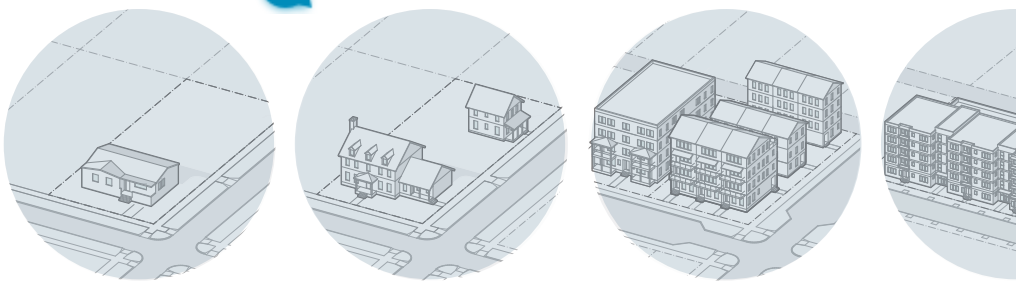
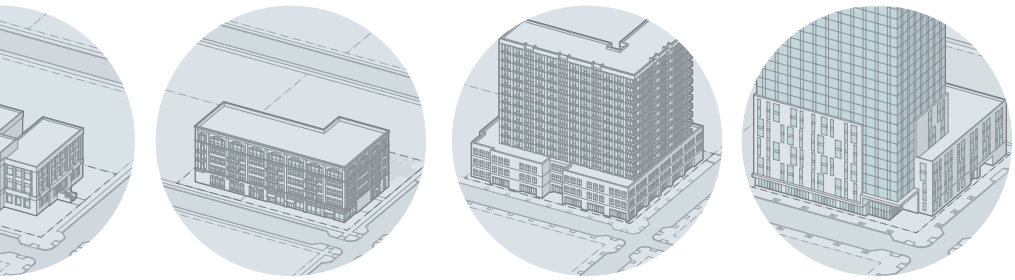


City of

ATLANTA ZONING ORDINANCE

Part 16



DRAFT V2 | December 19, 2025

Department of
CITY PLANNING

#001

Posted by **bmorrisdc** on **02/17/2026** at **7:14pm** [Comment ID: 1987] - Link
Question
Agree: 0, Disagree: 0
Is there a page in the new draft that explains the "mapping" of the current zoning categories to the new Form & Use code designations? For example, I understand that MRC-3 will now be coded UG-25, and R4 to N2A R2. Is there a list of all of them?

> Reply by **SiteAdmin** on **02/17/2026** at **7:25pm** [Comment ID: 1988] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. Please see the main page:
> https://atlzoning.konveio.com/
> The conversion maps and chart are the bottom of the page.

#002

Posted by **Bob 1** on **03/01/2026** at **8:10pm** [Comment ID: 2074] - Link
Suggestion
Agree: 0, Disagree: 0
RG3 includes MR3 which covers 8 story multifamily, any zoning change should keep existing height and density allowances, likely a UG8.

> Reply by **SiteAdmin** on **03/02/2026** at **9:32am** [Comment ID: 2076] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> This response is being provided by one of the individuals who helped draft the MR-3 district in the late 1900s. The controlling factor in both RG-3 and MR-3 is the permitted floor area ratio (FAR) of 0.696, not building height. In fact, RG-3 technically does not include a maximum height limit. In practice, however, this density is low enough that 3 stories is typically the maximum height that can be accommodated, except on unusually large sites where a significant portion of the property remains undeveloped.
>
> An analysis of built RG-3 and MR-3 sites across the city shows that RG-3 developments are overwhelmingly 2 to 3 stories in height, with only a small number reaching 4 to 5 stories. Just four developments exceed 5 stories. Victory at Summerhill (77 Fulton Street) reaches 6 stories because I-20 was counted toward its lot area. Martin Street Plaza Apartments (174 Georgia Avenue) also reaches 6 stories, enabled by counting two adjacent parks toward lot area calculations. Glenwood Park Lofts (390 Stovall Street) reaches 6 stories due to both I-20 being counted toward lot area and the presence of a large development parcel. North Avenue Apartments at Georgia Tech rise to 15 stories, but this project was constructed by the State of Georgia and was

not subject to zoning.

MR-3 developments are similarly modest in scale. Most are 2 to 3 stories, and nearly all recent projects consist of zero-lot-line townhouses. Only three developments reach 4 stories: 18 Peachtree Avenue in Buckhead, 1185 Collier Road, and 71 Howard Street in Kirkwood. At 71 Howard Street, a portion of the property is zoned NC, so the 4-story section may fall within that district, although this is difficult to determine precisely. No MR-3 or MR-3-C developments exceed 4 stories.

The proposed UG3A conversion of most RG-3 sites and all MR-3 sites reflects the typical built condition found on nearly all such properties across the city. On larger sites, an additional story may be achievable through the use of bonuses, as outlined in Chapter 8.

#003

Posted by **Bob Morris** on **02/09/2026** at **6:12pm** [Comment ID: 1940] - Link
Question
Agree: 0, Disagree: 0
I have a question. Could you please direct me to where in the ATL Zoning 2.0 documentation I might find the "mapping" of the current Zoning codes (R4, etc) to the new Form & Use codes (N2A-R2, etc.)

Thank you. Bob Morris

Reply by **SiteAdmin** on **02/10/2026** at **7:47am** [Comment ID: 1944] - Link
Answer
Agree: 0, Disagree: 0
Please refer to the homepage: https://atlzoning.konveio.com

At the bottom right is a table showing the conversions, as well as an interactive map showing existing and proposed zoning.

004

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#004

Posted by **Bob Friend** on **02/19/2026** at **3:39pm** [Comment ID: 2017] - Link

Suggestion

Agree: 0, Disagree: 0

It is not right or fair to rezone a property that would decrease the density that the property is currently zoned for. This would affect many families property values in a negative way.

> Reply by **Jennifer Friese 5** on **03/26/2026** at **7:52am** [Comment ID: 2334] - Link
>
> *Suggestion*
>
> *Agree: 0, Disagree: 0*
>
> It is not right or fair to rezone a property that would iINCREASE the density that the property is currently zoned for. This would affect many families property values in a negative way.
>
> > Reply by **SiteAdmin** on **03/26/2026** at **11:59am** [Comment ID: 2339] - Link
> >
> > *Answer*
> >
> > *Agree: 0, Disagree: 0*
> >
> > Thank you for your comments.

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005

#005

Posted by **Therese** on **04/08/2026** at **2:06pm** [Comment ID: 2725] - Link

Suggestion

Agree: 0, Disagree: 0

My husband and I own a condo in Ansley Terrace and are horrified to learn of the proposed re-zoning for this property. This property is a very quiet residential property on a residential street. The proposal to re-zone the property as commercial to permit all manner of businesses is inconsistent with the character of this property and of the Ansley Park Neighborhood. We vehemently oppose this proposed re-zoning.

> Reply by **SiteAdmin** on **04/09/2026** at **12:22pm** [Comment ID: 2786] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for taking the time to share your comments. We appreciate them.

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CHAPTER 1.

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DIVISION 1.1. **GENERAL PROVISIONS**

Sec. 1.1.1. **Repeal and Adoption of Ordinance**

The 1980 Zoning Ordinance contained in the City of Atlanta Code of Ordinances, Part 16, adopted on December 15, 1980 and effective January 1, 1982, as amended to the present, is repealed. The following Zoning Ordinance is adopted and enacted in its place.

Sec. 1.1.2. **Authority**

This Part is enacted under the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to Article 9, Section 2, Paragraphs 2, 3, and 4. It is also enacted under authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. Sections 36-66-1 et seq. and 36-70-3; the City of Atlanta Charter, Sections 1-102(b) and 1-102(c)(16), (17), (20), (21), (29), (38), (41), (42), (46), (55), and (56); the City of Atlanta's general police powers; and all other authority provided by applicable federal, state, and local laws.

Sec. 1.1.3. **Purpose**

This Part is made in accordance with the Comprehensive Plan for the City of Atlanta. It is designed for the purposes, among others, of reducing congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; promoting public health, safety, convenience, and general welfare; and encouraging a distribution of population and a classification of land uses and development intensities that support the efficient and adequate provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public needs. These regulations are made with reasonable consideration of the character of the various districts and their suitability for particular uses, and with the general objectives of promoting desirable living conditions; sustaining the stability of neighborhoods or guiding their orderly evolution in response to public needs; protecting against blight and depreciation and encouraging the most appropriate use and development of land and buildings throughout the City of Atlanta.

Sec. 1.1.4. **Title**

The regulations in this Part, together with the series of maps referenced herein, are officially known as the "Atlanta Zoning Ordinance" and may be referred to as the "2026 Zoning Ordinance," "Zoning Ordinance," "this Ordinance," or "this Code."

Sec. 1.1.5. **Application of Regulations**

Except as specifically provided hereinafter, no land or structure within the city limits may be used or occupied, and no structure or part thereof may be erected, constructed, reconstructed, enlarged, moved, or structurally altered except in conformity with the regulations for the district in which it is located and with regulations of general application.

