rights to be granted to adjacent property owners.

D. Sunlight Preservation

Tower level building footprints (for portions of buildings 125 feet in height or greater) must not exceed 65% of the ground story building footprint. In no case, however, will these tower level building footprints be required to be less than 30,000 square feet.

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E. Outdoor Amenity Space Requirements

1. Required Outdoor Amenity Space

- a. The minimum required outdoor amenity space is as follows:

	Subarea 1: Buckhead Central Core	Subarea 2: Buckhead Heights	Subarea 3: North Buckhead	Subarea 4: Piedmont Center
Residential uses	20%	25%	65%	20%
Nonresidential uses				
Commercial and retail uses	15%	N/A	N/A	15%
All other uses	10%	N/A	N/A	10%

- b. The required outdoor amenity space must be calculated as a percentage of either the gross floor area (GFA) or the net lot area (NLA), whichever is less. For mixed-uses, required outdoor amenity space will be the sum of each calculation percentage as applied to each use.
- c. The required outdoor amenity space must be satisfied only through the use of the following elements: yards, amenity zones, pedestrian zones, street setbacks, outdoor dining, plazas, parks, landscaped areas, rooftops, public art and pet areas, and must not include any heated interior spaces and private drives or streets designed for predominate vehicular use.
- d. The owner must provide maintenance all open space improvements including replacement of any dead plantings.

2. Minimum Outdoor Amenity Space Standards

In addition to the standards in *Sec. XX. Outdoor Amenity Space*, the following minimum standard will apply to each element listed to the extent that element is used to meet required outdoor amenity space.

- a. A minimum of 60% of landscaped areas must be in bio-diverse planting of native and adapted plants other than turf grass.
- b. Stormwater ponds functioning as management facilities designed to control stormwater runoff from multiple buildings or properties according to current City of Atlanta Stormwater Design Manual requirements may be permitted to be counted towards required outdoor amenity space provided that the portion of such facilities being used for open space:
 - i. Must be permitted to utilize the stormwater pond portion of the facility, and all other related systems and infrastructure related to the stormwater pond, for the purposes of meeting required outdoor amenity space;
 - ii. Must contain pedestrian amenities that meet the minimum standards of this section as approved by the Director; and

- iii. Must be integrated with adjacent pedestrian amenities when located adjacent to such amenities.
- c. Pedestrian ways may be credited towards required outdoor amenity space only when in conformance with *Sec. XX. Connectivity and Block Standards*.
- d. No more than 1,500 square feet of the required outdoor amenity space area may be utilized for public art display areas.
- e. No more than 30% of the required outdoor amenity space area may be utilized for outdoor dining areas.

3. Transfer of Outdoor Amenity Space

Required outdoor amenity space may be transferred to an off-site lot when meeting the following requirements:

- a. In no case may the transfer of outdoor amenity space result in development that does not comply with the remaining regulations of this district;
- b. The lot receiving the outdoor amenity space (“receiving lot”) must contain the amount of outdoor amenity space otherwise required for development of said receiving lot in addition to the transferred amount of outdoor amenity space;
- c. Transferred outdoor amenity space must be located only on sites located within Buckhead / Lenox Stations Legacy District;
- d. Outdoor amenity space transferred to a receiving lot must meet the following requirements:
 - i. Be accessible to the public from dawn to dusk;
 - ii. Be located, visible from and accessible (having no walls, fences, or other obstructions) along a minimum of 60% of any adjacent sidewalk;
 - iii. Permit and encourage pedestrian access on a minimum of 60% of the surface of the outdoor amenity space including landscaped areas, fountains, pedestrian furniture, public art, and similar elements which are specifically listed in the application;
 - iv. Include documentation of the total amount of outdoor amenity space relocated and the location of the receiving lot on the approved permit; and
 - v. Once transferred to a receiving lot, the square footage of such transferred outdoor amenity space must not be used or credited toward future outdoor amenity space transfers.
- e. Sites that have transferred required outdoor amenity space to an off-site receiving lot will be deemed conforming as to said outdoor amenity space for purposes of *Chapter 24 (Nonconformities)* provided the transferred open space is properly maintained as open space in accordance with the approved permit.
- f. Transfers of outdoor amenity space proposals must provide documentation confirming the receiving parcel’s property owner consents to the outdoor amenity space arrangement.

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4. Pet-Walk Areas

- a. For residential uses with more than 40,000 square feet of floor area, a minimum of 500 square feet of designated pet-walking areas must be provided unless pets are prohibited from such development as confirmed by written documentation.
- b. Off-site locations may be utilized in lieu of meeting this requirement on-site, however, such off-site locations must be within 1,000 feet from any building’s pedestrian entrance as measured along areas permitted for pedestrian access.

F. Streetscapes

- 1. All streetscapes in the Buckhead / Lenox Stations Legacy District are required to meet the standards of *Sec. XX. Streetscapes*, unless otherwise noted in this Section.
- 2. Public sidewalks must be located along all public streets and must consist of two zones: an amenity zone and a pedestrian walk zone. Public sidewalks must meet the following requirements:

Street Type	Amenity Zone Width (min)	Pedestrian Zone Width (min)	Unobstructed Pedestrian Zone with Dining Encroachment (min)	Street Tree Spacing (max)	Street Light Spacing (max)
Peachtree Road	5 ft	15 ft	10 ft	40 ft	80 ft
Primary and local streets	10 ft	10 ft	6 ft	30 ft	60 ft
Private streets that function as a public street for determining block area	Not required	6 ft	6 ft	Not required	Not required

- 3. Pedestrian and street lights must be placed equidistant and on-center between required street trees within the amenity zone as specified for the applicable street type.
- 4. Outdoor dining within the required public streetscapes:
 - a. May be allowed to encroach into the pedestrian zone only when the amount of unobstructed sidewalk is provided as specified in the streetscape table above;
 - b. May not prohibited from containing any fixed or attached structure within such pedestrian zone encroachment area;
 - c. Must be separated from the unobstructed pedestrian zone only with movable planters, movable fencing or similar non-fixed barriers provided they do not exceed a height of 42 inches including any plant material; and
 - d. Must comply with all requirement of this Chapter at such time as the outdoor dining use is discontinued for more than 30 days.
- 5. The location of transit stops for shuttles, buses or other similar forms of public transportation and paths, trails or similar forms of non-vehicular travel ways must be coordinated with the Buckhead Area Transportation Management Association (BATMA). The widths of amenity zone and pedestrian zones may be varied to accommodate such elements.

6. Lots will be permitted to credit new street tree planting and sidewalk areas created as a part of the Peachtree Corridor Project towards any required street tree planting and sidewalk requirements and any required open space requirements.
7. In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 will be exempt from compliance with streetscape requirements on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped. To the extent this exemption is utilized, the applicable property must retain the existing 5 foot pedestrian zone located at back of curb on Piedmont Road and provide a separate 8 foot multi-use path between the building and the back of curb on Piedmont Road.

G. Street Setbacks

1. Street setbacks must meet the following requirements:

Street Type	Street Setbacks not Designated as Plaza Areas (min / max)	Street Setbacks Designated as Plaza Areas (min / max)
Peachtree Road	15 ft / 25 ft	35 ft / No max
Primary streets	10 ft / 25 ft	30 ft / No max
Local streets	No min / 25 ft	30 ft / No max

2. The street setbacks (including any porches and stoops associated with residential uses) must have a maximum elevation of 36 inches above existing grade unless existing topographical considerations render this requirement unreasonable in the determination of the Director.
3. Storefront display windows may project into the required street setbacks but must not cover more than 2/3 of its horizontal area and must be at least 3 feet, to be internally illuminated, serviced by electricity, and accessible from the interior of a building.
4. Additional requirements for street setbacks:
 - a. Adjacent to all uses, a pedestrian access with a width of at least 4 feet must be provided through the street setback to connect to the adjacent required streetscape. Said pedestrian access must be predominantly perpendicular to the street unless topography prohibits.
 - b. Adjacent to nonresidential uses, the street setback must be hardscaped for pedestrian access a minimum of 75% of its area excluding fountains, pools, pedestrian furniture, public art, outdoor dining and similar elements. See *Sec. XX. Outdoor Amenity Space* when utilizing street setbacks as part of outdoor amenity space calculations.
 - c. Adjacent to ground story residential units:
 - i. Said street setbacks must be a minimum of 25% landscaped except when located on Peachtree Road which will have no minimum requirement.
 - ii. Buildings with more than 4 ground story residential units will be permitted to share said required pedestrian access with one adjacent unit.
5. Fences and walls will only be allowed within the street setbacks when meeting the following regulations:

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- a. For all-ground story residential and outdoor dining uses:
 - i. Walls must not exceed 42 inches in height unless existing topography requires a retaining wall of greater height;
 - ii. Fences must not exceed 42 inches in height; and
 - iii. Any railings, balustrades, or enclosures around stoops, stairs, or porches must be a minimum of 60% open,
 - b. For all other nonresidential ground story uses, fences and walls are prohibited.
 - c. Retaining walls must be finished poured concrete or must be faced with stone, brick or smooth stucco and must be architecturally compatible with the adjacent building's design.
6. A building may cantilever over the street setbacks, provided there is a minimum vertical clearance of 24 feet above the finished street setbacks grade.
 7. Outdoor dining locations must be designated within the approved permit as available for such use and no encroachment by outdoor dining outside an area so designated will be permitted.
 8. In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 will be exempt from compliance with this Section on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped.

H. Relationship of Building to Street

Regulations contained in this Section apply to all buildings and structures, including parking structures, except structures for parking lot attendants that are less than 50 square feet.

1. General Ground Story Building Facade Requirements

- a. All buildings must have a minimum of one building facade meeting the major-ground story building facade requirements of this Section. All other building facades will be considered as minor-ground story building facades.
- b. For lots with more than one street frontage, major-ground story building facades will be required according to the following table. Only one street will be required to meet the major-ground story facade requirements, with the street with the table's highest assigned ranking being considered the major-ground story. In this way, streets with an order of priority of "1" will have a higher priority over streets with an order of priority of "2", and so on. If there are multiple streets with the same highest ranking applicant may choose their defined major-ground story designation.

Street Type	Order of Priority
Peachtree Road	1
Primary streets	2

^a Georgia State Route 400, the MARTA northern concourse pedestrian bridge and the district boundary will not be considered streets for purposes of the ground story building facade requirements of the Section.

Street Type	Order of Priority
Local streets and private streets that function as public streets ^a	3
Pedestrian access ^a	4

^a Georgia State Route 400, the MARTA northern concourse pedestrian bridge and the district boundary will not be considered streets for purposes of the ground story building facade requirements of the Section.

- c. Wherever the term-ground story is used elsewhere in this Chapter, without further delineation between major or secondary status, it will apply to both major and minor-ground story building facades.
- d. Active uses, where provided, must be serviced by plumbing, heating, and electricity and are limited to the residential uses and nonresidential uses designated in the Permitted Use Table, with the exception of the following nonresidential uses which will be prohibited:
 - i. Helipad;
 - ii. Commercial parking structures; and
 - iii. Structures required for public transit.

2. Major Ground Story Building Facades

Major ground story building facades must meet the following requirements:

- a. Major ground story glazing and building massing:
 - i. Building facades greater than 100 continuous feet in horizontal length must include variety in facade treatment such as materials, textures, colors or window and door patterns.
 - ii. The length of facade without intervening glazing or entry features must not exceed 20 feet.
 - iii. Glazing must be provided for the horizontal length of the primary-ground story facade as listed below for the following street types:
 - a) Peachtree Road and primary streets: A minimum of 65%
 - b) All other streets (including pedestrian access): A minimum of 50%
- b. Major ground story entry features:
 - i. Buildings with more than 4 residential units which are located at the major-ground story, except those with either supportive housing, nursing homes, personal care homes or assisted living uses, must have individual entry features to such units directly accessible from the public sidewalk and must open directly onto the adjacent public sidewalk, street setback, terrace, porch, plaza, or park adjacent to the public sidewalk. Said buildings must have porches, stoops or wheelchair access at each-ground story entry feature.
 - ii. All residential uses located above or below the major-ground story must provide major-ground story access via a lobby or a similar space.

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- c. Major ground story active uses:
 - i. Active uses must be provided within buildings and parking structures for the entire length of said building facade except ingress and egress points into parking structures or loading areas.
 - ii. Minimum-ground story to ceiling height for primary-ground story fronting Peachtree Road and primary streets must be 18 feet, as measured vertically from the ground floor to the structural ceiling, not including drop ceilings or other interior ceiling treatments within the-ground story space.

3. Minor Ground Story Building Facades

Minor ground story building facades must meet the following requirements:

- a. Glazing must be provided for the horizontal length of the minor ground story facade as listed below for the following street types:
 - i. The requirements for major ground story will apply when ground story building facades are located along such streets.
 - ii. For all other streets (including pedestrian access), a minimum of 25% is required. Artistic wall murals, architectural treatments and other forms of building articulation that do not utilize glass will be permitted to account for a maximum of 50% of this requirement.
- b. Entry features will only be required when active uses are provided and no other entry feature is provided along another facade.
- c. Active depth will not be required.

4. Additional Glazing Provisions

Required glazing must meet the standards of *Sec. XX. Glazing*.

5. Additional Entry Feature Provisions

Where ground story pedestrian entry features are required, the following additional provisions apply:

- a. Entry features must be architecturally articulated, and face, be visible from, and be directly accessible from the adjacent public sidewalk. The use of fire-escape, entrance-only and exit-only doors as primary entry features is prohibited.
- b. Lobby doors and similar entry features may be recessed a maximum depth of 10 feet and may have a maximum width of 20 feet. All other doors may be recessed a maximum depth of 5 feet.
- c. Entry features for nonresidential uses must remain unlocked during business hours and must be at-grade with the closest portion of the adjacent required public sidewalk.

6. Additional Active Use Provisions

Where ground story active uses are required, the following additional provisions apply:

- a. Ground story active uses must not include parking, non-residential storage areas, driveways, or queuing lanes parallel to the adjacent street.
- b. Active uses must be provided for a minimum depth of 20 feet, as measured from the ground story building facade.