Sec. 1.1.6. **Revival and Severability Clauses**

A. Revivability

It is the intention of the City of Atlanta that the 1980 Zoning Ordinance, as amended, is revivable. If any court of competent jurisdiction adjudges the entire Zoning Ordinance void, the 1980

#006

Posted by **Matthew 1** on **04/06/2026** at **11:41pm** [Comment ID: 2565] - Link
Suggestion
Agree: 1, Disagree: 0
Depreciation/property-value framing can become a backdoor anti-density argument; better language would focus on good urban design, safety, public health, and durable building quality instead of implying that new housing intensity is suspect.

> Reply by **SiteAdmin** on **04/07/2026** at **11:32am** [Comment ID: 2604] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#007

Posted by **Matthew** on **04/06/2026** at **3:56pm** [Comment ID: 2558] - Link
Suggestion
Agree: 1, Disagree: 0
I'm concerned about vagueness being weaponized, potentially costing tax payers money. Current language includes the purpose of:
"…reducing congestion in the streets…"
I respectfully recommend revising this clause to reflect the current transportation policy and multimodal mobility goals. I'd suggest the replacement language:
"Reducing congestion in the streets through land use patterns that shorten trip lengths, support transit use, walking, and bicycling, and reduce dependence on single-occupancy vehicles."

> Reply by **SiteAdmin** on **04/06/2026** at **5:57pm** [Comment ID: 2559] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. You make a great point. We will look into updating it.

#008

Posted by **Andrew** on **04/07/2026** at **9:38pm** [Comment ID: 2637] - Link
Suggestion
Agree: 0, Disagree: 0
This purpose clause contains no mention of climate resilience, carbon emissions, urban heat island mitigation, or ecological systems. For a 2026 ordinance in a city experiencing intensifying climate impacts, this is a foundational gap. Atlanta's own Comprehensive Plan references climate goals — the zoning code should too.

> Reply by **SiteAdmin** on **04/08/2026** at **9:52am** [Comment ID: 2690] - Link
> *Answer*
> *Agree: 0, Disagree: 0*

The Comprehensive Plan establishes policy, while the zoning ordinance implements those policies. It is not necessary for the zoning ordinance to reference every policy in the Comprehensive Plan.

#009

Posted by **Andrew** on **04/07/2026** at **9:40pm** [Comment ID: 2638] - Link

Suggestion

Agree: 0, Disagree: 0

"Stability" and "desirable" were used for decades to justify exclusionary zoning and redlining. The purpose clause should explicitly name equitable access to housing and anti-displacement as core objectives, especially given this ordinance's direct reach into historically Black neighborhoods like Collier Heights and West End.

> Reply by **SiteAdmin** on **04/08/2026** at **9:50am** [Comment ID: 2689] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

Zoning Ordinance, as amended and in effect immediately before adoption of the following Zoning Ordinance, then applies as set forth therein.

B. Severability

It is the intention of the City of Atlanta that the provisions of any part of this Part are severable. If any court of competent jurisdiction adjudges any provision of this Part invalid, that judgment does not affect any other provision of this Part not specifically included in the judgment. If a court of competent jurisdiction adjudges the application of any provision of this Part to a particular property, development, building, or structure invalid, that judgment does not affect the application of that provision to any other property, development, building, or structure not specifically included in the judgment.

DIVISION 1.2. **OFFICIAL ZONING MAP**

Sec. 1.2.1. **Division into Zoning Districts**

The City is divided into zoning districts as provided herein and as shown on the Official Zoning Map, which, together with all notations, references, and explanatory material on it, is incorporated into and declared to be part of this Ordinance.

Sec. 1.2.2. **Series of Maps**

The Official Zoning Map consists of the following maps:

A. Zoning Districts and Overlay Districts Map;

B. Parking Zone Map ;

C. Storefront Street Map ;

D. Street Type Map ;

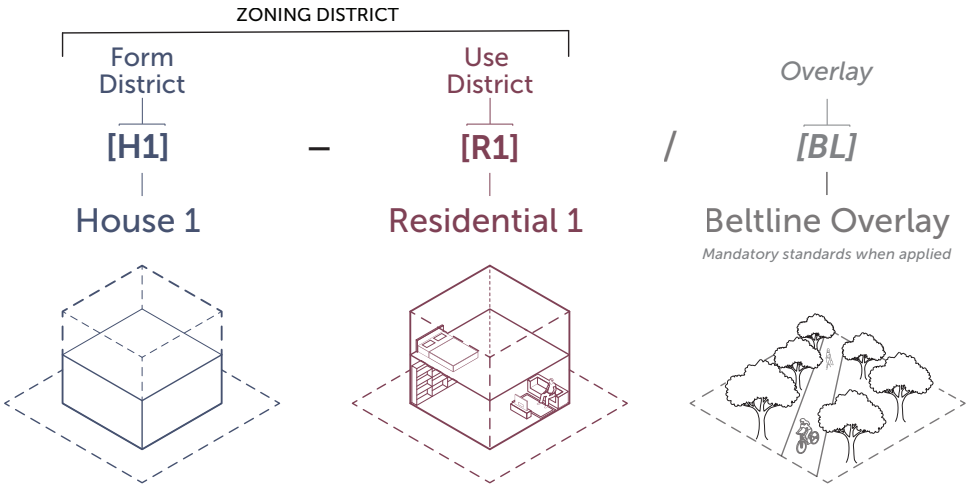
E. Short-Term Rental Map; and

F. Any other map adopted by City Council amendment for inclusion, whether or not included in this Chapter. 010

Sec. 1.2.3. **District Designations on Map**

A. Except in the event of an unauthorized change thereto, the Official Zoning Map is the official record of the zoning status of real property within the City. Each property is zoned to at least one district. Most properties are zoned to two districts - a form district and a use district - sometimes referred to as base or underlying zoning districts. Some properties may be zoned to three or more districts, with the third district often referred to as an overlay zoning district. The reader must review all maps that constitute the Official Zoning Map to determine the district or districts in which a property is located.

B. For example, if the Official Zoning Map shows a property zoned "H1-R1," the property is zoned to the House 1 (H1) form district and the Residential 1 (R1) use district. If the Official Zoning Map shows a property zoned "H1-R1/BL," the property is zoned to the H1 form district, the R1 use district, and the BL (Beltline) overlay district, which is applied over the underlying H1 and R1 districts. 011



#010

Posted by **Matthew 1** on **04/06/2026** at **11:08pm** [Comment ID: 2561] - Link

Suggestion

Agree: 1, Disagree: 0

Sec. 1.2.2 appropriately establishes a Parking Zone Map, Storefront Street Map, and Street Type Map, but the ordinance should more clearly state that these tools are intended to prioritize walkability, bicycle connectivity, transit access, and active street frontage, not just vehicle circulation. I recommend adding language clarifying that parking and streetscape standards should support mixed-use, transit-supportive development and should not force auto-oriented site design in corridors and centers served by transit.

This would better align the code with the City's mobility, housing, and public realm goals while giving staff clearer direction when applying these maps. Clear intent here would also help ensure that future technical standards reinforce safer, more connected streets for people walking, biking, and using transit.

> Reply by **SiteAdmin** on **04/07/2026** at **11:39am** [Comment ID: 2608] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> We have incorporated intent statements at the beginning of every specific standard in Ch. 3, 8, and 10. We believe many of your comments are addressed in these sections.

#011

Posted by **Tova T** on **04/08/2026** at **1:29am** [Comment ID: 2649] - Link

Suggestion

Agree: 0, Disagree: 0

As a Social Epidemiologist and trauma-informed professional, I am formally recommending the adoption of 'Somatic-Grade' technical standards for ADUs . My 10+ years of research into the Weathering Hypothesis and epigenetics suggests that Atlanta's infill housing must serve as a biological sanctuary against legacy soil toxins. I have submitted a full technical package via email with specific engineering specs for the Sunrise Series.

> Reply by **SiteAdmin** on **04/08/2026** at **9:35am** [Comment ID: 2683] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> If possible, please send these materials to atlzoning2@atlantaga.gov

C. Each property is also within a parking zone and has a street type designation for purposes of streetscape standards. Some properties may abut a storefront street for purposes of form district lot standards. Some properties may be within a short-term rental district for purposes of prohibiting short-term rental of property.

Sec. 1.2.4. **Public Records, Map Maintenance, and Certification**

The Official Zoning Map is a public record available for inspection in the Office of Zoning and Development. It is kept and maintained electronically in a geographic information system for efficient and periodic amendment following City Council action, and for easy public reference. The Official Zoning Map is also printable and, in that format, consists of a series of numerically identified sheets at a legible scale. A certified copy of one or more maps or map sheets may be obtained from the Director of the Office of Zoning and Development, in paper or digital form or both, for a reasonable fee. A certified copy must bear the dated signature of the Director or their designee certifying its authenticity.

Sec. 1.2.5. **Recording of Amendments to Official Zoning Map**

On the effective date of an ordinance authorizing an amendment to the Official Zoning Map, commonly referred to as a rezoning, the change is to be made to the map and posted in an appropriate manner by the Office of Zoning and Development. The records accompanying the map must identify the ordinance by which the amendment was made, the date of the action, and the rezoning case number. No amendment becomes effective until this change and corresponding entry have been completed.

Sec. 1.2.6. **Unauthorized Changes to Official Zoning Map**

No change of any nature may be made to the Official Zoning Map except in conformity with the procedures and requirements of these regulations. Any zoning district shown on the Official Zoning Map that is not supported by City Council action authorizing the amendment is considered an unauthorized change and may not be relied upon as the official record of zoning status. Upon notice and determination of an unauthorized change, the Office of Zoning and Development must immediately correct the map.

Sec. 1.2.7. **Replacement of Official Zoning Map**

A. If the Official Zoning Map becomes damaged, lost, or difficult to interpret because of the nature or number of changes, the City Council may authorize a new Official Zoning Map by ordinance, which then supersedes the prior map. However, if there is uncertainty about the zoning status of any area due to the condition of the map or any portion of it, that action must take the form of an amendment to the map to resolve the uncertainty.

B. The new Official Zoning Map may correct drafting or other omissions or errors in the prior map, but no such correction has the effect of a zoning amendment unless the action adopting the new map is itself an amending action. The new Official Zoning Map must be authenticated and attested in the same manner as the original, with wording indicating when and by what instrument the prior document was adopted.

C. Unless the prior Official Zoning Map has been lost or completely destroyed, that document or any remaining significant parts of it must be preserved, along with any significant records related to its adoption or amendment, to serve as a guide to the prior zoning status of areas.

Sec. 1.2.8. **Rules for Interpretation of Boundaries**

Where uncertainties exist as to the boundaries shown on the Official Zoning Map, the following rules guide interpretations by the Director of the Office of Zoning and Development.

A. Center Lines as Boundaries

Where boundaries appear to follow the center lines of streets, alleys, easements, railroads, waterways, or similar features, they are construed as following those center lines.

B. Property and Other Lines as Boundaries

Where boundaries appear to follow street, lot, block, property, or other lines, they are construed as following those lines; however, if a street or legacy alley is closed, the boundary is construed as the center line of the former street or legacy alley unless a specific amendment states otherwise.

C. Boundaries Extending into Water

Where the full course of boundaries extending into bodies of water is not shown, the boundaries are construed as continuing in a straight line until they intersect another zoning boundary or jurisdictional limit, whichever occurs first.

D. Boundaries Other Than as Above

Boundaries that appear parallel or perpendicular to, or appear to connect with or extend from, center lines, property lines, or other features shown are construed accordingly unless specific indications show otherwise.

E. Dimension

Where dimensions are not otherwise indicated on the map, the scale of the map governs.

Sec. 1.2.9. **District Designation Not Indicated**

Where no district designation is indicated on the Official Zoning Map for a parcel, the parcel is construed to be zoned House 1 - Residential 1 (H1-R1). Upon discovery of such an omission, unless research reveals the correct official zoning status of the land (in which case map corrections and related entries may be made without legislative action), the Office of Zoning and Development must initiate a corrective amendment. 012

Sec. 1.2.10. **Changes in Jurisdictional Limits**

Where territory is removed from the jurisdictional limits of the City, zoning boundaries are construed as moving with those limits. Where territory is added to the City, unless a zoning amendment is adopted concurrently with the annexation, and pursuant to O.C.G.A. § 36-66-4(e), all annexed property is zoned, without further action, for the same use or uses for which it was zoned immediately prior to annexation, so long as the City is a qualified municipality within the meaning of that state law. Property zoned pursuant to this state law may be rezoned thereafter in compliance with state law and this Part.

#012

Posted by **Matthew 1** on **04/06/2026** at **11:51pm** [Comment ID: 2567] - Link

Suggestion

Agree: 1, Disagree: -1

Defaulting any unmapped parcel to the lowest-intensity house-scale residential district hardwires a low-density bias; I believe the default should be set based on adjacent zoning, comprehensive plan intent, or a neutral interim classification rather than automatic H1-R1.

> Reply by **SiteAdmin** on **04/07/2026** at **11:28am** [Comment ID: 2602] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> As currently proposed, there are no unmapped properties.

Sec. 1.2.11. **Uncertain Cases and Split Lot Regulations**

A. Where natural or man-made features differ from those shown on the Official Zoning Map, or in other circumstances not covered above, the Office of Zoning and Development, upon request from the Director of the Office of Buildings or from any affected property owner, or on its own initiative upon determining that such inconsistencies exist, must make a finding and interpretation concerning the boundaries involved in accordance with the intent and purpose of this Part.

B. If the finding and interpretation involve only a correction to the zoning map and do not change the zoning of any property, the Office of Zoning and Development may make the correction without further action, other than making appropriate entries describing the change and the date it was made.

C. If a zoning district boundary divides a lot of record at the time the boundary was established, the Office of Zoning and Development, upon application by the property owner or the owner's authorized agent, must make findings and prepare recommendations regarding the boundary line. If the office finds and recommends that extending the district boundary by no more than 100 feet, given the property's circumstances and its relationship to adjoining properties, would not create substantial adverse effects on adjoining property, the boundary line may be revised. The Office of Zoning and Development must advise the Mayor, as the City's Chief Executive Officer, or the Mayor's designee, and upon approval by that official, the district boundary line is revised.

D. Where boundaries divide a lot of record at the time the boundary was established and the owner proposes an extension of the zoning district boundary more than 100 feet into the remaining portion of the lot, or where the Office of Zoning and Development does not find and recommend an extension, or the mayor or designee does not approve it, the owner or the owner's authorized agent may apply for a zoning amendment.

#013

Posted by **Matthew 1** on **04/06/2026** at **11:45pm** [Comment ID: 2566] - Link

Suggestion

Agree: 1, Disagree: 0

When a lot is split by a district boundary, the administrative process should explicitly allow coherent development patterns in corridors, centers, and transit-adjacent areas, rather than making it unnecessarily hard to extend mixed-use or moderate-density zoning across an arbitrary line.

> Reply by **SiteAdmin** on **04/07/2026** at **11:31am** [Comment ID: 2603] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your feedback.
>
> State law places restrictions on administrative changes to a zoning map. This provision reflects significant legal review and input.

#014

Posted by **Kim 3** on **03/09/2026** at **4:58pm** [Comment ID: 2200] - Link

Question

Agree: 0, Disagree: 0

Can you confirm whether C and D are currently allowed? I think this is saying that if a 200 foot lot was in 2 different zoning categories, the city could administratively assign it to one zoning category or another (assuming lot split evenly). This assignment would require notification of the Mayor but not of the NPU or Council.

> Reply by **SiteAdmin** on **03/10/2026** at **10:10am** [Comment ID: 2216] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes, both of these have been in the zoning ordinance for 40+ years. The existing citation is below:
> https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT16ZO_CH2OFZOMAAPRE_S16-02.017BUPLACCAUNEXRECASPLO

DIVISION 1.3. **ZONING DISTRICTS ESTABLISHED**

To classify, regulate, and restrict the form of site and building improvements, including but not limited to lot size, density, lot coverage, streetscapes, building setbacks, build-to lines, transitions, parking location, massing, activation, ground story, windows and doors, fences and walls, and aesthetics; to classify, regulate, and restrict the use of land and buildings; to regulate development and the improvement of real estate; and to further the intent and purpose of this Ordinance, the City is divided into the following districts:

FORM DISTRICTS	
House-Scale Districts	
House 1	**H1**
House 2	**H2**
House 3	**H3**
House 4	**H4**
House 5	**H5**
House 6	**H6**
Conservation 1	**CN1**
Conservation 2	**CN2**
Cluster	**CL**
Neighborhood-Scale Districts	
Neighborhood 1	**N1**
Neighborhood 2A	**N2A**
Neighborhood 2B	**N2B**
Neighborhood 3A	**N3A**
Neighborhood 3B	**N3B**
Neighborhood 4A	**N4A**
Neighborhood 4B	**N4B**
Neighborhood 5A	**N5A**
Neighborhood 5B	**N5B**
Neighborhood 6A	**N6A**
Neighborhood 6B	**N6B**
Urban General Districts	
Urban General 3A	**UG3A**
Urban General 3B	**UG3B**
Urban General 5A	**UG5A**
Urban General 5B	**UG5B**
Urban General 8A	**UG8A**
Urban General 8B	**UG8B**
Urban General 15	**UG15**
Urban General 25	**UG25**

Urban Core Districts	
Urban Core 1	**UC1**
Urban Core 2	**UC2**
Urban Core 3	**UC3**
Urban Core 4	**UC4**
Workplace Flex Districts	
Workplace Flex 5A	**WX5A**
Workplace Flex 5B	**WX5B**
Workplace Flex 15	**WX15**
Workplace Districts	
Workplace 1	**W1**
Special Districts	
Campus	**CM**
Civic	**CV**
Park	**PK**
USE DISTRICTS	
Residential Districts	
Residential 1	**R1**
Residential 2	**R2**
Residential 3	**R3**
Residential 4	**R4**
Residential 5	**R5**
Residential Mix Districts	
Residential Mix 1	**RX1**
Residential Mix 2	**RX2**
Residential Mix 3	**RX3**
Neighborhood Mix Districts	
Neighborhood Mix 1	**NX1**
Neighborhood Mix 2	**NX2**
Neighborhood Mix 3	**NX3**
Neighborhood Mix 4	**NX4**
Neighborhood Mix 5	**NX5**
Neighborhood Mix 6	**NX6**

#015

Posted by **Matthew 1** on **04/06/2026** at **10:57pm** [Comment ID: 2560] - Link

Suggestion

Agree: 1, Disagree: 0

Division 1.3 provides a strong district framework, but it should include brief intent language so the ordinance does more than list district names and abbreviations. I recommend adding language stating that Neighborhood Mix and Residential Mix districts are intended to support incremental housing growth and small-scale mixed-use in walkable neighborhoods, while Urban General, Urban Core, and Mixed Use districts are intended for higher-density mixed-use development in transit-served corridors and centers. This would make the code easier for staff, elected officials, and the public to interpret and would better align the district structure with the City's stated transportation and growth goals. Clear intent language would also help direct new housing and activity to the right places instead of leaving those policy choices to ad hoc case-by-case debate.