7. Specific Uses in Enclosed Buildings

The following uses must be placed within a building or parking structure and subject to the active use requirement of this Section, except at ingress and egress points.

- a. Structures and features associated with fueling stations such as accessory fueling pumps, air pumps, repair garages, vehicular service areas and car washes, when within 300 feet of Peachtree Road or any primary street.
- b. Drive-through service windows for any use, including structures and associated queuing, when within 300 feet of Peachtree Road or any primary street.
- c. Sales and leasing agencies for new and used passenger automobiles and commercial vehicles. Such uses are only be permitted within mixed-use buildings and must not constitute the primary use of the building.

8. Address

A street address number must be clearly visible from the public sidewalk, and must have a minimum height of 6 inches.

9. Up-Lighting

All up-lighting must be located a minimum height of 8 feet above the required public sidewalk, driveway or street setback.

10. External Storefront Security Grilles, Gates and Security Doors

- a. Must be fully retractable during business hours and must permit visibility into the interior of protected space when in use;
- b. Opaque systems are prohibited;
- c. External housing and shields for such systems must be painted the same color as the frames of the storefront system they protect; and
- d. Vehicular gates and doors may be recessed a maximum depth of 20 feet.

11. Exceptions

In recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 may be exempt from compliance with *Sec. XX. Major Ground Story Entrances*, *Sec. XX. Major Ground Story Active Uses*, *Sec. XX. Address* and *Sec. XX. Up-Lighting* on Piedmont Road unless the mature tree canopy and landscaped area on the applicable property is redeveloped.

Sec. 7.3.7. Development Standards

A. General

All projects in the Buckhead / Lenox Stations Legacy District are required to meet the standards of *Ch. 8. Development Standards*, unless otherwise noted in this Section.

B. Fences and Walls

1. No barbed wire, razor wire, chain link or similar elements may be visible from any public park, plaza, right-of-way, private street, pedestrian way, required sidewalk or ground story outdoor dining area.
2. Fences and walls are prohibited between a pedestrian zone and a lot line.
3. For all locations not located between the building and the required sidewalk: the maximum height of all fences and walls is 8 feet.

C. Vehicle Access

1. Driveways and Curb Cuts

For all uses except for hotels, driveways must be predominantly perpendicular to any adjacent street and are not permitted between the required sidewalk and the adjacent building except to reach the side yard, rear yard or an on-site parking facility.

2. Street Types

- a. Streets, private streets and private drives intersecting with Peachtree Road or primary streets:
 - i. Must be designed to have the appearance of public streets and must meet the requirements of *Sec. XX. Streetscapes*, *Sec. XX. Street Setbacks*, and *Sec. XX. Relationship of Building to the Street* for a minimum distance of 50 feet from the Peachtree Road or primary street entryway, as measured along the center-line of the street or drive; provided, however, in recognition of the existing mature tree canopy, landscaping and topography located between the back of curb and the buildings on Piedmont Road in Subarea 4, properties in Subarea 4 will be exempt from compliance with this Section unless the mature tree canopy and landscaped area on the applicable property is redeveloped; and
 - ii. Will have no limit of total curb cut width along Peachtree Road or primary streets.
- b. Streets, private streets and private drives intersecting with all other street types:
 - i. Curb cuts accessing parking areas may have a maximum combined width of 36 feet per street, private street or private drive; and
 - ii. Curb cuts accessing loading areas may have a maximum width of 14 feet per curb cut. The number of such curb cuts must not exceed the number of required loading spaces designated in *Sec. XX. Vehicle Parking*. Loading area curb cuts are permissible per building, not per street, and may be combined; and
 - iii. The total number and total width of curb cuts accessing parking areas and loading areas may be increased when documentation is provided from a certified traffic engineer

proving the need for the increased number or dimensions. Developments granted such increases must meet the Transportation Management Plan requirements of *Sec. XX. Transportation Management Plan* regardless of the total square footage of the development.

3. Streetscape

All sidewalk paving materials and widths must be continued across any intervening driveway curb cut at the prevailing grade and cross slope as the adjacent pedestrian zone. Bands of textured concrete must also be installed which are:

- a. Adjacent to the street and of equal width and alignment to the amenity zone; and
- b. Adjacent to the back of the required pedestrian zone and in-line with the street setback at a minimum width of 5 feet.

4. Parking Structures

- a. In addition to *Sec. XX. Vehicle Parking Design*, parking structures must meet the ground story building facades requirements as applicable in *Sec. XX. Relationship of Building to the Street*.
- b. A minimum of 1 entry feature to parking structures must have a minimum height of 90 inches for the ingress and egress of vanpool vehicles.

5. Lighting

All parking facility lighting must reduce light spillage onto adjacent properties by providing cutoff luminaries which have a maximum 90 degree illumination.

6. Maintenance

Parking spaces and driving lanes must be clearly defined and maintained as such. See *Sec. XX. Vehicle Parking Design* for additional requirements.

7. Landscaping

The requirements of City of Atlanta Code of Ordinances *Sec. XX. Vehicle Parking Design* including related cross-references thereto will apply.

D. Connectivity and Block Standards

1. Block Connectivity

- a. New development in Subareas 1, 2 and 3 proposing to contain a continuous block face greater than 600 feet in length without an intervening street or a private street that functions as a public street meeting the requirements of *Sec. Vehicle Access* must be traversed by streets which create block faces no more than 400 feet in length along a public street.
- b. Pedestrian ways utilized to satisfy block connectivity or block area regulations must:
 - i. Provide a continuous minimum total width of 45 feet which must be unobstructed up to a minimum vertical clearance of 18 feet except for any structural columns. Also, within any such pedestrian way is a minimum 15 feet wide continuous pedestrian path

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which is unobstructed by any vertical or overhead elements that is required in lieu of the pedestrian zone requirements in *Sec. XX. Streetscapes*;

- ii. Provide pedestrian directional signage for the pedestrian way when the pedestrian way intersects with public streets or private streets that function as public streets.
- c. Any buildings adjacent to such a pedestrian way, whether located on-site or off-site, must meet the requirements for relationship of building to street in *Sec. XX. Relationship of Building to the Street*. Newly created streets. Newly created public streets and private streets that function as a public street, which are utilized to satisfy block connectivity or block area regulations, must meet the following regulations:
 - i. Provide such street types at a minimum distance of 100 feet from any other predominantly parallel street; and
 - ii. All such street types must meet the requirements of *Sec. Vehicle Access* except that private streets that function as a public street will be permitted to utilize the following standards in lieu of the *Sec. Vehicle Access* regulations for a maximum of 40% of the permissible street types for determining block area:
 - a) An amenity zone and a street setback will not be required; and
 - b) A minimum pedestrian zone of 6 feet must be provided on one side of the private street.

2. Removal of Private Connectivity

The following provisions apply when private streets that function as a public street are utilized to satisfy block area calculations for any property within the district and are later removed or altered in part or in whole.

- a. Permission from the Director will be required. Such permission must demonstrate that district access and connectivity will be provided to an equivalent or greater degree than provided prior to the removal of such elements.
- b. Such removals or alterations must not result in a reduction in height calculations and will not be deemed nonconforming, per *Sec. XX. Lot and Building Standards*.

3. Restricted Connections and Intersections

The following provisions apply to streets which are unable to connect to or intersect with another street for purposes of meeting any related requirements of this district due to topographic or other physical restrictions.

- a. Such streets will be permitted to be considered as connecting to or intersecting with other streets when:
 - i. Located a maximum distance of 25 feet apart; and
 - ii. Documentation of the topographic or physical features that prohibit the connection or intersection of such streets is provided.

- b. For purposes of quantifying district block area calculations, these areas will be quantified by determining the total linear distance between the non-connecting or non-intersecting streets.

4. Old Ivy Road Access

In Subarea 4, vehicular access to Old Ivy Road must be designed to prohibit vehicles from turning right out onto Old Ivy Road or turning left in from Old Ivy Road. Signage prohibiting the right out and left in movements must be posted at the intersection with Old Ivy Road. Vehicular access from Old Ivy Road must be closed with a physical barrier from 7:00 pm to 7:00 am daily and at all times on the weekend. In the event of significant or repeated illegal turns into or out of the Old Ivy Road curb cut, the owner must provide, at the discretion of the City of Atlanta Office of Transportation, at the owner's expense, an off-duty City of Atlanta police officer to direct traffic movements between 7:30 am to 9 am and 5:00 pm to 6:30 pm each weekday.

E. On-Site Parking Requirements

1. Screening

Surface parking lots must be screened from adjacent streets and sidewalks. Only perpendicular driveway crossings and delineated pedestrian paths will be allowed through such screening. Screening must incorporate screen wall extensions, berms, or vegetative fences or screening between the parking lot and the sidewalk at a minimum height of 36 inches. The following additional screening controls apply:

- a. Berms, vegetative fences or screening must have a maximum height of 42 inches.
- b. Screen wall extensions must:
 - i. Be located predominantly parallel and congruent with the adjacent building facade;
 - ii. Be a maximum height of 12 feet; and
 - iii. Be a minimum of 50% permeable or articulated to avoid blank walls.

2. Additional Requirements for Office Uses

Any development providing more than 50,000 square feet of gross office space must reserve and designate carpool and vanpool parking spaces with notification of such spaces to be provided to the Buckhead Area Transportation Management Association (BATMA) at the minimum ratios as follows:

- a. 3% of all parking spaces as "carpool only", but will not be required to exceed 7 such spaces, with a minimum of 1 such space to provide electrical conduit and infrastructure to encourage future access for electric vehicles.
- b. 2% of all parking spaces as "vanpool only", but will not be required to exceed 3 such spaces.

3. Transit Station Area

Within the transit station area, on-site parking spaces may be permitted to be reserved and designated as "transit access only" parking. The allocation of such spaces may be permitted

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without limit and must be coordinated with the Buckhead Area Transportation Management Association (BATMA).

F. Transportation Management Plans

1. The Office of Buildings must not issue any Certificate of Occupancy permits for any multi-unit residential, office, or hotel development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a Transportation Management Plan (TMP). This 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.
2. Upon 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.
3. A summary report of ongoing implementation of the TMP must be submitted annually.

G. Roofs, Bridges and Tunnels

1. A minimum of 75% of roof surface that covers floor area and is not used for roof penetrations or on-site renewable energy power systems must achieve a minimum initial Solar SRI of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12).
2. Pedestrian bridges and tunnels and privately owned vehicular bridges and tunnels are prohibited when located above or below public streets, with the exception of tunnels for service and loading purposes.

H. Incentivized Developments

1. General

Development bonuses specified in this Section will be permitted for any development that meets the listed criteria for plaza areas or green development. However, no additional building height is permitted unless meeting all of the respective criteria for such plaza areas or green development as indicated below.

2. Plaza Areas

- a. Plaza areas eligible for the bonus provisions of this Section are limited to one such location for each eligible plaza area delineated on Regulating Map C. Incentivized Plazas
- b. Plaza areas as street setbacks:
 - i. Must be designed and located in accordance with the requirements for street setbacks in *Sec. XX. Street Setbacks*.
 - ii. Must have an overall scale and layout that delineates such areas as being unlike from the adjacent pedestrian zones.

- iii. Must front the primary ground story facade of at least one building.
 - iv. Must be provided in addition to the total square footage of street setbacks that would otherwise be required in *Sec. XX. Street Setbacks*.
- c. Size and incentives:
- i. For such plaza areas at least 2,500 square feet, all outdoor amenity space calculations must be fully satisfied in the required street setbacks and Plaza area.
 - ii. For plaza areas at least 5,000 square feet, in addition to the above plaza bonus for outdoor amenity space, for such plaza areas an additional building height of 50 feet will be permitted in excess of the total building height as regulated in *Sec. XX. Lot and Building Standards* for portions of buildings which meet the following criteria:
 - a) Located within 800 feet of the plaza area as measured along a walkable path;
 - b) Immediately adjacent to the plaza area with no public streets separating them.