> Reply by **SiteAdmin** on **04/07/2026** at **11:41am** [Comment ID: 2609] - Link
>
> *Answer*
>
> *Agree: 2, Disagree: 0*
>
> Great suggestion.
>
> The preamble to each district outlines its purpose. Upon adoption of the code, these will also be linked to the Development Patterns described in the Comprehensive Plan.

Mixed Use Districts	
Mixed Use 1	**MX1**
Mixed Use 2	**MX2**
Mixed Use 3	**MX3**
Mixed Use 4	**MX4**
Mixed Use 5	**MX5**
Mixed Use 6	**MX6**
Mixed Use 7	**MX7**
Mixed Use 8	**MX8**
Mixed Use 9	**MX9**
Mixed Use 10	**MX10**
Mixed Use 11	**MX11**
Mixed Use 12	**MX12**
Mixed Use 13	**MX13**
Mixed Use 14	**MX14**
Industrial Flex Districts	
Industrial Flex 1	**IX1**
Industrial Flex 2	**IX2**
Industrial Flex 3	**IX3**
Industrial Districts	
Industrial 1	**I1**
Industrial 2	**I2**
Civic Districts	
Civic 1	**CV1**
Civic 2	**CV2**
OVERLAY DISTRICTS	
General Overlays	
Beltline	**BL**
Campbellton Road	**CR**
Subarea 1	CR-SA1
Subarea 2	CR-SA2
Subarea 3	CR-SA3
Subarea 4	CR-SA4
Subarea 5	CR-SA5
Marietta Street Artery	**MSA**
Tuxedo Park	**TP**
Upper Westside	**UW**
Affordable Housing Overlays	
Affordable Workforce Housing	**H**
Westside Afford016e Workforce Housing	**WH**
Northwest Atlanta Affordable Workforce Housing	**NWH**

Architectural Design Overlays	
Traditional Commercial	**TC**
Traditional Neighborhood	**TN**
HISTORIC AND LANDMARK DISTRICTS	
Landmark Districts	
Cabbagetown	**LD1**
Subarea 1	LD1-SA1
Subarea 2	LD1-SA2
Subarea 3	LD1-SA3
Subarea 4	LD1-SA4
Subarea 5	LD1-SA5
Druid Hills	**LD2**
Subarea 1	LD2-SA1
Subarea 2	LD2-SA2
Subarea 3	LD2-SA3
Subarea 4	LD2-SA4
Martin Luther King, Jr.	**LD3**
Subarea 1	LD3-SA1
Subarea 2	LD3-SA2
Subarea 3	LD3-SA3
Subarea 4	LD3-SA4
Subarea 5	LD3-SA5
Washington Park	**LD4**
Oakland Cemetery	**LD5**
Baltimore Block	**LD6**
Hotel Row	**LD7**
Castleberry Hill	**LD8**
Subarea 1	LD8-SA1
Subarea 2	LD8-SA2
Means Street	**LD9**
Briarcliff Plaza	**LD10**
Pratt-Pullman	**LD11**
Historic Districts	
West End	**HD1**
Adair Park	**HD2**
Subarea 1	HD2-SA1
Subarea 2	HD2-SA2
Subarea 3	HD2-SA3
Whittier Mill	**HD3**
Subarea 1	HD3-SA1
Subarea 2	HD3-SA2

#016

Posted by **Andrew** on **04/07/2026** at **9:42pm** [Comment ID: 2639] - Link

Suggestion

Agree: 0, Disagree: 0

Affordability protections are geographically siloed into three overlays rather than established as a citywide baseline. This frames affordability as a special condition rather than a fundamental expectation of the ordinance. Curious if there will be a revisit to this structure.

> Reply by **SiteAdmin** on **04/08/2026** at **9:49am** [Comment ID: 2688] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> No changes to boundaries are proposed as part of ATL Zoning 2.0. These reflect current City policy.

Grant Park	**HD4**
Subarea 1	HD4-SA1
Subarea 2	HD4-SA2
Subarea 3	HD4-SA3
Inman Park	**HD5**
Subarea 1	HD5-SA1
Subarea 2	HD5-SA2
Subarea 3	HD5-SA3
Oakland City	**HD6**
Atkins Park	**HD7**
Sunset Avenue	**HD8**
Collier Heights	**HD9**
Poncey-Highland	**HD10**
Subarea 1	HD10-SA1
Subarea 2	HD10-SA2
Subarea 3	HD10-SA3
Subarea 4	HD10-SA4
Subarea 5	HD10-SA5
Subarea 6	HD10-SA6
Subarea 7	HD10-SA7
LEGACY DISTRICTS	
Fort McPherson	**FM**
Subarea 1	FM-SA1
Subarea 2	FM-SA2
Subarea 3	FM-SA3
Subarea 4	FM-SA4
Buckhead Village	**BV**
Subarea 1	BV-SA1
Subarea 2	BV-SA2
Subarea 3	BV-SA3
Subarea 4	BV-SA4
Buckhead / Lenox Stations	**BX**
Subarea 1	BX-SA1
Subarea 2	BX-SA2
Subarea 3	BX-SA3
Subarea 4	BX-SA4
Midtown	**M**
Subarea 1	M-SA1
Subarea 2	M-SA2
Subarea 3	M-SA3

Greenbriar	**G**
Subarea 1	G-SA1
Subarea 2	G-SA2
Subarea 3	G-SA3
Subarea 4	G-SA4
Subarea 5	G-SA5
Subarea 6	G-SA6
OTHER DISTRICTS	
Sign Overlays	
Arts and Entertainment	**S1**
Historic Sears and Roebuck	**S2**
Gulch	**S3**

#017

Posted by **bmorrisdc** on **01/27/2026** at **5:51pm** [Comment ID: 1881] - Link

Agree: 0, Disagree: 0

I have questions about Zoning Districts: What distinguishes a neighborhood to be classified as a Zoning District? What are the advantages of being classified as a Zoning District vs those neighborhoods without such classification? What is the process for a neighborhood to be classified as a Zoning District?

> Reply by **SiteAdmin** on **02/02/2026** at **8:50am** [Comment ID: 1901] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Both approaches provide the same level of protection for historic resources. However, in some historic districts, no existing zoning district reflected the area's historic form and use. In those cases, zoning-like regulations had to be created as part of the historic designation process.
>
> The new "zone string" framework in ATL Zoning 2.0 should significantly reduce the need for this approach by allowing the underlying zoning to be more precisely tailored to historic development patterns.
>
> For example, attached ADUs are part of the historic character of Poncey-Highland, but no existing zoning district allows them. As a result, the historic district regulations were used to legalize this historically established pattern.

DIVISION 1.4. **CONDITIONAL ZONING**

Sec. 1.4.1. **Conditional Zoning Defined, Authorized, and Mapped**

A. Generally, conditional zoning is rezoning that is subject to one or more conditions not applicable to other land similarly zoned. Conditions of rezoning may be imposed by City Council at the time it adopts the ordinance amendment approving the rezoning, for the protection or benefit of neighbors and to ameliorate the effects of the rezoning. Conditional zoning may include written conditions, compliance with a site plan, or both, contained within the four corners of the ordinance amendment or incorporated by referenc 018 020

B. Each underlying zoning district established in *Division 1.3* has a sub-classification known as "conditional" for that district.

C. All zoning districts shown on the Official Zoning Map with a "C" suffix after the zo 026 g district designation (for example, UG1-MX1-C) indicate that the parcel is zoned "conditional" under previous ordinance amendments adopted by City Council. These conditions remain in effect, and copies of such conditional ordinances may be obtained from the Municipal Clerk.

Sec. 1.4.2. **Compliance with Conditional Zoning**

A. After approval of the conditional zoning ordinance by the City Council, a request for a building permit must be submitted to the Director of the Office of Buildings, who, in consultation with the Director of the Office of Zoning and Development, will determine whether the final building and site plans are in conformance with any conditions attached to the rezoning ordinance by City Council. An approved building permit does not authorize the violation of any terms or requirements of this Zoning Ordinance, including any conditions.

B. Minor revisions to the approved site plan as a condition of zoning may be authorized by the Director of the Office of Zoning and Development as provided in *Sec. 9.2.5.B*.

C. Changes in zoning conditions other than minor revisions to the approved site plan require approval by City Council.

Sec. 1.4.3. **Preexisting Rezoning Conditions**

A. Intent

1. It is the intent of the City Council, subject to the law of vested rights, that all conditions of rezoning ordinances introduced or adopted between January 1, 2000, and the effective date of this Ordinance remain in effect.