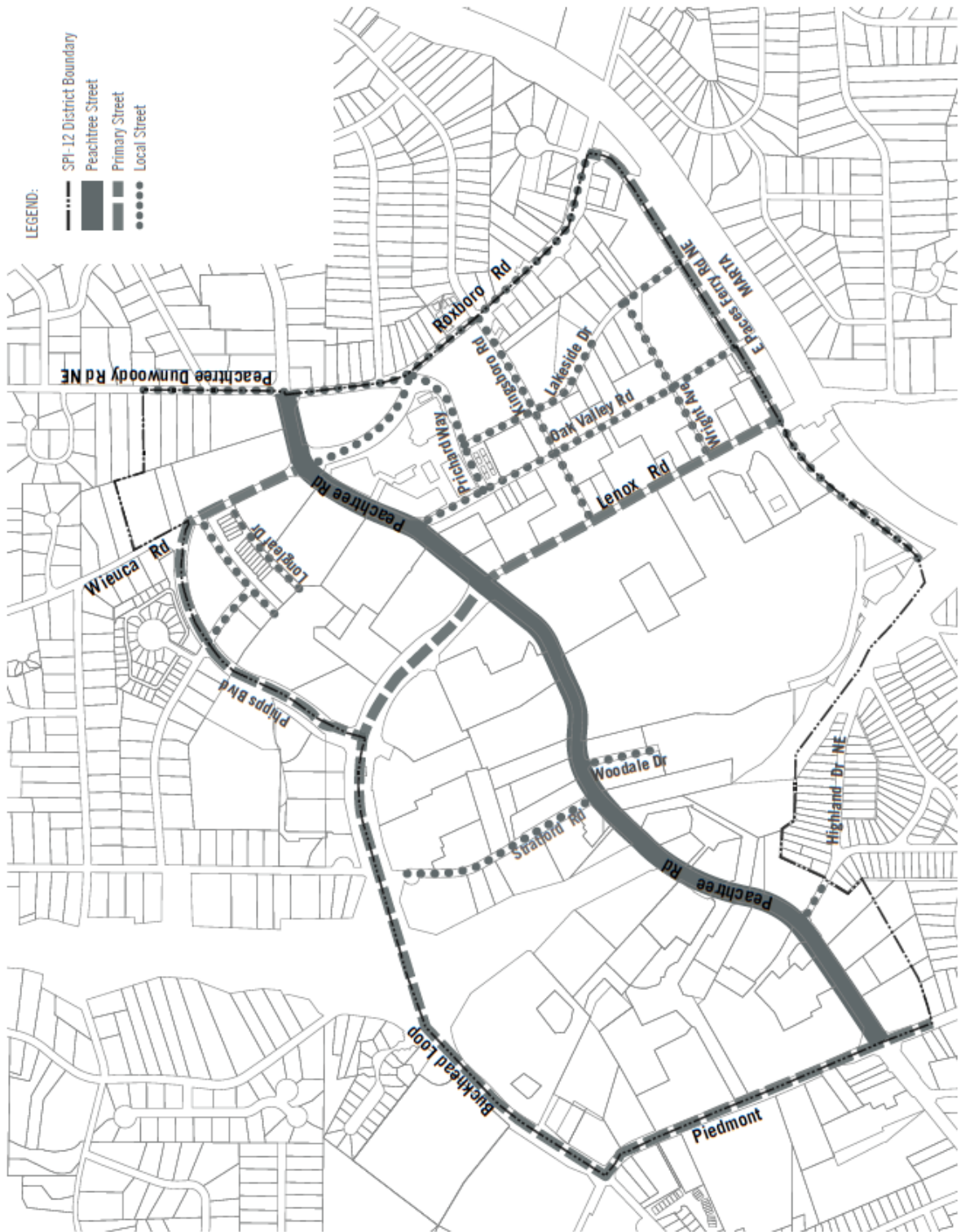
3. Green Development

- a. To qualify for the green development incentives, such development must:
- i. Be in excess of 100,000 square feet of floor area;
 - ii. Utilize non-potable water sources for 100 percent of all outdoor water use;
 - iii. Provide verification of an Analysis of the City Energy Code that demonstrates 10% reduction of energy use, in comparison to the City Energy Code requirements;
 - iv. Provide open space at least 10% above open space requirements;
 - v. Provide a minimum of 3 electric vehicle charging stations.
- b. Developments meeting all of the above criteria will be entitled to either of the following opportunities:
- i. An additional building height of 30 feet will be permitted in excess of the total building height as regulated in *Sec. XX. Lot and Building Standards*
 - ii. An expedited permitting process when in accordance with a formal "expedited permit program" as established by the Office of Buildings.

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Sec. 7.3.8. Regulating Maps

A. Street Framework

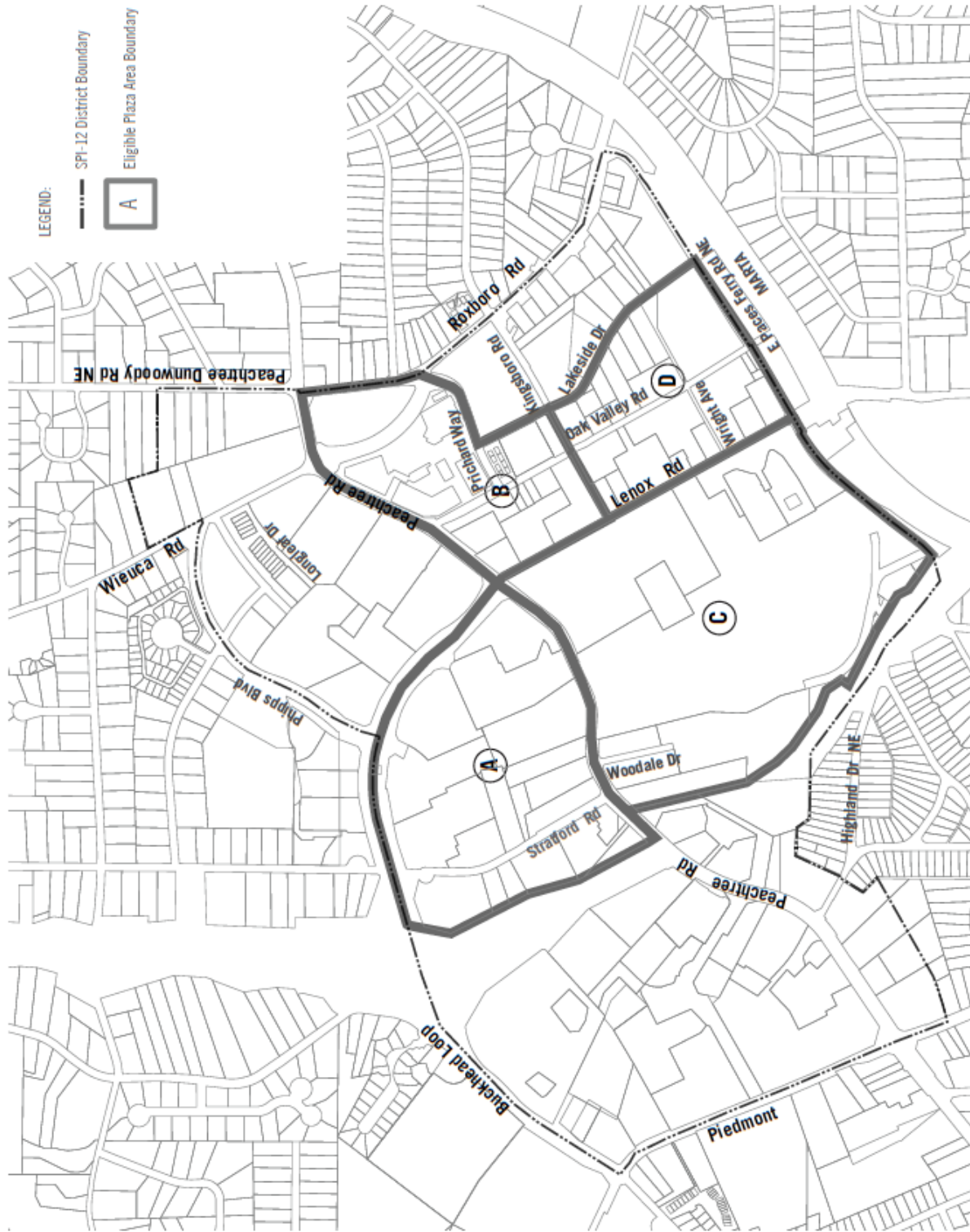


B. Height Framework



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C. Incentivized Plazas



DIVISION 7.4. **MIDTOWN (M)**

Sec. 7.4.1. **Intent**

- A. The intent of the council in establishing and updating the Midtown Legacy District is as follows:
1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the initial comprehensive study known as Blueprint Midtown;
 2. Implement provisions of subsequent supplemental plans and studies of this area including Blueprint Midtown II, Midtown Mile Market Overview & Retail Leasing Plan, Midtown Mile Market Research Study, Greenprint Midtown, I-75/85 Connector Transformation Study, Parking Study and Action Plan, Midtown Transportation Plan and Blueprint Midtown 3.0;
 3. Create an urban environment where people can live, work, meet and play;
 4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
 5. Improve the aesthetics of the built environment;
 6. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
 7. Maximize opportunities for pedestrian amenities, including public art, safe accessible parks, plazas, and greenways for active and passive enjoyment;
 8. Provide appropriately scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
 9. Provide a range of housing types and prices to meet different housing needs;
 10. Preserve and protect Midtown's historic buildings and sites;
 11. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
 12. Provide for development compatible with existing surrounding residential areas and provide for appropriate transitions between new development toward residential neighborhoods;
 13. Encourage the use of MARTA through the location of mixed-use development around MARTA rail stations;
 14. Minimize the amount of vehicular parking provided by encouraging shared parking and access along with alternative modes of transportation, while continuing to provide sufficient parking in an unobtrusive manner to surrounding residential areas;
 15. Encourage the increased use of alternative modes of transportation and mobility such as walking, biking, and public transportation.
 16. Encourage opportunities for economic development where there is a planned relationship between transportation systems and development.

Sec. 7.4.2. District Boundaries

- A. The boundaries of the Midtown Legacy District are as shown on the zoning map. The district is divided into 3 subareas, as shown on the official zoning map, which are described as follows:
1. Subarea 1: Midtown Mixed Use
 2. Subarea 2: Midtown Residential
 3. Subarea 3: Juniper East

Sec. 7.4.3. Administrative Procedures

A. Administrative Relief

Administrative Relief will be reviewed as a Certificate of Administrative Variation according to *Sec. XX. Administrative Relief*.

Sec. 7.4.4. Use Standards

A. Permitted Uses

1. The permitted principal uses and special uses set forth in this Section will be permitted only as listed within each subarea within said Permitted Use Table and only in the manner so listed. See also *Sec. XX. Relationship of Building to Street* for additional use location criteria.
2. A building or premises may be used only for the principal uses indicated with a “P” in the Permitted Use Table.

B. Special Use Permits

Special use permits are required as indicated with “S” in the Permitted Use Table. These uses are permissible subject to limitations and requirements set forth elsewhere in this Division and in *Sec. XX. Special Use Permit*.

1. General Food and Beverage

Location	Size Requiring a Special Use Permit
East side of Peachtree St.	10,000 SF or more
Both fronting along the west side of Juniper St. and South of 10th St.	5,000 SF or more
Both east of Juniper St. and North of 10th St.	5,000 SF or more
Both east side of Juniper St. and South of 10th St.	2,000 SF or more

2. Transfer of Development Rights

Transfer of development rights is permissible provided meeting the following criteria in addition to those in *Sec. XX. Legislative Review*:

MIDTOWN (M)

- a. Both the sending and receiving properties must be located within Midtown Legacy District whereas for purposes of *Sec. XX. Legislative Review*, properties will be deemed to be closely proximate if both lie within this Midtown Legacy District;
- b. The sending property must either be considered as new public parking or new public park space per *Sec. XX. Lot and Building Standards* or designated under the City's historic preservation ordinance; and
- c. Whenever the transfer of development rights regulations of this district are at variance with transfer of development rights provisions established in *Sec. XX. Legislative Review*, the regulations of this district apply.

C. Board of Zoning Adjustments

The following are permissible only when approved by the Board of Zoning Adjustments through variance, as applicable:

1. Accessory outdoor amplified music, except as follows:
 - a. Live entertainment will be permitted with the following restrictions:
 - i. Live entertainment may only take place between 10am - 8pm.
 - ii. Live entertainment, for the purposes of this Division, does not include pre-recorded sound.
2. Alterations in transitions.
3. Reduction or transfer of parking requirements for lots east of Juniper Street whereas parking requirements may be reduced or transferred off-site.

D. Prohibited Uses and Structures

1. All uses marked with an "--" in the Permitted Use Table are prohibited in the subarea identified. All other uses not listed in said the Permitted Use Table will be considered prohibited in all district subareas.
2. Pedestrian bridges or tunnels are prohibited.
3. Pedestrian colonnades or arcades oriented parallel to the closest street are prohibited.

E. Use Enclosure Requirements

1. Unenclosed outdoor displays of merchandise are prohibited in amenity zones or pedestrian zones.
2. When located within a street setback, unenclosed outdoor displays of merchandise must at the end of each business day be removed and placed inside a fully-enclosed structure.
3. Veterinary use is allowed provided that the building is fully soundproofed, including an entry vestibule (whereas only one set of doors can be opened simultaneously) and does not offer overnight boarding service.

F. Exclusions

No use or manner of operation will be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district.

G. Permitted Use Table

Use Category Specific Use	Subarea 1: Midtown Mixed Use	Subarea 2: Midtown Residential	Subarea 3: Juniper East
RESIDENTIAL USES			
Household Living			
General household living	P	P	P
Group Living			
General supervised group living	S*	S*	S*
Dormitory, fraternity, or sorority	P	--	--
Emergency shelter	S*	--	--
PUBLIC AND INSTITUTIONAL USES			
Civic			
General civic	P	S	P
Library or museum, private	P	S	S
Religious assembly	P	P	P
Private Education			
General private education	P	--	P
College or university, private	P	--	--
Commercial school	P	--	P
Day care, private	P	P	P
Parks and Open Space			
General parks and open space	P	P	P
Wireless Telecommunication			
Type V: Non-small wireless structure	P	S	S
COMMERCIAL USES			
Agriculture			

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed
 * = Use standards apply, *See Div. 4.3. Specific Use Standards*

FOOTNOTES:

- ¹ East of Spring St. only.
- ² West of W. Peachtree St. only.
- ³ West of Spring St. only.
- ⁴ Along Ponce de Leon only.

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Use Category Specific Use	Subarea 1: Midtown Mixed Use	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Farmers market	P*	P*	P*
Urban garden	P*	P*	P*
Entertainment and Recreation			
General indoor entertainment and recreation	P	P	P
Club, private			
Up to 5,000 SF	P	S	P
Above 5,000 SF	P	--	P
Lounge or nightclub			
Up to 6,000 SF	S	S	S
Above 6,000 SF	--	--	--
Food and Beverage			
General food and beverage	P / S	P / S	P / S
Bar	S	S	S
Lodging			
General lodging			
Up to 100 guest rooms	P	--	P
Above 100 guest rooms	P	--	--
Medical			
General medical	P	P	P
Office			
General office	P	P	P
Parking			
Commercial parking lot	--	--	--
Commercial parking structure	S	S	S
Personal Service			
General personal service	P	P	P
Animal care, indoor	P*	P*	P*
Hair or nail salon	P	P	P
Laundry service			
Up to 2,500 SF	P	P	P

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, *See Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ East of Spring St. only.

² West of W. Peachtree St. only.

³ West of Spring St. only.

⁴ Along Ponce de Leon only.

Use Category Specific Use	Subarea 1: Midtown Mixed Use	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Above 2,500 SF	--	--	--
Retail			
General retail	P	P	P
Grocery store	P	P	P
Retail bank	P	--	--
Transportation			
Helipad	S	S	S
Vehicle Sale and Service			
Vehicle sale and rental, light	P*	P*	P*
Vehicle service and repair, light	P* ^{3,4} / --	--	P* ⁴ / --
Fuel sales	P* ² / --	--	--
INDUSTRIAL USES			
Industrial and Manufacturing			
Research and development	P *	S*	S*
Warehouse and Distribution			
Data center	S*	--	--
ACCESSORY USES			
Drive-in	--	--	--
Drive-thru, enclosed	--	--	--
Drive-thru, unenclosed	--	--	--
TEMPORARY USES			
General temporary event			
Up to 90 days	P	P	P
Beyond 90 days	S	S	S

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, *See Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ East of Spring St. only.

² West of W. Peachtree St. only.

³ West of Spring St. only.

⁴ Along Ponce de Leon only.

H. Accessory Uses and Structures

Accessory uses and structures permitted within this district will include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools (and other recreation amenities) pet amenities, bike parking and repair, auto parking to serve authorized uses, outdoor dining, exhibits and displays (without commercial sales transactions) and electric vehicle charging stations equipped with Level 1, Level 2, or DC Fast Charge EVSE.

Sec. 7.4.5. Subdivision Standards

A. In addition to the requirements of *Sec. XX. Site, Lot, and Sublots*, sublots are permitted for residential uses provided a minimum of 1,000 square feet in lot area is provided. Other subdivisions will be allowed but must not modify the determination of the primary ground story building facades in *Sec. XX. Ground Story Building Facades*.

Sec. 7.4.6. Lot and Building Standards

A. Development Controls

Any project in the Midtown Legacy District must meet the following standards:

	Subarea 1: Midtown Mixed Use			Subarea 2: Midtown Residential				Subarea 3: Juniper East		
				Juniper St. Transition Area		All Other Areas				
FAR (max)	FAR by right	Max FAR Bonus	Max FAR with Bonus ¹	FAR by right	Max FAR with Bonus ⁴	FAR by right	Max FAR with Bonus ⁴	FAR by right	Max FAR Bonus	Max FAR with Bonus
Nonresidential (GLA)	5.0	5.2	10.2	On ground story and street frontage		On ground story and street frontage 2,500 SF Max 5% residential floor area		2.0	0	2.0
Residential (GLA)	3.2	7.0	10.2	6.4	9.4	3.2	6.2	3.2	3.8	7.0
Max FAR	8.2		10.2	6.4	9.4	3.2	6.2	5.2		7.0
Height										
Facade height (min)	24 ft			24 ft				24 ft		
Building height (max)	None ³ except for transitional height plane ² adjacent to protected districts			400 ft		250 ft		100 ft (60 ft East of Piedmont Ave.)		
Setbacks (min)										

¹ The only exception to the Max FAR is via the provision of certain bonuses described below for either: 'Affordable Housing'; 'Buried Parking'; or 'Public Park'; or via a special use permit for the transfer of development rights per *Sec. XX. Transfer of Development Rights*.

² Transitional height plane begins 35' above the buildable area boundary and extends at a 45-degree angle away. See *Sec. XX. Transitions*.

³ Subject to building code requirements.

⁴ In Subarea 2, the Max FAR (with bonus) can only be achieved via the "Affordable Housing" bonus incentive.

	Subarea 1: Midtown Mixed Use	Subarea 2: Midtown Residential		Subarea 3: Juniper East
		Juniper St. Transition Area	All Other Areas	
Side setback	None ³ , except min. 10 ft for on-site residential uses with windows facing the side yard	15 ft (of which 5 ft must be landscaped)		None ² , except 20 ft with windows adjacent to residential
Rear setback	None ³ , except min. 10 ft for on-site residential uses with windows facing the rear yard	15 ft		20 ft

¹ The only exception to the Max FAR is via the provision of certain bonuses described below for either: 'Affordable Housing'; 'Buried Parking'; or 'Public Park'; or via a special use permit for the transfer of development rights per *Sec. XX. Transfer of Development Rights*.

² Transitional height plane begins 35' above the buildable area boundary and extends at a 45-degree angle away. See *Sec. XX. Transitions*.

³ Subject to building code requirements.

⁴ In Subarea 2, the Max FAR (with bonus) can only be achieved via the "Affordable Housing" bonus incentive.

B. Bonus Incentives in Subarea 1 and 3

Type	Bonus	Criteria
Retail	2.0 FAR	<ul style="list-style-type: none"> New street-fronting, ground story retail or general food and beverage uses with a minimum cumulative 2000 sq. ft. fronting on a type A street for a min. of 50% length of said facade.
Affordable housing	Residential: 3.0 FAR	<ul style="list-style-type: none"> See <i>Sec. XX. Affordable Housing</i> below. This is the only Bonus Incentive applicable in Subarea 2.
Buried parking	3.0 FAR	<ul style="list-style-type: none"> All on-site parking is located completely below the ground story on all type A and B streets.
Transit station area	3.2 FAR	<ul style="list-style-type: none"> When located within a transit station area as identified on Regulating Map C. Bonus Incentives, which by this reference is incorporated into and made a part of this Division.
Public parking	2.0 FAR	<ul style="list-style-type: none"> New parking structures with 400 or more spaces that are not used to satisfy the parking requirements for any on-site or off-site uses. Limited to 1 such location for each eligible area on Regulating Map C. Bonus Incentives. Meets the active use requirements of <i>Sec. XX. Relationship of Building to Street</i>. Provides standard signage indicating public parking. Must be located a minimum distance of 1,000 feet from any other site utilizing this bonus.

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Type	Bonus	Criteria
Reduced parking	0.8 FAR	<ul style="list-style-type: none"> On-site parking provided less than 50% of the maximum parking allowed. May only be applied to parking spaces provided for on-site uses and may not be allowed to be applied to park-for-hire parking spaces.
Green building	0.5 FAR	<ul style="list-style-type: none"> Professional documentation that all existing and new buildings in the project would achieve a minimum level of LEED Gold or equivalent. Utilizes non-potable water sources for 100% of outdoor water use. Demonstrates a 10% reduction of energy use in comparison to the City Energy Code requirements.
Connectivity	2.0 FAR	<ul style="list-style-type: none"> New infrastructure meeting the requirements of Sec. XX. Connectivity below. Documented perpetual easement or dedication recorded in the office of Superior Court, referenced to deed book with copy provided to the Office of Zoning and Development.
Building reuse	1 s.f. reused = 2 s.f. bonus; and reused building does not count toward floor area.	<ul style="list-style-type: none"> Eligible for either City Landmark, Historic or National Register of Historic Places designation.
Public park	1 s.f. public park = 8 s.f. bonus to a maximum 2.0 FAR	<ul style="list-style-type: none"> Min. area of 20,000 square feet. Limited to 1 such location for each eligible area on Regulating Map C. Bonus Incentives. Meeting the design criteria in Sec. XX. Public Park below. Must be located a minimum distance of 1,000 feet from any other site utilizing this bonus.

C. Residential Uses

Residential uses with more than 50 dwelling units must provide a minimum of 5% of such total dwelling units as units having 3 or more bedrooms.

D. Conventional Streets and Pedestrian Ways

Regulating Map A. Conventional Streets and Pedestrian Ways will govern the following:

1. New conventional streets and new pedestrian ways must be constructed as shown in Regulating Map A. Conventional Streets and Pedestrian Ways in order to create pedestrian and vehicular connectivity.
2. New conventional streets created per **Sec. XX. Bonus Incentives in Subarea 1 and 3** above, must meet the requirements of **Sec. XX. Connectivity** below.
3. All other regulations within this district applicable to streets and street frontages must be applied to the new conventional streets and new pedestrian ways required in Regulating Map A. Conventional Streets and Pedestrian Ways.

4. The area of any such new conventional streets or new pedestrian ways is allowed to be included in the net or gross area calculation for density purposes and will be afforded a density bonus as specified in *Sec. XX. Connectivity* below.

E. Density Bonus Opportunities

1. Affordable Housing

- a. Whenever the affordable housing provisions of this district are in conflict with affordable housing established in *Part 19 - Fees, Permitting, Licenses, and Charges, Sec. 19-1060. Exemptions*, the regulations of this district apply.
- b. Affordable housing for the purposes of this Division means:
 - i. An affordable rental unit that is 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% AMI or 80% AMI, as applicable, adjusted for household size, for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit must be no more than 30% of the household's monthly gross income as published periodically by HUD; or
 - ii. Developments containing residential uses are eligible for the FAR bonus set forth in this Section for its representative subarea, provided that either:
 - a) At least 10% of the bonus FAR must be devoted to on-site affordable housing provided for households at 60% AMI or less;
 - b) At least 15% of the bonus FAR must be devoted to on-site affordable housing provided for households at 80% AMI or less; or
 - c) In-lieu of compliance with the on-site affordability requirement, the Applicant elects to pay an in-lieu fee to the City calculated as set forth in this Section below.
- c. In addition to the above each of the following criteria must be met, where applicable:
 - i. Affordable requirements must be in place for a minimum of 30 years from the date of issuance of the occupancy permit and must include deed restrictions governing the resale value or rental rate placed on the affordable units.
 - ii. Parking for all such affordable dwelling units must be leased or sold separately from the rental or purchase price for such units for the life of the unit such that the renter or purchaser has an option to have the unit priced lower than if the price of the unit and parking space were combined.
 - iii. No temporary or final Certificate of Occupancy will be issued until such time as:
 - a) A recorded land use restrictive covenant (LURA) or land use declaration, as applicable, in the form provided by the City, is recorded in the Fulton County real estate records, establishing that the affordable housing requirements are met; or
 - b) The Office of Buildings has verified that the full in-lieu fee has been collected.

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- iv. An applicant may elect to partially or fully satisfy the requirements set forth in this Section by leasing affordable units to Housing Choice Voucher recipient households, regardless of their income. Each unit leased to a Housing Choice Voucher recipient household will count as 1 unit provided at 80% AMI. Units occupied by Housing Choice Voucher households may not be used to satisfy 60% AMI units.
- v. An applicant may elect to satisfy the requirements of this Section by paying a fee-in lieu of compliance with the on-site affordability requirement. In-lieu fees are a public record and calculated yearly to reflect the current market. Rates will be published and made 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 the same year. In-lieu fee plus administrative costs are based on the approximate cost of construction of replacement affordable workforce housing units that were not built on-site. Fees collected will be deposited into a trust fund to support the production and preservation of affordable housing within the Midtown Legacy District.
- vi. The percentage mix of affordable studio, one-bedroom, two-bedroom, and three-bedroom units must be proportionally similar to the percentage mix in the overall development.

2. Connectivity

Must only be established via new conventional streets, shared streets, mid-block passages, or alleys, and must be designed to meet the following criteria:

- a. For new public or private conventional streets, a minimum 40' width without gates or similar barriers including a minimum of 2 travel lanes and along both sides of the street: granite curbing, amenity zones at a minimum width of 3 feet, and pedestrian zones at a minimum width of 5 feet.
- b. For new public or private shared streets, a minimum 20-foot width paved surface for pedestrians or vehicles without gates or similar barriers.
- c. For new public or private pedestrian ways, a minimum 20-foot width including a minimum 10-foot wide pedestrian-only pathway.
- d. For new public or private service streets, a minimum 20-foot width utilized for vehicles only.

3. Public Park Space

Must be designed to meet the following criteria:

- a. Must provide active or passive recreational amenities visible and accessible from any point along 90% of any adjacent sidewalk.
- b. Must permit and encourage pedestrians to walk on a minimum of 80% of the surface of the lot excluding fountains, pedestrian furniture, public art and similar elements.
- c. Must be designed in accordance with the requirements for street setbacks in **Sec. XX. Street Setbacks**.
- d. Must be open to the public during all daylight hours.

- e. Must be continuously well maintained by a designated agent for such maintenance.

F. Public Facade Materials

Exterior Insulation Finishing System (EIFS) is not be allowed.

G. Roofing

All building and structural roofs must be constructed of a heat-reflective material to achieve a minimum initial Solar SRI of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12) except for those portions of roofing designated for vegetation.

H. Bridges and Tunnels

Pedestrian bridges and tunnels are prohibited when located above public streets or private streets which function as public streets.

I. Utility Location

Along existing and new Type A and B streets shown on Regulating Map B. Street Typology utilities within a sidewalk or street setback must be located below ground, provided that such utility is not in violation of the policies of utility regulated by the Public Service Commission or otherwise regulated by state law or franchise agreement.

J. Outdoor Amenity Space Requirements

1. Required Outdoor Amenity Space

- a. The minimum required outdoor amenity space is as follows:

	Subarea 1: Midtown Mixed Use	Subarea 2: Midtown Residential	Subarea 3: Juniper East
Residential and lodging uses	20%	25%	25%
Nonresidential uses			
Commercial and retail uses	15%	20%	20%
All other uses	10%	15%	15%

- b. For the purposes of this Division, outdoor amenity space will be defined as set forth in **Sec. XX. Outdoor Amenity Space** Any of the following may count as outdoor amenity space:
 - i. Any street setbacks which meet **Sec. XX. Street Setbacks**;
 - ii. Any new streets, new pedestrian paths or shared vehicular access which meet the criteria of **Sec. XX. Connectivity**;
 - iii. Any ground story public park space per the criteria of **Sec. XX. Public Park Space**;

- iv. Any portion of a low-sloped roof (less than or equal to 2:12) designed for vegetation;

2. Outdoor Amenity Space Incentives

a. Public Art

Ground story public art will be eligible for an outdoor amenity space bonus in the amount of 10 square feet for every square foot of the public art area, up to a maximum of 10,000 square feet of outdoor amenity space bonus, provided that the public art is:

- i. A minimum of 100 square feet in size and provides a level surface (less than a 1% slope) that is visible and accessible from any adjacent sidewalk or public park; and
- ii. Programmed to provide for daily 3-D public art in coordination with the City's Office of Cultural Affairs.

b. Public Park Space

Ground story public park space with a minimum size of 5,000 square feet and otherwise meeting the criteria of *Sec. XX. Public Park Space* will be eligible for an outdoor amenity space bonus in the amount of 4 square feet toward meeting the outdoor amenity space requirement for every square foot of public park space provided.