2. All other conditions are repeale 019 pon 021 p 022 of this Ordinance. 025

B. Incorporation by Reference

To accomplish this intent, the zoning conditions contained in the following list of enumerated rezoning ordinances are incorporated by reference into this Ordinance as if those conditions were set out in full herein. The following enumerated rezoning ordinar 023 024 made a public record. Notice is given that these ordinances are accessible to the public, including those who are or may be affected by the zoning conditions contained therein, for inspection at the indicated web link or

#018

Posted by **Matthew 1** on **04/06/2026** at **11:37pm** [Comment ID: 2564] - Link
Suggestion
Agree: 0, Disagree: 0
I would ask that this language also recognize citywide public interests like housing supply, transit ridership, walkability, climate resilience, and infrastructure efficiency, so conditional zoning is not framed almost entirely around the preferences of nearby property owners

> Reply by **SiteAdmin** on **04/07/2026** at **11:35am** [Comment ID: 2605] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> The Comprehensive Plan, which is a key foundation for zoning changes, already discusses these policies and may be used as a justification for zoning conditions. Ultimately, conditions are at the exclusive discretion of City Council.

#019

Posted by **Nolan 1** on **04/05/2026** at **4:12pm** [Comment ID: 2548] - Link
Agree: 1, Disagree: 0
This appears to be a mass rezoning of the properties that had rezoning conditions prior to 2000 by wiping out those conditions, without the public notice and going through the zoning procedures required by law for each parcel before such rezoning without conditions can occur. Conditions were critical to the original determinations to allow such rezoning. Removing those conditions without proper legal process is a breach of trust of those citizens who opposed the original rezoning requests when they were filed without conditions.
I suggest that section 1.4.3(A)(2) be deleted in its entirety.

> Reply by **SiteAdmin** on **04/06/2026** at **10:36am** [Comment ID: 2554] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment and suggestion.

#020

Posted by **Matthew 1** on **04/06/2026** at **11:15pm** [Comment ID: 2562] - Link
Suggestion
Agree: 1, Disagree: 0
Division 1.4 should include guardrails to ensure conditional zoning is not routinely used to reduce otherwise appropriate housing density, mixed-use activity, or transit-supportive site design through case-specific conditions. I recommend adding language stating that conditions should be narrowly tailored to mitigate specific site

impacts and should not be used to impose unnecessary parking, lower intensity, or other restrictions that conflict with the intent of the underlying district. This would preserve flexibility for legitimate mitigation while improving predictability, fairness, and consistency in the rezoning process. Clear standards here would also help ensure that conditional zoning supports, rather than undermines, the City's broader housing, mobility, and mixed-use goals.

> Reply by **SiteAdmin** on **04/07/2026** at **11:37am** [Comment ID: 2607] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The determination of zoning conditions is at the exclusive discretion of City Council.

#021

Posted by **Andrew** on **04/07/2026** at **9:46pm** [Comment ID: 2641] - Link
Suggestion
Agree: 0, Disagree: 0
Aren't pre-2000 rezoning conditions just quietly disappearing here? Shouldn't we at minimum get a clear public accounting of what's being eliminated and who benefits from that clean slate?

#022

Posted by **GLORIA** on **03/24/2026** at **1:43pm** [Comment ID: 2298] - Link
Suggestion
Agree: 1, Disagree: 0
The proposed wholesale appeal of conditions in rezoning ordinances adopted prior to 01/01/2000 will in effect operate as a rezoning of likely hundreds of properties from conditional zoning to unconditional zoning. And as presented here, none of those rezonings will be subject to the processes and procedures of either this Code or state law--and accordingly will deprive affected property owners of due process of law. These rezonings are also arbitrary by definition (and thus unconstitutional on another ground) , since they are based on nothing more than the date of adoption. In addition, the rezonings contemplated are contrary the express promises made multiple times throughout the rewrite process that the new zoning code would not include any rezonings. We would suggest that this section be rewritten to confirm that all rezoning ordinances will remain in effect, regardless when they were introduced or adopted, and that any subsequent rezoning of conditional zoned properties will be subject to the processes and procedures of both state law and this code.

> Reply by **SiteAdmin** on **03/24/2026** at **8:06pm** [Comment ID: 2301] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment and your suggestion.

We will share this with the appropriate City parties.

#023

Posted by **GLORIA** on **03/24/2026** at **2:02pm** [Comment ID: 2299] - Link

Suggestion

Agree: 0, Disagree: 0

I was unable to access any list of conditionally rezoned properties, despite diligent effort, and despite knowing the addresses of some of them. (I know, example, that when the Lenox Road corridor was rezoned multifamily in the 1980s, the rezonings were subject to 100-foot rear buffers to protect the SFR properties that were adjacent to the rear of the Lenox Road properties on both sides of the street.) If I could not gain access a list of those or other conditionally zoned properties, I doubt others could either. I also seriously doubt that attaching an online link (especially one that is impossible for ordinary mortals to operate) would pass constitutional muster as notice of the wholesale rezonings of likely hundreds of individual properties. As set out in my previous comment, given the legal, constitutional and simple fairness flaws in the rezonings contemplated, we would urge the City to retain all conditional zoning, and approach any subsequent rezonings of conditionally zoned properties on a case-by-case bases, subject to the processes and procedures of this code and state law.

> Reply by **SiteAdmin** on **03/24/2026** at **8:05pm** [Comment ID: 2300] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your feedback.
>
> The easiest way to determine which conditions will carry forward in a particular area is by reviewing the draft zoning map: https://atlzoning.konveio.com/official-zoning-map-zoning-districts-draft-v2
>
> Zoning district names that include a “-C” indicate that conditions are associated with the property. The map is accurate as of 11/4/26.
>
> Because the list of conditions is updated every two weeks as legislation is approved, we have not released a draft list at this time. However, we will explore the possibility of publishing a list for public review.
>
> We will reply to this message if we are able to post it and you should receive a notice.
>
> Reply by **SiteAdmin** on **03/25/2026** at **3:27pm** [Comment ID: 2318] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Good afternoon.
>
> The conditions are available on the main page of this review website and at

the link below:
https://atlzoning.konveio.com/conditional-rezonings

#024

Posted by **GLORIA** on **04/01/2026** at **1:12am** [Comment ID: 2435] - Link
Agree: 1, Disagree: 0
Thanks for posting the list of the properties that will remain conditionally zoned. I remain concerned, however, that the ABSENCE of a property on this list meets due process requirements as notice of a rezoning to those property owners who currently have the protection of conditional zoning. Per my previous comment above, I also remain deeply concerned that blanket rezoning of hundreds of properties from "conditional" to "unconditional" based on nothing more than the date of adoption is "arbitrary and capricious" by definition--and is thus unconstitutional on that ground as well.

Reply by **SiteAdmin** on **04/01/2026** at **2:01pm** [Comment ID: 2460] - Link
Answer
Agree: 0, Disagree: 0
Thank you.

Please share your concerns directly with Director Holmes and we (the consultant team) will notify her as well.

Reply by **Jennifer 7** on **04/02/2026** at **7:00am** [Comment ID: 2490] - Link
Suggestion
Agree: 0, Disagree: -1
Ansley Terrace was also Conditionally zoned in 1989 - it was designed with large setbacks to fit into the existing 100 year old residential neighborhood. It provides a step down in density from Colony Square to Colony House to Ansley Terrace to single family houses. Please do not convert this to UG3/Rx, it would be antithetical to decades of public input.

Reply by **SiteAdmin** on **04/03/2026** at **1:06pm** [Comment ID: 2493] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

Reply by **Chris 1** on **04/07/2026** at **9:07pm** [Comment ID: 2629] - Link
Suggestion
Agree: 1, Disagree: -1
Consider this a vote in opposition. Please upzone as much of city proper as possible. We desperately need new housing. The goal of a city cannot merely be preservation.

Reply by **SiteAdmin** on **04/08/2026** at **10:00am** [Comment ID: 2693] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

#025

Posted by **Matthew 1** on **04/06/2026** at **11:31pm** [Comment ID: 2563] - Link

Suggestion

Agree: 1, Disagree: -1

The City should create a path to review or sunset outdated conditions that lock in excessive parking, low intensity, or site-plan constraints that conflict with the new code's housing and multimodal goals.

Reply by **SiteAdmin** on **04/07/2026** at **11:36am** [Comment ID: 2606] - Link

Answer

Agree: 0, Disagree: -1

ATL Zoning 2.0 eliminates any zoning conditions adopted prior to 2000.

Reply by **Matthew** on **04/07/2026** at **9:46pm** [Comment ID: 2640] - Link

Suggestion

Agree: 0, Disagree: -1

My concern is not just pre-2000 conditions. The draft keeps rezoning conditions adopted from 2000 forward in effect, and some of those may still be outdated and inconsistent with current housing and mobility goals. I recommend a clear process to review and sunset or amend post-2000 conditions that unnecessarily limit housing, require excess parking, or block better urban design.

Reply by **SiteAdmin** on **04/08/2026** at **8:50am** [Comment ID: 2667] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#026

Posted by **Kim 2** on **03/03/2026** at **12:40pm** [Comment ID: 2130] - Link

Question

Agree: 0, Disagree: 0

I don't see C's in places that they should be on the maps. Is this work in progress? If there is a "typo" and a previous C is known on the current map and not shown on the new map, is that an issue that staff can address?