K. Streetscapes

1. General

- a. All streetscapes in the Midtown Legacy District are required to meet the standards of *Sec. XX. Streetscapes*, unless otherwise noted in this Section.
- b. All streetscapes consist of two zones, an amenity zone and a pedestrian zone, and each zone must be located along all public streets as set forth in the following table:

	Peachtree Street	Cypress Street, Peachtree Walk	All Other Streets in SA-1 and SA-3	All Other Streets in SA-2
Amenity zone width (min)	5 ft	Varies (5 ft to 20 ft)	5 ft	5 ft
Street tree planting	40 ft on-center	Varies	30 ft on-center	30 ft on-center
Street lighting	40 ft on-center	Varies	60 ft on-center	60 ft on-center
Pedestrian zone width (min)	15 ft	Varies (10 ft to 15 ft)	10 ft	10 ft
Setback from street curbing (min)	North of 14th St: 50 ft South of 14th St: 25 ft	20 ft	15 ft	15 ft
Street setback (min)	North of 14th St: 30 ft South of 14th St: 5 ft	5 ft / 0 ft ¹	5 ft / 0 ft ¹	5 ft
Street-facing setback (max)	North of 14th St: 70 ft South of 14th St: 50 ft	40 ft	30 ft	30 ft

¹ 5' min. supplemental zones for either 1) streets classified as an 'A' street in Regulating Map B. Street Typology; or having street fronting, ground story residential units; otherwise no street setback is required.

2. Amenity Zone Requirements

- a. Said zone must be continuously located immediately adjacent to granite curbing and must meet tree planting requirements of *Sec. XX. Street Tree Requirements*.
- b. The area between such tree planting areas must either be planted with evergreen ground cover such as mondo grass or a liriopie species or must be constructed in accordance with the Midtown Streetscape Plan.
- c. Right-of-way dining may be allowed in the amenity zone provided first obtaining a valid permit from the ATL DOT.
- d. In addition, this zone may be used for street furniture specified by the Office of Zoning and Development in coordination with the department of transportation and accordance with the Midtown Streetscape Plan. This furniture may include trash receptacles, traffic signs, bus shelters, bicycle racks, benches, tree fencing, and utility poles (where allowed) or similar elements in accordance with uniform design standards utilized for the placement of such objects in the public right-of-way in a manner that does not obstruct pedestrian access or motorist visibility.

3. Street Tree Requirements

- a. Street trees are required to be planted within the amenity zone spaced equidistant between street lights as specified in the table above and in accordance with the Midtown Streetscape Plan.
- b. All newly planted trees must be a minimum of 3 inches in caliper measured 36 inches above ground, at a minimum of 12 feet in height and limbed up to a minimum height of 7 feet.
- c. Trees must have a minimum planting area of 40 square feet planted with evergreen ground cover such as mondo grass or a liriopie species.
- d. All plantings, planting replacement and planting removal must be approved by the City Arborist.
- e. Tree grates are prohibited and tree fences will only be allowed along Peachtree Street.

4. Street Light Requirements

Street lights that meet a standard Atlanta type as approved by the Office of Zoning and Development are required to be installed within the amenity zone spaced equidistant between required street trees as specified in the table above and in accordance with the Midtown Streetscape Plan.

5. Outdoor Dining within Amenity and Pedestrian Zones

Buildings existing prior to 2001 with sidewalks not meeting the requirements of this Section may have new outdoor dining encroaching into such zones provided the following criteria are met:

- a. Peachtree Street must have a minimum 12 feet of unobstructed sidewalk area adjacent to the curb. All other streets must have a minimum 8 feet of unobstructed sidewalk area adjacent to the curb;

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- b. No permanent structure or ornamentation may be located within the encroachment area and no element may be attached to the sidewalk in any way; and
- c. At such time as the outdoor dining use is discontinued, sidewalks must comply with all requirements of this Section.

L. Street Setbacks

For purposes of these regulations, the area between a sidewalk and in line with any building facade, or parking lot when no intervening building exists, will be defined as the street setback. Street Setbacks must meet the widths as specified in *Sec. XX. Streetscapes* above and the following requirements:

1. When ground story residential units are provided the street setback must be landscaped with the exception of terraces, porches, stoops, stairs and walkways;
2. When ground story food and beverage uses are provided along A1 and A2 streets as set forth in *Sec. XX. Street Activation*, outdoor dining must be provided and must include tables, seating, and shading, and thereafter maintained for outdoor dining use.
3. The street setback must be no more than 30 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
4. Walls, will not be allowed between the street and any building except for retaining walls which must be no more than 3 feet in height unless existing topography requires retaining walls of a greater height;
5. Fencing and similar barriers, will only be permitted up to 42 inches in height (including any plant material) in a street setback only for either ground floor residential uses or to separate authorized outdoor dining. Such outdoor dining may only be separated by non-fixed fencing (or similar barriers or movable planters). Other fencing is otherwise prohibited when located between the street and any building; and
6. Within Midtown Residential Subarea 2, street setback must be planted with trees having a minimum mature height of 40 feet spaced at maximum 60 linear feet of street lot lines as approved by the City Arborist.
7. Street setbacks and ground story outdoor amenity spaces over 5,000 SF (except those adjacent to religious assembly and private library or museum uses, must include electricity, seating, and shading elements.

M. Relationship of Building to Street**1. General Requirements**

- a. Building stories must be delineated from the third story above ground story down to each ground story and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
- b. Buildings must meet the following standards for active uses and glazing:

Street Type	Location	Permitted Active Uses	Glazing (min)
A1 Street	Peachtree St from 5th St to 15th St	Religious assembly, general food and beverage, general lodging ¹ , general household living ¹ , private library and museum, office ¹ , general medical ¹ , and general retail	All uses: 75%
A2 Street	North Ave, 5th St, 10th St, 12th St from Williams St to Juniper St, 14th St from Williams St to Juniper St, 17th St, Spring St from North Ave to 17th St, West Peachtree St from North Ave to 17th St, Crescent Ave, Peachtree St from North Avenue to 5th St, Peachtree St from 15th St to I-85	All uses allowed on Type A1 streets, retail bank, hair or nail salon, private commercial school, private day care, private club, general indoor entertainment and recreation, private college or university, research and development, laundry service, general personal service, and general civic	All uses: 65%
B1 Street	Juniper St from 13th St to 14th St and Juniper St from North Ave to 10th St	All uses allowed on Type A streets, dormitory, fraternity, or sorority, lounge or nightclub, fuel sales, funeral home, general supervised group living, general personal service, and emergency shelter	Residential uses: 30% Nonresidential uses: 50%
B2 Street	Ponce De Leon Ave, 3rd St, Biltmore Pl, 6th St, 7th St, Peachtree Pl, 12th St from Juniper St to Piedmont Ave, 14th St from Juniper to Piedmont Ave, 15th St from Spring St to Peachtree Cir, Spring St from 17th to Peachtree St, West Peachtree St from 17th St to Peachtree St, Beverly Rd to Inwood Cir, Peachtree Walk from 10th St to 13th St, Cypress St from 3rd St to Peachtree Pl, Piedmont Ave from Ponce de Leon Ave to 3rd St		
C Street	Other existing streets not listed above; and all alleys	Active uses not required	All uses: 30%

¹ Limited 40 feet of street frontage for each use, provided that the sum of all such uses must not exceed 50% of the overall street-facing facade length along a Type A1 street.

2. Ground Story Building Facade Requirements

- a. All buildings must have a minimum 24' facade height along the public right-of way and must have a minimum of one building facade meeting the primary ground story building facade requirements of this Section;

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- b. Active uses along existing and new streets must be provided as delineated in *Sec. XX. General Requirements*, to a minimum active depth of 40 feet for nonresidential uses and 20 feet for residential uses beginning at any ground story street-facing building facade to a minimum height of 20' above ground story except when topographical conditions prevent such treatment. These active uses must be internally illuminated and serviced by plumbing, heating, and electricity and are limited to uses set forth in *Sec. XX. General Requirements*, with the following exceptions which also will be allowed:
 - i. Fire command and transformer (or similar electrical) rooms, each not exceeding 10 feet of street-facing facade length. For lots with more than one street frontage, such rooms must be located on the lesser classified street according to Regulating Map B. Street Typology; and
 - ii. Structures required for public transit.
- c. The primary street-facing pedestrian entry feature for ground story uses:
 - i. Must face, be visible and accessible with a push button activator seen from the pedestrian zone connected with a minimum of 5 feet wide pedestrian walkway; and
 - ii. Must have a minimum 6 inch high street address located directly near the primary building entry feature clearly visible from the sidewalk;
- d. Residential uses which do not have street frontage must be linked to the public sidewalk with a minimum 4 feet wide pedestrian walkway.
- e. Accessory residential uses (such as lobbies, clubhouses, mail rooms and similar) at the ground story along type A streets must be limited to the greater of either: 40 feet of street frontage; or 50% of the overall street-facing facade length. Any bike room must be located on the lesser classified street according to Regulating Map B. Street Typology and limited to 20 feet of such street frontage length.

3. Glazing Requirements

- a. Required glazing must meet the standards of *Sec. XX. Glazing*, unless noted otherwise in this Section.
- b. Street-facing ground story building facades, except churches, fire stations & MARTA uses, must meet the following requirements:

Glazing and entry features must be provided for a minimum of the horizontal length of each street-facing ground floor facade, as designated in the *Sec. XX. General Requirements*. The length of facade without intervening glazing or entry features must not exceed 20 feet;

- c. For residential uses, glazing and entry features must have windows at a minimum of 4 feet in height.

Sec. 7.4.7. Development Standards**A. General**

All projects in the Midtown Legacy District are required to meet the standards of *Ch. 8. Development*

Standards, unless otherwise noted in this Section.

B. Lighting and Storefront Illumination

1. All lighting, including all parking decks, surface parking lots and lit canopies must reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90-degree illumination. See also *Sec. XX. Outdoor Lighting*.
2. All lighting that up-lights trees, buildings or other elements must be located a minimum height of 8 feet above an adjacent pedestrian zone when not located within completely landscaped areas.

C. Loading Areas

1. Loading areas must be screened so as not to be visible from any public plaza, outdoor dining area, public sidewalk or public right-of-way with the exception of hotel uses. Hotel uses may utilize on-street loading if orientated predominately parallel to the adjacent right-of-way and located fully outside any existing public driving lane and at least partially on private property at a maximum length of 60 feet as permitted by ATL DOT.
2. Loading dock entrances must be screened so that loading docks and related activity are not visible from the public right-of-way when not in use.

D. Curb Cuts and Parking Structures

1. Curbcut Restrictions

No vehicular entrances to properties with frontage on the east side of Peachtree Street may be located on other public streets which connect Peachtree Street to the Ansley Park neighborhood. Otherwise, except for hotel uses, curbcuts will be allowed only as follows:

- a. For a lot with only 1 street frontage: maximum 1 curbcut.
- b. For a lot with 2 or more street frontages: maximum 2 curbcuts, both located on the lesser classified street according to Regulating Map B. Street Typology. If the 2 streets have the same classification such curbcut may be on either street.

2. Driveway and vehicular Services Configuration

- a. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes must not be located between a building and the street.
- b. Drive-through and drive-in facilities are prohibited.

3. Drop-Off Lanes

No drop-off lanes will be permitted along public streets except for lodging uses as approved by ATL DOT.

4. Parking Orientation

Entrances to garages and carports that serve 1 or more contiguous ground story residential units only must share 1 common drive with any garages and carports facing rear or side yards having no street frontage.

5. Parking Structure Screening and Buffers

In addition to *Sec. XX. Vehicle Parking Design*, parking structures will have the following additional requirements:

- a. At a height of 36 feet or less above finished grade which faces any public or private street must meet *Sec. XX. Relationship of Building to Street* to provide an intervening building having conditioned habitable space along the length of such parking structure;
- b. At a height of 36 feet or more above finished grade which faces any public or private street must provide either:
 - i. An intervening building at average depth of 20 feet having conditioned habitable space along the length of such parking structure; or
 - ii. All openings of the parking structure must be fully screened from view from adjacent public or private streets so that cars, sloped ramps, and interior deck lighting are not visible from adjacent streets. In addition, along Type A and B streets, the facade design of said parking structure must be compatible with the primary building in terms of architectural style, texture, quality and material; and
- c. Side or rear yard facing parking deck facades that are exposed and visible from a public street, must screen such visible portions of the parking deck utilizing the parking deck screening regulations provided in *Sec. XX. Vehicle Parking Design*.
- d. Along all non street-facing sides of parking structures a minimum 10 feet wide continuous landscaped strip must be provided between the structure and the lot line. This landscaped strip must be planted with a combination of trees and evergreen ground cover such as mondo grass, liriopse species, ivy or shrubs with all plantings to be approved by the City Arborist.

6. Public Parking Signs

Parking facilities providing either public parking spaces or more than 50 commercial parking spaces must provide standard signage indicating public parking in accordance with the Midtown standard in coordination with ATL DOT.

7. Pedestrian Walkways from Parking

All ground story parking, including parking structures, must have walkways a minimum width of 4 feet connecting such parking to the public sidewalks and to building entry features.

E. Vehicle Parking Requirements

1. Parking Lots

- a. Must not be located closer to a street than any on-site building facade and must not occupy more than 50% of any street lot line length.
- b. Prohibited from being located within 30 feet of the back of the public sidewalk located along an "A" classified street.

- c. Must be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking.
- d. Commercial parking lots as a principal use are prohibited.

2. Parking Structures

Parking spaces provided in excess of the parking requirements of *Sec. XX. Vehicle Parking* will only be allowed as commercial parking spaces located within a parking structure. Said excess spaces will be considered a principal use and will first require a Special Use Permit as authorized in *Sec. XX. Permitted Use Table*. Otherwise, when the number of parking spaces does not exceed the requirements of this Section, said spaces will be permitted to be used as commercial parking structures without a Special Use Permit.

3. Electric Vehicle Charging Stations

All parking facilities must include electric vehicle charging stations, or similar alternative fuel facilities, in a ratio of at least 1 station for every 20 automobile parking spaces. Each electric vehicle charging station must provide Level 2 or Direct Current Fast Charging connections for one or more parking spaces. See also criteria in *Sec. XX. Required Vehicle Parking*.