Reply by **SiteAdmin** on **03/03/2026** at **6:01pm** [Comment ID: 2149] - Link

Answer

Agree: 0, Disagree: -2

All conditional rezonings introduced and adopted before 2000 are not being re-adopted with the new code.

for copying in the Office of the Atlanta Municipal Clerk by requesting a certified copy. See Exhibit "X" entitled "Zoning Ordinances with Zoning Conditions Incorporated by Reference" to the ordinance adopting the Zoning Ordinance. It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

Sec. 1.4.4. **Preexisting Special Use Permit Conditions**

A. **Intent.** It is the intent of the City Council, subject to the law of vested rights, that:

1. All special uses previously authorized by ordinance but not in operation at the time this Ordinance is adopted are repealed upon adoption.

2. All special uses previously authorized by ordinance and lawfully in operation at the time this Ordinance is adopted may continue, subject to compliance with any zoning conditions set forth in the ordinance granting the special use permit.

B. **Incorporation by Reference.** The following special use permit ordinances, including any conditions of approval, are incorporated by reference into this Ordinance as if those approvals and conditions were set out in full herein. These enumerated special use permit ordinances are made a public record. Notice is given that they are accessible to the public, including individuals who are or may be affected by them, for inspection at the indicated web link or for copying in the Office of the Atlanta Municipal Clerk by requesting a certified copy. See Exhibit "X" attached hereto, entitled "Special Use Permit Ordinances Incorporated by Reference". It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

#027

Posted by **Kim 3** on **03/09/2026** at **5:06pm** [Comment ID: 2201] - Link
Question
Agree: 0, Disagree: 0
All conditions of SUPs will carry forward, despite date of approval, right?

> Reply by **SiteAdmin** on **03/10/2026** at **10:11am** [Comment ID: 2217] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. All SUPs and associated conditions adopted prior to ATL Zoning 2.0 will remain.

#028

Posted by **Andrew** on **04/07/2026** at **9:47pm** [Comment ID: 2642] - Link
Suggestion
Agree: 0, Disagree: 0
Are we charging people to access a public document that governs their own property rights? Shouldn't certified copies of the zoning map be free (or at least provided at nominal cost), especially for community organizations that need them most?

> Reply by **SiteAdmin** on **04/08/2026** at **9:48am** [Comment ID: 2687] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Exhibit X, when adopted, will be available at no-cost. The City will reserve the right to charge for certified copies, even if available, as provided by law.

#029

Posted by **GLORIA** on **04/01/2026** at **1:15am** [Comment ID: 2436] - Link
Question
Agree: 0, Disagree: 0
Are any current special use permits being deleted or otherwise repealed by the new zoning code?

> Reply by **SiteAdmin** on **04/01/2026** at **2:00pm** [Comment ID: 2459] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> They will all be re-adopted with ATL Zoning 2.0

#030

Posted by **GLORIA** on **04/01/2026** at **1:16am** [Comment ID: 2437] - Link
Agree: 0, Disagree: 0
Whoops, sorry. I see that all SUPs are to remain.

CHAPTER 2.

FORM DISTRICTS

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DIVISION 2.1. **GENERAL PROVISIONS**

Sec. 2.1.1. **How to Use this Chapter**

A. Form District Pages

1. Each Form District is formatted on a set of pages, identifying the standards specific to each district. The pages are formatted as a set of graphics and tables, with lot standards on the first page and building standards on the second page.

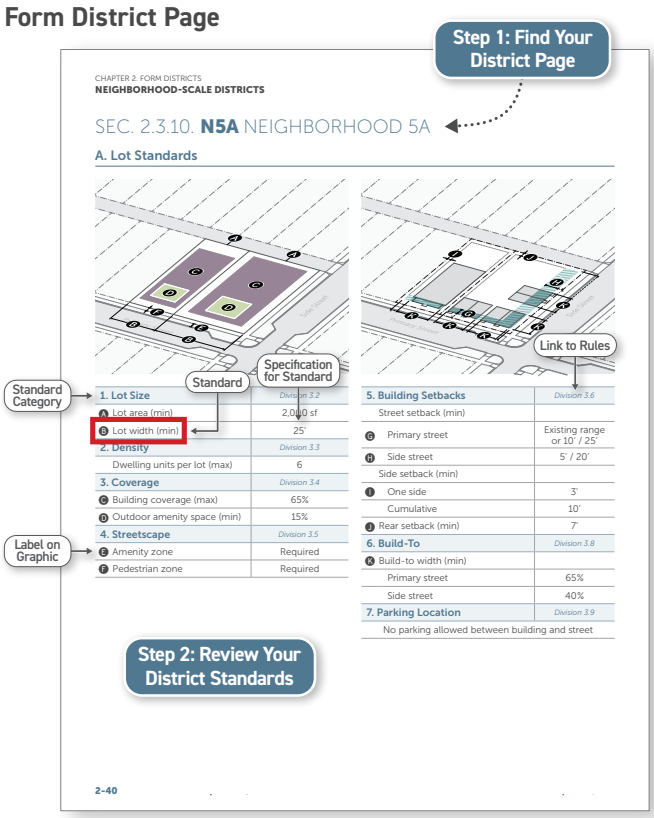
2. The tables are organized into categories of district standards, with specific standards listed below each category. Each district standard category provides a linked reference to the Rules for Zoning Districts, where the standards within that category are explained in further detail.

B. Rules for Zoning Districts

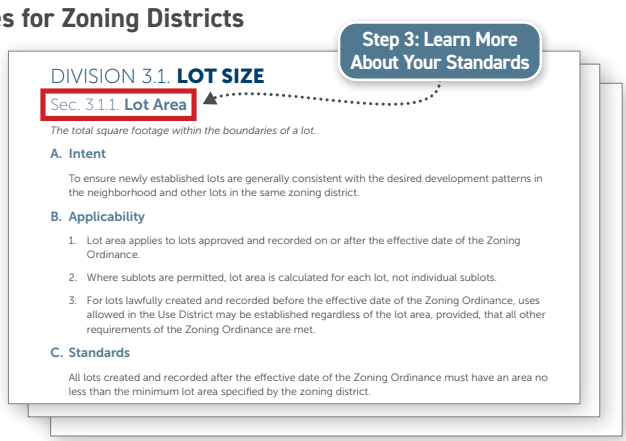
1. *Chapter 3. Rules for Zoning Districts* describes the standards for Form Districts, Overlay Districts, Legacy Districts, and Historic and Landmark Districts in detail. Each requirement includes a definition, intent statement, applicability, standards for meeting the requirement, rules for measurement, exceptions and relief, if any.

2. *Chapter 3. Rules for Zoning Districts* is generally organized in the same order as the tables in the Form District pages. *Chapter 3. Rules for Zoning Districts* includes definitions and standards for terminology primarily used in *Chapter 2. Form Districts*, *Chapter 5. Overlay Districts*, *Chapter 6. Historic and Landmark Districts*, and *Chapter 7. Legacy Districts*. Definitions and standards for terms used more broadly throughout the Zoning Ordinance are found in *Chapter 10. General Standards and Definitions*.

Form District Page



Rules for Zoning Districts



Sec. 2.1.2. **Applicability**

A. Form District Standards

1. Form District standards apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

		Project Activity						
Form District Standards		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Lot Size	*Division 3.2*	○	○	○	○	○	○	○
Density	*Division 3.3*	●	●	○	○	●	●	○
Coverage	*Division 3.4*	●	●	●	○	○	○	○
Streetscapes	*Division 3.5*	●	●	●	○	○	○	○
Building Setbacks	*Division 3.6*	●	●	○	○	○	○	○
Build-To	*Division 3.8*	●	●	○	○	○	○	○
Transition	*Division 3.7*	●	●	●	○	●	○	○
Parking Location	*Division 3.9*	●	●	●	○	○	○	○
Massing	*Division 3.10*	●	●	○	○	○	○	○
Activation	*Division 3.11*	●	●	○	○	○	○	○
Ground Story	*Division 3.12*	●	●	○	○	○	○	○
Windows and Doors	*Division 3.13*	●	●	○	●	○	○	○
Fences and Walls	*Division 3.14*	●	●	●	○	●	○	○

KEY: ● = Standards generally apply ○ = Standards do not apply

2. Where a standard is listed as applying, and the Form District includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions in *Chapter 3. Rules for Zoning Districts*. For existing buildings and uses, applicability may also be modified by *Chapter 9. Nonconformities*.

3. Project activity is defined in *Chapter 10. General Standards and Definitions*.

B. Relationship to Use Districts

Some Form Districts have standards that vary based on use. Whether or not a certain use is allowed is determined by Use District, not the Form District. If a use is allowed by the Use District, then the use must meet the standards in the Form District. For uses with additional standards listed in *Ch. 4. Uses*, the Use District supersedes any conflicting standard listed in the Form District.

#001

Posted by **Glenda Krouse Matute** on **02/12/2026** at **7:47pm** [Comment ID: 1962] - Link
Question
Agree: 0, Disagree: 0
Am I understanding correctly that the lot size standards do not apply to any project? If so, then why have it?