4. Specific Nonresidential Uses

- a. Any nonresidential use greater than 25,000 gross floor area is required to provide a Transportation Management Plan including commitment of TIA support.
- b. For private daycare uses, establishments must provide safe and convenient facilities for loading and unloading children, as approved by ATL DOT.
- c. For general civic, general private education, private collage or university, religious assembly, or private community center uses, a minimum of 1 space for each 6 fixed seats with 18 inches if bench length counted as 1 seat or 1 space for each 50 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following maximums:
 - i. Public or private elementary or middle school: 2 spaces for each classroom.
 - ii. Public or private high school: 4 spaces for each classroom.
 - iii. Public or private Colleges and universities: 8 spaces for each classroom.

5. Parking, Lighting, Security, Landscaping and Maintenance

All surface parking lots and structures, whether a nonconforming principle use or accessory use, must meet the following requirements:

- a. Lighting must be provided throughout all parking facilities to equal a minimum of 1/2 footcandle of light. For parking structures at points of ingress and egress such lighting must be a minimum of 1 footcandle of light. Where applicable, public street and other ambient lighting may be utilized to either partially or totally fulfill these lighting requirements; however, if removed it must be required to independently provide these required levels of illumination.

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- b. The requirements of *City of Atlanta Chapter 158 Vegetation, Article II Tree Protection, Section 30* parking lot requirements will apply to this district regardless of the size of the lot.
- c. Parking facilities must be maintained in a clean, safe and sanitary condition with parking spaces and driving lanes clearly defined and maintained. See also *Sec. XX. Vehicle Parking Design* for additional requirements.

F. Office Uses Additional Requirements

1. Showering Facilities

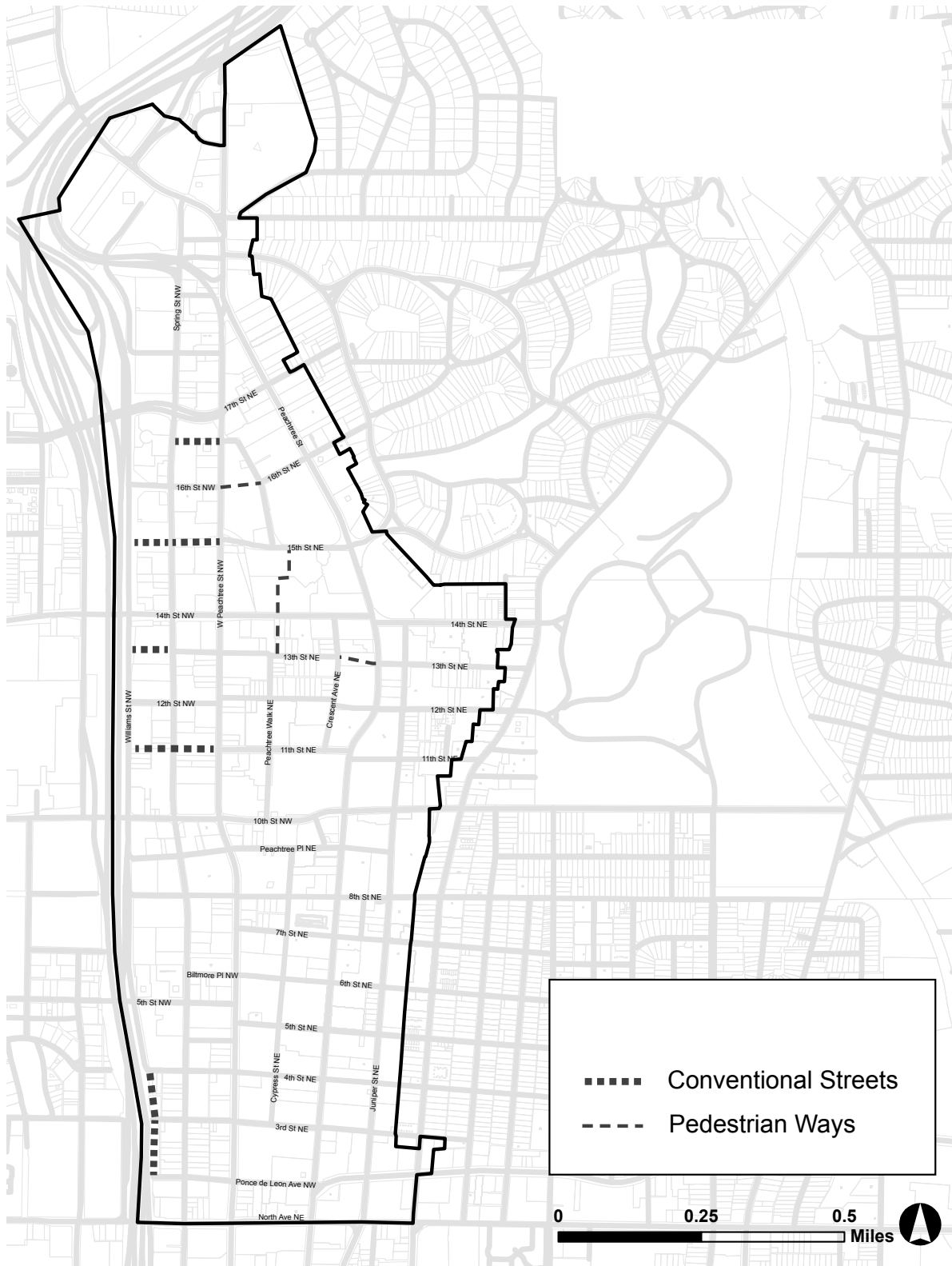
All office buildings containing over 25,000 square feet of gross office space must provide showering facilities including showers and lockers, in a ratio of at least 1 showering facility for every 25,000 square feet of gross office space, available to all building tenants and their employees, provided that no building will be required to exceed a maximum of 8 showering facilities.

2. Transportation Management Plans

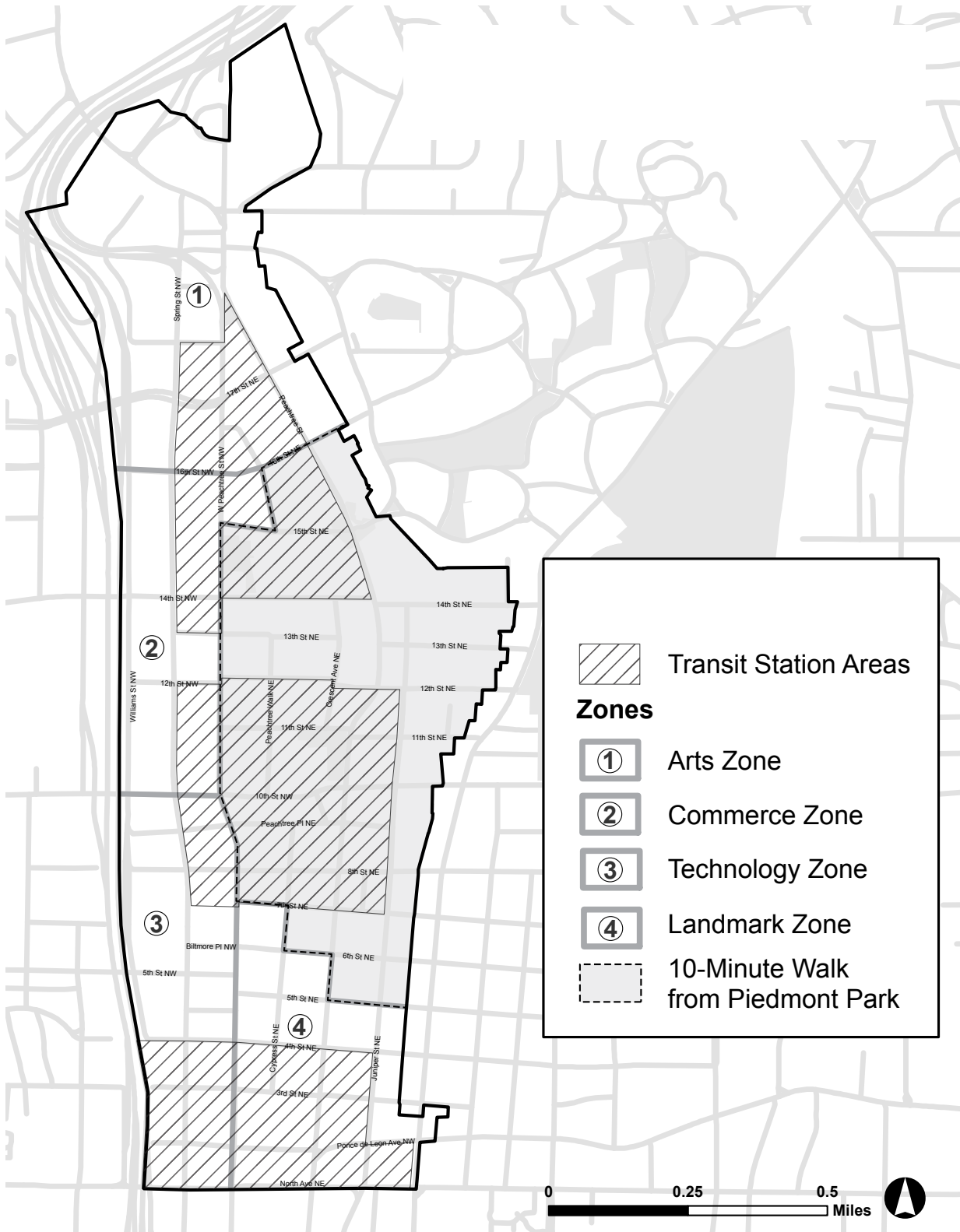
- a. The Office of Buildings will not issue any Certificate of Occupancy permits for any multi-unit residential, office, or lodging development (including the sum of such uses in combination) having more than 25,000 square feet of gross floor area until such time the developer or their specified agent has submitted to the Office of Zoning a transportation management plan (TMP). This 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
- b. A summary report of ongoing implementation of the TMP must be submitted annually.

Sec. 7.4.8. Regulating Maps

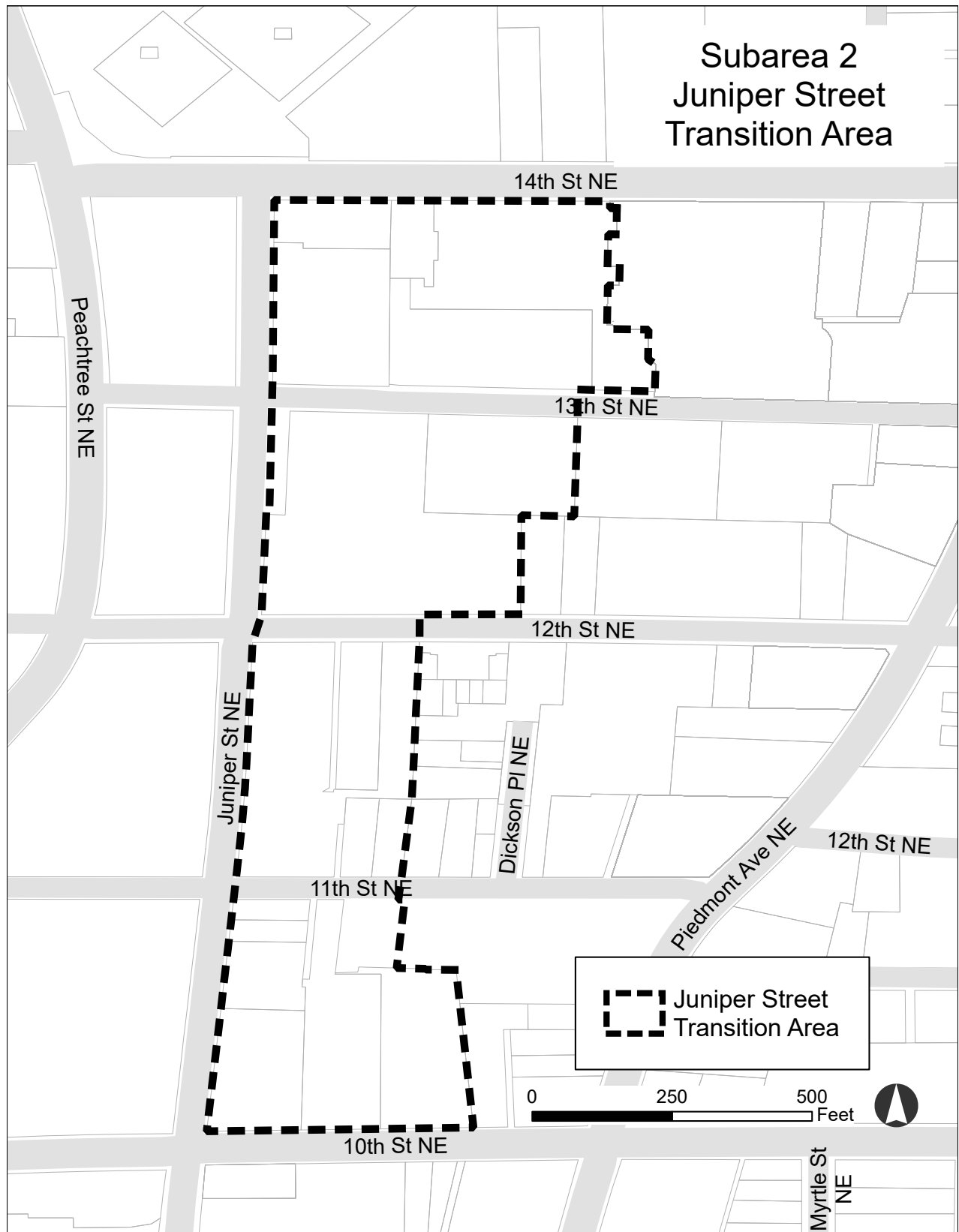
A. Conventional Streets and Pedestrian Ways



C. Bonus Incentives



D. Juniper Street Transition Area



DIVISION 7.5. **GREENBRIAR (G)**

Sec. 7.5.1. **Intent**

The intent of the council in establishing Greenbriar Legacy District as a zoning district is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the comprehensive study known as Greenbriar Town Center Livable Centers Initiative Plan;
2. Create an urban environment where people can live, work, meet and play;
3. Improve the aesthetics of the built environment;
4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
5. Provide a range of housing types and prices to meet different housing needs;
6. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
7. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
8. Provide for development within this area that is compatible with existing low-density development within surrounding residential areas;
9. Prevent encroachment of incompatible commercial uses into residential neighborhoods;
10. Ensure pedestrian-oriented building forms;
11. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
12. Provide sufficient parking in an unobtrusive manner;
13. Encourage the use of transit through the location of mixed-use development and regional entertainment and cultural facilities around a transit-oriented town center;
14. Encourage opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development;
15. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
16. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and
17. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.