> Reply by **SiteAdmin** on **02/13/2026** at **9:35am** [Comment ID: 1964] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Great question!
>
> Lot size standards only apply to creation of new lots (I.e., subdivision Part 15 of the Code of Ordinances). One a lot is created, the lot size standards do not apply.
>
> We have listed this to make it clear that they do not apply to these activities. In other words, we don't want somebody thinking that a legally recorded existing lot cannot be built on just because it doesn't meet the district's lot size.
>
> > Reply by **Kim 3** on **03/09/2026** at **5:13pm** [Comment ID: 2202] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > I suggest taking the lot size row out or putting an asteric and explaining below what is meant. Obviously, if the lot is too small, it may not be possible to construct or expand on the lot. If the lot is a little undersized, construction may be possible but maybe not an addition due to coverage or other standards. I LOVE tables, but this one is more confusing than helpful.
> >
> > > Reply by **SiteAdmin** on **03/10/2026** at **7:22am** [Comment ID: 2213] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your suggestion.
> > >
> > > This table is intended to show which Form District Standards apply to which project activities. Because "Lot Size" only applies to the prices of creating a new lot (I.e., subdivision), it applies to none of the specified Project Activities, despite being established in the Zoning Ordinance.
> > >
> > > This said, we will consider adding a Subdivision header.

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DIVISION 2.2. **HOUSE-SCALE DISTRICTS**

Intent images are illustrative only.

Sec. 2.2.1. **Intent**

House-Scale Form Districts are intended to accommodate the lowest-intensity areas with large lot sizes and low lot coverage, and are generally in areas with limited walkability to retail, service, and other commercial uses. CN1 and CN2 Form Districts are intended to require that new residential buildings match the existing development patterns of their surroundings. The Cluster (CL) Form District promotes density-neutral, environmentally-sensitive residential development that preserves open space and natural resources.

House-Scale Form Districts are typically paired with Use Districts that primarily allow household living uses and some civic uses.

Sec. 2.2.2. **Summary of Districts**

The following table includes a summary of some requirements for each House-Scale Form District. Detailed requirements are further described in this Division.

HOUSE-SCALE DISTRICTS					
District	**Lot Area (min)**	**Lot Width (min)**	**Dwelling Units (max)**	**FAR (max, net lot area)**	**Height (max)**
H1	2 acres	200′	1	0.25	3 stories / 35′
H2	1 acre	150′	1	0.30	3 stories / 35′
H3	30,000 sf	100′	1	0.35	3 stories / 35′
H4	28,000 sf	100′	1	0.40	3 stories / 35′
H5	18,000 sf	100′	1	0.40	3 stories / 35′
H6	13,500 sf	85′	1	0.45	3 stories / 35′
CN1	13,500 sf	85′	1	0.45	Match existing
CN2	9,000 sf	70′	1	0.50	Match existing
CL	See *Sec. XX. Cluster CL.*				

#002

Posted by **Chris 1** on **04/07/2026** at **9:17pm** [Comment ID: 2631] - Link
Suggestion
Agree: 2, Disagree: -1
Holy smokes! 2 acre minimum within a *city* is wild. It appears to apply mostly to the NW portion of Buckhead. H1 should be entirely eliminated, and all residential districts should allow for at least 1 ADU, whether attached or detached.

> Reply by **SiteAdmin** on **04/08/2026** at **9:59am** [Comment ID: 2692] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. This is an existing zoning district that is generally found along the Chattahoochee River.

#003

Posted by **Kori** on **04/08/2026** at **6:29am** [Comment ID: 2652] - Link
Suggestion
Agree: 0, Disagree: 0
There should be no minimum lot sizes or lot widths at all. This is inappropriate for a city to be behaving like a suburban development.

> Reply by **SiteAdmin** on **04/08/2026** at **9:33am** [Comment ID: 2681] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> House-Scale Districts are, in fact, intentionally suburban. Please see the Atlanta City Design, especially page 264: https://72b006f2.flowpaper.com/ACDSecondPrintFINAL180820/#page=286
>
> This document is part of the City Charter and is a foundational document of the City's Comprehensive Plan.

#004

Posted by **GLORIA** on **04/01/2026** at **9:46am** [Comment ID: 2443] - Link
Suggestion
Agree: 0, Disagree: 0
The tables for "house-scale" districts below provide for front setbacks of "existing range or 60 feet [or whatever the minimum standard is for the district]"—a rule that would allow developers to default to the minimum standard. Such a rule would destroy historic setback lines in older neighborhoods and create streetscapes such as that block on Habersham where a single house sits 60 feet back with its back door in front of the front doors of every other house on the block. We urge you to remove the minimum standards from these tables.

Reply by **SiteAdmin** on **04/01/2026** at **1:44pm** [Comment ID: 2454] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your thoughtful comment.

Reply by **GLORIA** on **04/07/2026** at **9:11pm** [Comment ID: 2630] - Link

Suggestion

Agree: 0, Disagree: 0

I understand from a reply to a comment from someone else that the minimum standard for the district is to be used only for new streets or totally undeveloped existing streets. I would urge that that be spelled out clearly here. As written, it appears that an applicant for redevelopment of an existing lot in an established neighborhood has a choice.

#005

Posted by **Matthew 1** on **04/07/2026** at **12:01am** [Comment ID: 2568] - Link

Suggestion

Agree: 1, Disagree: -1

The House-Scale districts are too exclusionary as drafted because they are defined as the City's "lowest-intensity" areas, require very large lots, cap lots at one dwelling unit, and often do not require pedestrian zones. I recommend reducing minimum lot sizes and allowing at least duplexes, accessory units, and other small-scale missing-middle housing in more of these districts. That would better align the code with Atlanta's housing needs while still allowing context-sensitive form standards.

Reply by **SiteAdmin** on **04/07/2026** at **11:26am** [Comment ID: 2601] - Link

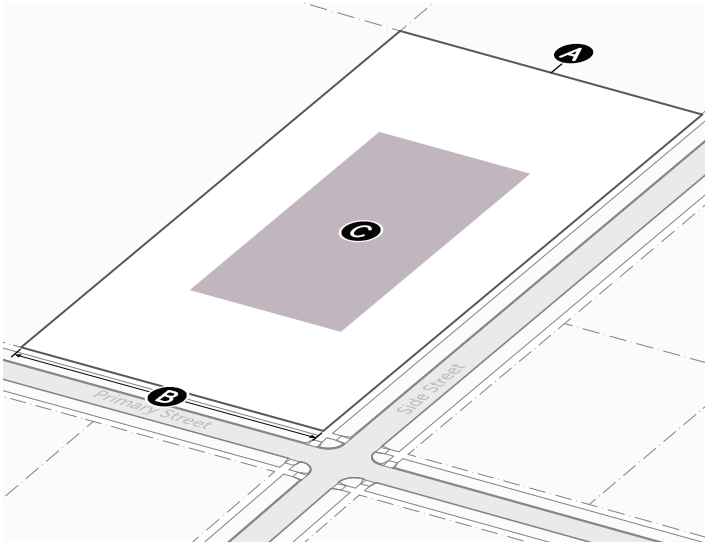
Answer

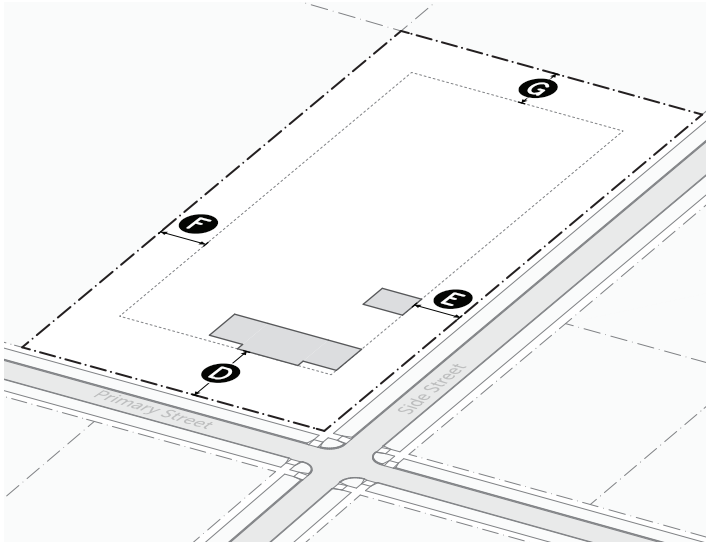
Agree: 0, Disagree: 0

Thank you for your feedback.

SEC. 2.2.3. **H1** HOUSE 1

A. Lot Standards





1. Lot Size	*Division 3.2*
A Lot area (min)	2 acres
B Lot width (min)	200'
2. Density	*Division 3.3*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.25
3. Coverage	*Division 3.4*
C Lot coverage (max)	25%
4. Streetscape	*Division 3.5*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
D Primary street	Existing range or 60'
E Side street	30'
F Side setback (min)	30'
G Rear setback (min)	40'
6. Parking Location	*Division 3.9*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

#006

Posted by **Kori** on **04/07/2026** at **8:25pm** [Comment ID: 2627] - Link
Suggestion
Agree: 1, Disagree: -1
H1 zoning should be removed as it results in a greater infrastructure cost per taxpayer overall in the long run and results in infrastructure maintenance expenses greater than property tax revenue. Mandated 2 acre minimum lot sizes is fully inappropriate for the center of a metro area and counteracts any effort by the city to increase fiscal responsibility.