Sec. 7.5.2. District Boundaries

- A. The boundaries of the Greenbriar Legacy District are as shown on the official zoning map. The district is divided into 6 subareas, as shown on the official zoning map, which are described as follows:
1. Subarea 1: Greenbriar Town Center
 2. Subarea 2: Greenbriar Neighborhood Center
 3. Subarea 3: Campbellton Road Mixed Use Corridor
 4. Subarea 4: Greenbriar Residential / Commercial
 5. Subarea 5: Greenbriar Medium Density Residential
 6. Subarea 6: Greenbriar Single-Unit Residential

Sec. 7.5.3. Administrative Procedures

A. Administrative Relief

Administrative Relief will be reviewed as a Certificate of Administrative Variation according to *Sec. XX. Administrative Relief*.

Sec. 7.5.4. Use Standards

A. Permitted Principal Uses and Structures

A building or premises must be used for the following permitted uses and structures:

1. See the Permitted Use Table for permitted principal uses, permitted accessory uses and structures, and special permits.
2. Permitted principal uses:
 - a. A building or premises shall be used only for the principal purposes as indicated with a "P" in the Permitted Use Table.
 - b. Commercial uses in Subareas 4 and 5 are further restricted as indicated in *Sec. XX. Specific Subarea Regulations*.
 - c. Battery exchange stations will be permitted where fuel sales are permitted.
3. The following uses are permissible only by Special Use Permits subject to limitations and requirements set herein or elsewhere in this Ordinance, and subject to the applicable procedures and requirements set forth in *Sec. XX. Special Use Permit*.
 - a. Special Use Permits will be required as indicated with "S" in the Permitted Use Table.
4. All Retail Uses and Personal Service Uses must be conducted within enclosed permanent structures and there must be no unenclosed displays of merchandise with the exception of outdoor dining. Outdoor sales or displays are permissible only by Special Use Permit as set forth below.

B. Permitted Use Table

Use Category Specific Use	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential/ Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
RESIDENTIAL USES						
Household Living						
General household living						
Single-unit	P	P	P	P	P	P
Two-unit	P	P	P	P	P	--
Multi-unit	P	P	P	P	P	--
Group Living						
General supervised group living	S*	S*	S*	S*	--	--
General unsupervised group living	--	--	--	--	--	--
Dormitory, fraternity, or sorority	--	--	--	--	--	--
Emergency shelter	S*	S*	S*	--	--	--
PUBLIC AND INSTITUTIONAL USES						
Civic						
General civic	P	P	P	P	P	P
Community center, private	S	S	S	--	--	--
Library or museum, private						
Up to 4,000 SF	P	P	P	P	P	--
4,001 - 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Religious assembly	S	S	S	S	S	S
Private Education						
General private education	P	P	P	--	--	--
College or university, private	S	S	S	--	--	--
Commercial school	P	P	P	--	--	--
Day care, private	P	P	P	P	S	--
Parks and Open Space						
General parks and open space	P	P	P	P	P	P
Cemetery	--	--	--	--	--	--

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ See *Sec. XX. Specific Subarea Regulations* for further restrictions in this Subarea.

² One wine specialty shop and one brewpub as defined in *Section 10-1* is permitted in Subarea 1.

³ Limited to parcels also used for a Public and Institutional Use.

Use Category Specific Use	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential / Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
Wireless Telecommunication						
Type IV: Small wireless structure	P*	P*	P*	P*	P*	P*
Type V: Non-small wireless structure	S*	S*	S*	S*	S*	S*
COMMERCIAL USES						
Adult Establishment						
Adult establishment	--	--	--	--	--	--
Agriculture						
Farmers market	P*	P*	P*	P* ³	P* ³	P* ³
Urban garden	P*	P*	P*	P* ³	P* ³	P* ³
Entertainment and Recreation						
General indoor entertainment and recreation	S	S	S	--	--	--
Club, private	P	P	P	--	--	--
Lounge or nightclub	--	--	--	--	--	--
Party house	P*	S*	P*	P*	--	--
Food and Beverage						
General food and beverage						
Up to 4,000 SF	P	P	P	P	P	--
4,001 - 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Bakery, wholesale						
Up to 2,000 SF	P	P	P	P	P	--
Above 2,000 SF	P	P	P	--	--	--
Bar						
Up to 4,000 SF	P	P	P	P	P	--
4,001 - 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Catering establishment						
Up to 2,000 SF	P	P	P	P	P	--
Above 2,000 SF	P	P	P	--	--	--
Lodging						

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ See *Sec. XX. Specific Subarea Regulations* for further restrictions in this Subarea.

² One wine specialty shop and one brewpub as defined in *Section 10-1* is permitted in Subarea 1.

³ Limited to parcels also used for a Public and Institutional Use.

Use Category Specific Use	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential / Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
General lodging	S	S	S	--	--	--
Short-term rental	P*	P*	P*	P*	P*	P*
Medical						
General medical						
Up to 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Hospital	S	S	S	X	X	X
Office						
General office						
Up to 4,000 SF	P	P	P	P	P	--
4,001 - 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Parking						
Commercial parking lot	P	P	P	S	--	--
Commercial parking structure	S	S	S	S	--	--
Personal Service						
General personal service						
Up to 2,000 SF	P	P	P	P	P	--
Above 2,000 SF	P	P	P	--	--	--
Animal care, indoor						
Up to 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Funeral home	S	S	S	--	--	--
Hair or nail salon	--	--	--	--	--	--
Laundry service						
Up to 2,000 SF	P	P	P	P	P	--
Above 2,000 SF	P	P	P	--	--	--
Retail						
General retail						
Up to 8,000 SF	P	P	P	P	--	--

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ See *Sec. XX. Specific Subarea Regulations* for further restrictions in this Subarea.

² One wine specialty shop and one brewpub as defined in *Section 10-1* is permitted in Subarea 1.

³ Limited to parcels also used for a Public and Institutional Use.

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Use Category Specific Use	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential / Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
Above 8,000 SF	P	P	P	--	--	--
Alternative financial service	--	--	--	--	--	--
Grocery store						
Up to 15,000 SF	P	P	P	P	--	--
Above 15,000 SF	P	P	P	--	--	--
Package store	P ²	--	--	--	--	--
Retail bank						
Up to 8,000 SF	P	P	P	P	--	--
Above 8,000 SF	P	P	P	--	--	--
Small discount variety store	--	--	--	--	--	--
Transportation						
Helipad	S	S	S	--	--	--
Truck stop	--	--	--	--	--	--
Vehicle Sale and Service						
Vehicle sale and rental, light	--	--	--	--	--	--
Vehicle service and repair, light	--	--	--	--	--	--
Car wash	--	--	--	--	--	--
Fuel sales	--	--	--	--	--	--
INDUSTRIAL USES						
Industrial and Manufacturing						
Low-impact industrial and manufacturing	--	--	--	--	--	--
Warehouse and Distribution						
Data center	S*	S*	S*	--	--	--
Storage yard	--	--	S*	--	--	--
ACCESSORY USES						
Drive-thru, unenclosed	--	--	P* ¹	--	--	--
TEMPORARY USES						
General temporary event						
Up to 30 days	P	P	P	P	--	--
Beyond 30 days	S	S	S	S	--	--

KEY: P = Use allowed S = Use allowed by Special Use Permit -- = Use not allowed

* = Use standards apply, See *Div. 4.3. Specific Use Standards*

FOOTNOTES:

¹ See *Sec. XX. Specific Subarea Regulations* for further restrictions in this Subarea.

² One wine specialty shop and one brewpub as defined in *Section 10-1* is permitted in Subarea 1.

³ Limited to parcels also used for a Public and Institutional Use.

C. Permitted Accessory Uses and Structures

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

Sec. 7.5.5. Lot and Building Standards

A. Development Controls

1. Any project in the Greenbriar Legacy District must meet the following standards:

	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential / Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
Max Nonresidential FAR (base) or Percentage of Development	2.5	1.5	1.0	20%	5%	None
Max Residential FAR (base)	0.696	0.696	0.696	2.0	0.696	0.5
Max Combined FAR without Bonuses	3.196	2.196	1.696	2.0	0.696	0.5
Additional Open Space Bonus	YES	YES	YES	YES	NO	NO
Ground Floor Commercial Bonus	YES	YES	YES	YES	NO	NO
Civic Space Bonus	YES	YES	YES	YES	NO	NO
New Streets Incentive	YES	YES	YES	YES	YES	YES
On-Street Parking Incentive	YES	YES	YES	YES	YES	NO
Max Combined FAR with Bonuses	3.696	2.696	2.0	2.696	0.696	0.5
Max Building Coverage (NLA)	85%	85%	85%	85%	85%	50%
Min Residential Outdoor Amenity Space (NLA)	20%	20%	20%	20%	10%	None
Min Nonresidential Outdoor Amenity Space (NLA)	10%	10%	10%	10%	None	None
Min Lot Size	None	None	None	2,000 SF / None ¹	2,000 SF / None ¹	3,000 SF
Min Lot Width	None	None	None	40 ft / 25 ft ²	40 ft / 25 ft ²	40 ft
Min Facade Height	24'	24'	24'	None	None	None
Max Building Height	80 ft	52 ft	52 ft	80 ft	52 ft	35 ft

^a Minimum lot size is none for townhouse development, 2,000 square feet otherwise.

^b Minimum lot width is 25' for townhouse development, 40' otherwise.

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2. For purposes of this Division, and notwithstanding the provisions of *Sec. XX. Definitions*, mixed-use development is defined as any development which contains as principal uses both residential and non-residential uses on the same development site, and in which both of such uses are at least 20% of the total floor area, excluding accessory uses.

B. Bulk Limitations**1. General**

Residential uses may use net lot area or gross lot area when calculating maximum permitted residential floor area, provided that outdoor amenity space requirements are calculated based on the same lot area.

2. Maximum Permitted Floor Area without Bonuses

- a. For nonresidential uses, the ratio of floor area to lot area must not exceed the amount indicated under "Maximum Nonresidential FAR" according to *Sec. XX. Development Controls*.
- b. For residential uses, the ratio of floor area to net lot area must not exceed the amount indicated under "Maximum Residential FAR" according to *Sec. XX. Development Controls*.
- c. For developments that combine residential and nonresidential uses, the ratio of floor area to net lot area must not exceed the sum of the amounts indicated under "Maximum Residential FAR" and "Maximum Nonresidential FAR" according to *Sec. XX. Development Controls*, but not greater than the maximum floor areas permitted for each (See *Sec. XX. Permitted Use Table*).

3. Maximum Permitted Floor Area with Bonuses

Under no circumstances may the ratio of floor area to gross lot area of any development with bonuses exceed the amount indicated under "Maximum Combined FAR With Bonuses" according to *Sec. XX. Development Controls*.

C. Additional Outdoor Amenity Space Bonus

If indicated for a subarea in *Sec. XX. Development Controls*, developments in that subarea will be permitted a residential bonus of 2 square feet of residential floor area for each 1 square foot of outdoor amenity space provided above the minimum required herein. Said bonus will be permitted provided that outdoor amenity space:

- a. Provides active or passive recreational amenities;
- b. Is no greater than 24 inches above or below the adjacent public sidewalk for a minimum distance of 15 feet from the beginning of the adjacent sidewalk;
- c. Is visible and accessible from any point along 90% of any adjacent sidewalk; and
- d. Permits and encourages pedestrians to walk on a minimum of 80% of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.

D. Ground Floor Commercial Bonus

If indicated for a subarea in *Sec. XX. Development Controls*, developments that provide street-

fronting, ground story retail uses or food and beverage uses that comprise a minimum of 20% of the building foot print and meet all of the requirements of *Sec. XX. Regulations for Storefront Streets* will be permitted a residential floor area bonus of 3 additional square feet for every 1 square foot of said space built.

E. Civic Space Bonus

If indicated for a subarea in *Sec. XX. Development Controls*, developments which provide recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours will be permitted a residential floor area bonus of 1 square foot for every 1 square foot of said space built.

F. New Streets Incentive

New public streets, or private streets which function as public streets may be counted towards outdoor amenity space requirements provided the following criteria are met:

1. The new streets connect 2 other public streets or private streets; and
2. The new streets meets the requirements of *Sec. XX. Streetscapes*; and
3. The maximum width of said streets is 38 feet; and
4. The new streets includes 2 on-street parallel parking lanes, 2 travel lanes and sidewalk extensions at intersections; and
5. When adjacent to a park area, new streets meet all above requirements along each park edge.
6. Gates will not be permitted across said streets.

G. On-Street Parking Incentive

New on-street parking may be counted towards outdoor amenity space requirements provided the following criteria are met:

1. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought; and
2. The new on-street parking is located where there is no existing street lane; and
3. Sidewalk extensions are provided at street intersections where appropriate; and
4. All other sidewalk requirements of this Division are met.

H. Site Limitations

1. Minimum Building Facade Heights

Buildings must have a minimum facade height along each facade adjacent to any sidewalk or street setback as shown in *Sec. XX. Development Controls*.

2. Maximum Building Heights

In addition to the requirements of transitional height planes specified in *Sec. XX. Transitions*, buildings will have a maximum height as shown in *Sec. XX. Development Controls*.

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I. Streetscapes

1. All streetscapes in the Greenbriar Legacy District are required to meet the standards of **Sec. XX. Streetscape**, unless otherwise noted in this Section.
2. Public sidewalks must be located along all public streets and must consist of two zones: an amenity zone and a pedestrian walk zone. Public sidewalks must meet the following requirements:

	Subarea 1: Greenbriar Town Center	Subarea 2: Greenbriar Neighborhood Center	Subarea 3: Campbellton Road Mixed Use Corridor	Subarea 4: Greenbriar Residential / Commercial	Subarea 5: Greenbriar Medium Density Residential	Subarea 6: Greenbriar Single-Unit Residential
Amenity Zone Width (min)	See Sec. XX. Streetscape					
Pedestrian Zone Width (min)	See Sec. XX. Streetscape					
Primary Street Setback (min)	5 ft or None ¹	5 ft or None ¹	5 ft or None ¹	9 ft or 5 ft ²	9 ft or 5 ft ²	20 ft
Side Street Setback (min)	5 ft or None ¹	5 ft or None ¹	5 ft or None ¹	9 ft or 5 ft ²	9 ft or 5 ft ²	10 ft
Side Setback (min)	20 ft or None ³	20 ft or None ³	20 ft or None ³	15 ft or None ³	15 ft / 5 ft or None ⁴	5 ft
Rear Setback (min)	20 ft or None ³	20 ft or None ³	20 ft or None ³	20 ft	15 ft	15 ft

¹ Minimum street setback is 5 ft on streets that function as arterial and collector streets, none otherwise.

² Minimum street setback is 9 ft on streets that function as arterial and collector streets, 5 ft otherwise.

³ Nonresidential uses: None.

Residential uses: Setback may be reduced to zero when no residential windows are adjacent to such yard.

⁴ Nonresidential uses: None.

Single-unit residential uses: 5 ft.

Multi-unit residential use: 15 ft setback may be reduced to zero when no residential windows are adjacent to such yard.

3. Every commercially reasonable effort must be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

J. Street Setbacks

1. For purposes of these regulations, the area between any building, parking garage, or parking lot and the required sidewalk, when no intervening building exists, will be defined as a street setback. Street setbacks must meet the following requirements. Except as otherwise specified below, the square footage contained within a street setback which meets all the following street setback requirements may be counted towards outdoor amenity space requirements.
2. Street setback general requirements are as follows:

- a. When sidewalk level residential units are provided, the street setback must be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of 2/3 of the street setback area;
 - b. Terraces, porches and stoops may have a maximum finished floor height of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
 - c. The street setback must be no more than 24 inches above the adjacent public sidewalk for a minimum linear distance of 15 feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable; and
 - d. Any authorized walls surrounding landscaped and grassed areas must not exceed a maximum height of 24 inches, except retaining walls, which must not exceed a maximum height of 36 inches unless existing topography requires a retaining wall of greater height.
 - e. Fencing permitted only when:
 - i. The street setback is located between ground floor residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
3. Along front and side facades must be a minimum width as specified in *Sec. XX. Streetscapes*.
4. Street setbacks containing a depth of 15 feet or less must meet the following additional requirements:
- a. No balcony may encroach more than 10 feet into the street setback area.
 - b. Must not be counted towards outdoor amenity space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to ground floor residential units.
5. Street setbacks containing a depth greater than 15 feet may be counted towards outdoor amenity space requirements only when the following additional requirements are met:
- a. Permits and encourages pedestrians to walk on a minimum of 80% of the surface of the street setback excluding fountains, pedestrian furniture, public art and similar elements.
 - b. When adjacent nonresidential ground floor uses are provided, must be visible and accessible from any point along 90% of any adjacent sidewalk.
 - c. When adjacent nonresidential ground floor uses are provided, all sides of buildings fronting said street setback meet the requirements of *Sec. XX. Specific Regulations for Storefront Streets*.
 - d. When adjacent residential ground floor uses are provided, must provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway must be perpendicular to the street and must connect directly to the public sidewalk and must be uncovered and open to the sky along its entire length.

6. Developments of greater than 1 acre in area and adjacent to existing transit stops which have no shelters must provide a shelter within the street setback for a minimum of 1 such stop. The design and location of such stop must be approved by the Director of Planning.

K. Relationship of Building to Street

1. Building floors must be delineated at third story above ground floor and lower and must be executed through windows, belt courses, cornice lines or similar architectural detailing.
2. The primary pedestrian entry feature for pedestrians to access all ground floor uses and business establishments with street frontage:
 - a. Must face and be visible from the street. When located adjacent to a Storefront Street, said entry feature must face and be visible from such street.
 - b. Must be directly accessible and visible from the sidewalk.
 - c. Must remain unlocked during business hours for nonresidential uses.
 - d. Must be connected with the sidewalk by a pedestrian pathway that is perpendicular to the sidewalk and is a minimum of 4 feet in width.
3. A street address number must be located directly above the primary building entry feature, must be clearly visible from the sidewalk and shall be a minimum of 6 inches in height.
4. Buildings with residential uses at the ground floor must meet the following regulations:
 - a. All primary pedestrian entry features not adjacent to a public sidewalk must be linked to the public sidewalk with a pedestrian walkway a minimum of 5 feet wide for commercial, mixed-use, and multi-unit residential development (excluding townhouse development), and 3 feet wide for townhouse, single-unit, and two-unit development. Said pedestrian walkway must be perpendicular to the street and is permitted to share said walkway with 1 adjacent unit.
 - b. Buildings must have windows at ground floor on each street frontage facade that are substantially similar in size to the sidewalk level front facade windows.
5. Along all streets, parking, storage or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment is permitted, with the exception that such uses must not occupy a minimum depth of 20 feet of the ground floor street frontage beginning at any building facade along the public sidewalk. Said buildings must meet the following additional requirements:
 - a. Must meet the requirements of *Sec. XX. Specific Regulations for Storefront Streets* except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
 - b. Must meet the requirements of building with residential uses except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
6. Buildings with nonresidential uses at the ground floor may have sidewalk arcades, which must meet the following regulations:
 - a. Must provide an at grade sidewalk surface.

- b. Arcade supports may be a maximum width of 5 feet.
 - c. Must provide a minimum of 25 feet of clear unobstructed space between arcade supports.
 - d. A building with a sidewalk arcade must meet the requirements of *Sec. XX. Regulations for Storefront Streets*.
 - e. Must provide a minimum pedestrian zone width of 15 feet and when located on streets which function as arterial streets or storefront streets, must provide a minimum street setback width of 5 feet.
7. Fences and walls must meet the following regulations:
- a. For residential uses adjacent to the sidewalk, fences must not exceed 42 inches in height when located between the primary building and the street or between any street setback and the adjacent street.
 - b. For nonresidential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this Division for outdoor dining.
 - c. Retaining walls located adjacent to a sidewalk along a public street must not exceed a height of 2 feet and the combined height of a fence where otherwise authorized and retaining wall must not exceed a height of 5 feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls will be finished with poured concrete or faced with stone, brick or smooth stucco. See also *Sec. XX. Retaining Walls*.
 - d. No walls, except retaining walls, may be located between the street and any building, with the exception of screening for authorized loading areas.
 - e. Fences and walls located between the primary structure and the lot line and not exceeding 6 feet in height may be erected, but are not permitted between the primary building and the street.
 - f. Where wood fences are constructed the finished side must be toward all property lines that front the public right of way or property used for residential purposes.
 - g. Wood fencing other than cedar or redwood must be stained or painted.
 - h. Fencing must have a horizontal top and bottom trim. Bright or fluorescent colors are prohibited.
 - i. Chain link fencing must be black or dark green vinyl coated.
8. No barbed wire, razor wire, chain link fence or similar elements may be visible from any public plaza, ground story outdoor dining area or public right-of-way.
9. Vending machines, paper stands, and other similar devices must be located interior to all buildings.
10. On nonresidential structures shingled slanted roof lines are prohibited. 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 elevations.

L. Regulations for Storefront Streets

Properties which front streets indicated as Storefront Streets on the Street Type Map must meet the following regulations:

1. Street-facing buildings including parking structures must meet the following ground floor requirements:
 - a. The length of facade without intervening glazing or entry feature must not exceed 20 feet.
 - b. For buildings with ground floor commercial uses, glazing must be provided for a minimum of 65% of the length of the frontage. For buildings with ground floor residential uses, glazing must be provided for a minimum of 51% of the length of the frontage excluding gables, windows, doors, and related trim.
 - c. Glazing must meet the requirements of *Sec. XX. Glazing*.
 - d. For parking structures, commercial uses must occupy a minimum depth of 20 feet of the ground floor street frontage beginning at any building facade along the public sidewalk, except at ingress and egress points. Such commercial uses located in this area must meet the requirements of this Section.
2. Building must have a minimum building facade height of 24 feet along each facade visible from the public right-of-way.
3. A horizontal change of materials from one material to another is required and must include a cast stone cap or masonry sill. The cap sill must project from the face of the building.
4. The primary pedestrian entrance facing the street and sidewalk must be articulated and differentiated from other components of the facade with 2 or more of the following elements:
Transom windows; awnings or canopies.

Sec. 7.5.6. Development Standards

A. General

All projects in the Greenbriar Legacy District are required to meet the standards of *Ch. 8. Development Standards*, unless otherwise noted in this Section.

B. Curb Cuts and Parking Structures

1. Entrances to garages and carports that serve a single residential unit must face the rear yard or a side yard that has no street frontage, or must have a front yard setback of at least 50% of the property depth.
2. All contiguous ground floor residential units must share 1 common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
3. Parking structure facades must conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and must have the appearance of a horizontal storied building.

4. All developments, including parking structures, must have sidewalks a minimum width of 4 feet connecting ground floor parking to the public sidewalks and to all building entry features. See *Sec. XX. Vehicle Parking Design*.
5. No drop-off lanes will be permitted along public streets.

C. Lighting, Security, and Maintenance Requirements

1. All lighting including all parking structures and lots and lit canopies must reduce light spillage onto residentially used properties by providing cutoff luminaires that have a maximum 90-degree illumination.
2. All lighting that up-lights trees, buildings or other elements, must be located a minimum height of 8 feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.
3. All surface parking lots and structures, whether a nonconforming principal use or accessory use, and whether commercial or noncommercial, will have the following minimum requirements:
 - a. Lighting shall be provided throughout all parking facilities to equal a minimum of 2 footcandles of light. A footcandle of light is a uniformly distributed flux of 1 lumen on a surface of 1 square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it must be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b. Parking facilities must be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots must not be operated when any damage impairs the drivability of the parking lot. See *Sec. XX. Vehicle Parking Design* for additional requirements.
4. Burglar bars, street gates, and steel roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security burglar bars, steel gates and roll down doors must allow 80% visibility into the tenant space and must be fully retractable during business operational hours.
5. Vacant buildings or storefronts must not have burglar bars, street gates, and steel roll down doors or shutters visible from a public or private street.
6. Lights outlining, or detailing buildings or windows are prohibited.

D. Vehicle Parking

1. On-site surface parking must not be located between a building and the street without an intervening building.
2. Parking facilities must be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours.
3. For office uses minimum requirements unless otherwise stated:

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- a. All developments must reserve and designate at least 5 percent of the employee parking spaces "Carpool Only." Carpool spaces must be used only by carpool vehicles in which at least 2 of the persons are employees or tenants of the building. Such spaces must be located near the building's employee entrance or other preferable locations within the employee parking areas as approved by the Commissioner of Atlanta Department of Transportation.
- b. All new parking structures must be built to accommodate vanpool access. The minimum ceiling height for vanpools is 8 feet 2 inches.

E. Pedestrian Bridges and Tunnels

Pedestrian bridges and tunnels are prohibited when located above or below public streets, private streets which function as public streets connecting two other public streets, or other public rights-of-way.

Sec. 7.5.7. Subdivision Standards

- A. Sublots are permitted for residential uses in Subareas 1, 2, 3, 4, and 5, provided a minimum of 1,000 square feet in lot area is provided. The additional requirements of *Sec. XX. Sites, Lots, and Sublots* will also apply.

Sec. 7.5.8. Specific Subarea Standards**A. Subarea 1: Greenbriar Town Center**

Building facade materials must consist of the following:

1. For single-unit and two-family uses, all exterior facades must be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding may be a maximum of 6 inches in width.
2. For multi-unit and nonresidential uses:
 - a. All exterior facades adjacent to or visible from a public street must be at least 51% face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49% of each building facade.
 - b. All exterior facades not adjacent to or visible from a public street may include the above list with the addition of synthetic stone and synthetic stucco.

B. Subarea 2: Greenbriar Neighborhood Center

Building facade materials must consist of the following:

1. For single-unit and two-family uses, all exterior facades must be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding may be a maximum of 6 inches in width.
2. For multi-unit and nonresidential uses:
 - a. All exterior facades adjacent to or visible from a public street must be at least 51% face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49% of each building facade.

- b. All exterior facades not adjacent to or visible from a public street may include the above list with the addition of synthetic stone and synthetic stucco.

C. Subarea 3: Campbellton Road Mixed-Use Corridor

1. Drive-through service windows and drive-in facilities must not be located between the principal structure and the street.
2. Building facade materials must consist of the following:
 - a. For single-unit and two-family uses, all exterior facades must be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding may be a maximum of 6 inches in width.
 - b. For multi-unit and nonresidential uses:
 - i. All exterior facades adjacent to or visible from a public street must be at least 51% face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49% of each building facade.
 - ii. All exterior facades not adjacent to or visible from a public street may include the above list with the addition of synthetic stone and synthetic stucco.

D. Subarea 4: Greenbriar Residential/Commercial

1. All nonresidential permitted uses listed in the Permitted Use Table will be restricted in floor area to a maximum of 20% of the total development, must be located within a building that contains street frontage and must be located on the-ground story only. No occupancy permit for such uses will be issued until a minimum of 50% of the total dwelling units are occupied.
2. Building facade materials must consist of the following:
 - a. For single-unit and two-family uses, all exterior facades must be brick, wood, or hardiplank, (cementitious siding). Hardiplank siding may be a maximum of 6 inches in width.
 - b. For multi-unit and nonresidential uses:
 - i. All exterior facades adjacent to or visible from a public street must be at least 51% face brick (thin brick prohibited) per vertical wall plane. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco (true stucco) may comprise the remaining 49% of each building facade.
 - ii. All exterior facades not adjacent to or visible from a public street may include the above list with the addition of synthetic stone and synthetic stucco.

E. Subarea 5: Greenbriar Medium Density Residential

All non-residential permitted uses listed in the Permitted Use Table will be restricted in floor area to a maximum of 5% of the total development, must be located within a building that contains street frontage and must be located on the-ground story only. No occupancy permit for such uses will be issued until a minimum of 50% of the total dwelling units are occupied.

F. Subarea 6: Greenbriar Single-Unit

Reserved.