> Reply by **SiteAdmin** on **04/08/2026** at **10:01am** [Comment ID: 2694] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#007

Posted by **Kim 9** on **04/05/2026** at **1:22pm** [Comment ID: 2544] - Link
Suggestion
Agree: 0, Disagree: 0
For all front yard setbacks, suggest adding "whichever is greater" to the end.

The minimum front yard setback should remain the same, but in areas where historical setbacks are greater, the range will be used. Front yard variances can continue to be requested.

If there are neighborhoods where smaller front yard setbacks than current minimums are warranted, then these should get an overlay to offer smaller setbacks.

Front yard setbacks are defining characteristics of many neighborhoods. Allowing smaller front yard setbacks than the minimum or larger neighborhood pattern is inconsistent with the CDP and Atlanta City Design.

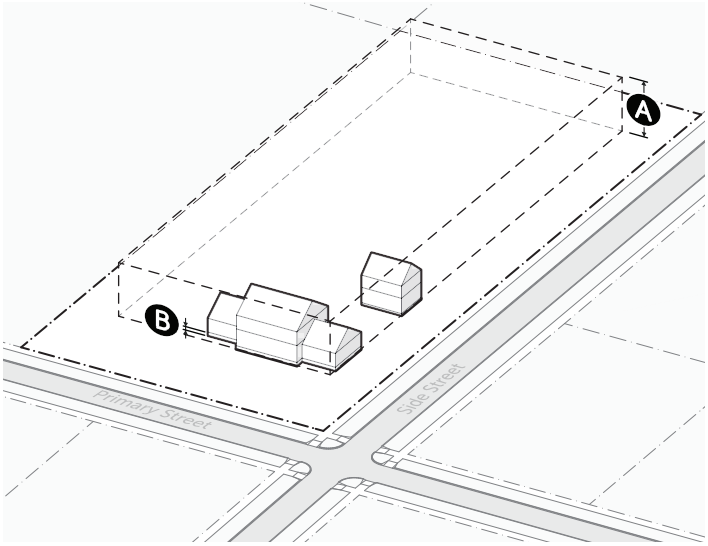
> Reply by **SiteAdmin** on **04/06/2026** at **10:44am** [Comment ID: 2556] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This is not a "whichever is greater" condition - it is requirement to match the range, whether greater or lesser.
>
> In fact, the 60' provision would only be available along new streets or completely undeveloped existing streets.
>
> An applicant cannot choose to match the existing range or use the 60'.
>
> > Reply by **GLORIA** on **04/07/2026** at **9:03pm** [Comment ID: 2628] - Link
> > *Suggestion*

Agree: 0, Disagree: 0

I would urge that the new Code clearly provide that the district setback standard (60 feet, 50 feet, whatever) is to be used in place of the existing range only along new streets or completely undeveloped streets. As written, it appears the applicant has a choice when redeveloping lots in established neighborhoods, and it is not in anybody's interest to have to litigate that.

H1 HOUSE 1

B. Building Standards



1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	3 stories / 35′
Accessory structure	2 stories / 25′
2. Ground Story	*Division 3.12*
B Ground story elevation (min/max)	0′ / 4′
3. Fences and Walls	*Division 3.14*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

008

#008

Posted by **Kim 5** on **03/17/2026** at **8:25am** [Comment ID: 2270] - Link

Question

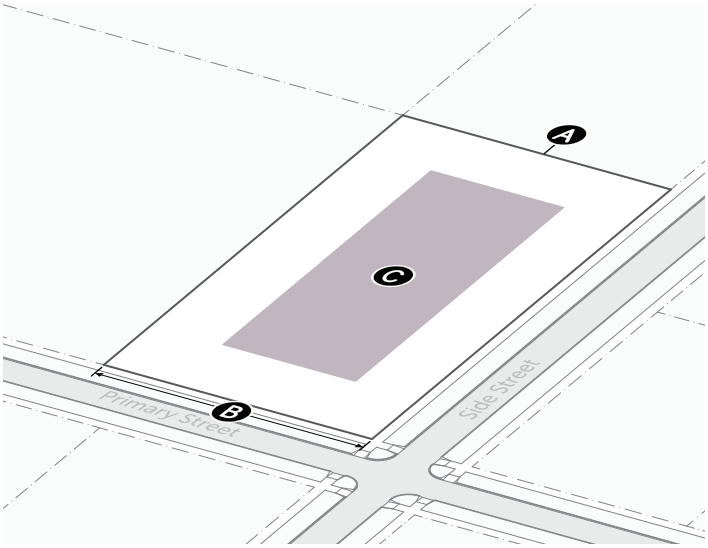
Agree: 0, Disagree: 0

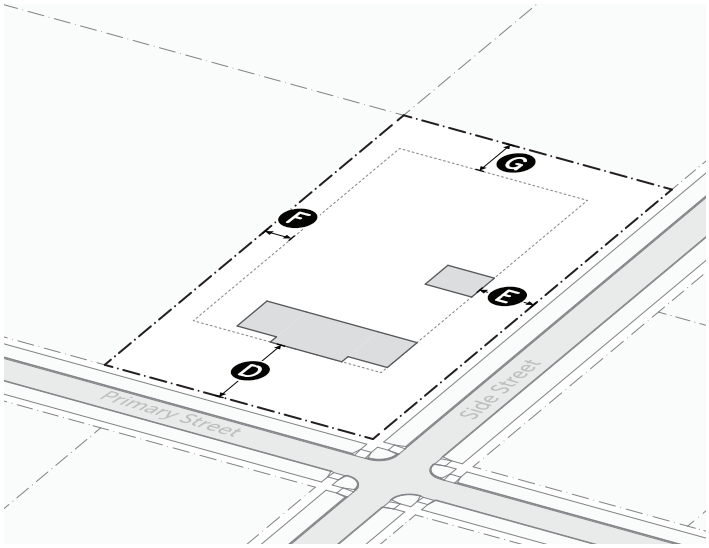
I could not find these in Section 3.14 or in Section 8 re walls. Can you please help me locate A3, B1, and C1 or let us know if they are in development still.

> Reply by **SiteAdmin** on **03/18/2026** at **9:10am** [Comment ID: 2277] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> We're sorry, but the hyperlinks take several days to code, and we will not be coding them all until it's time for code adoption.
>
> This said, Sec. 3.14 will ultimately refer to page 8-67. The fence and wall standards are there.

SEC. 2.2.4. **H2** HOUSE 2

A. Lot Standards



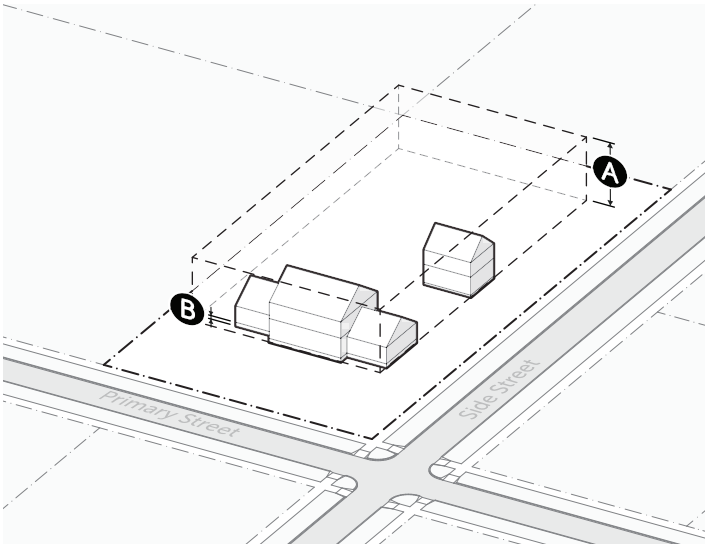


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	1 acre
B Lot width (min)	150'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.3
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	35%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range or 60'
E Side street	30'
F Side setback (min)	15'
G Rear setback (min)	30'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

H2 HOUSE 2

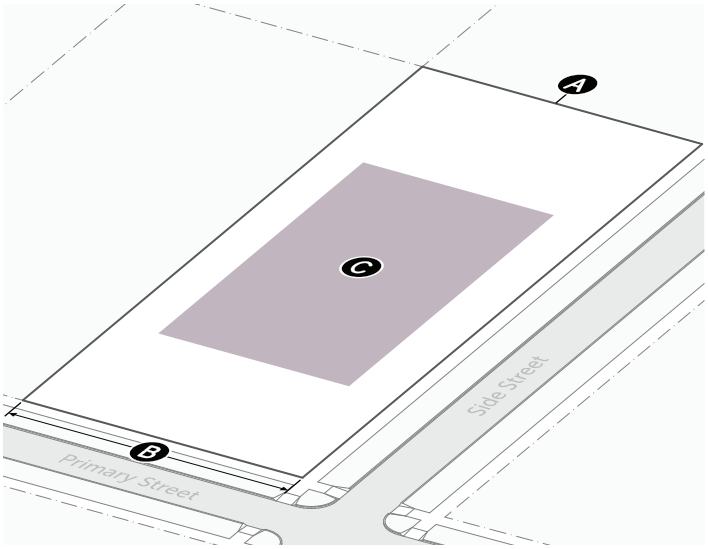
B. Building Standards

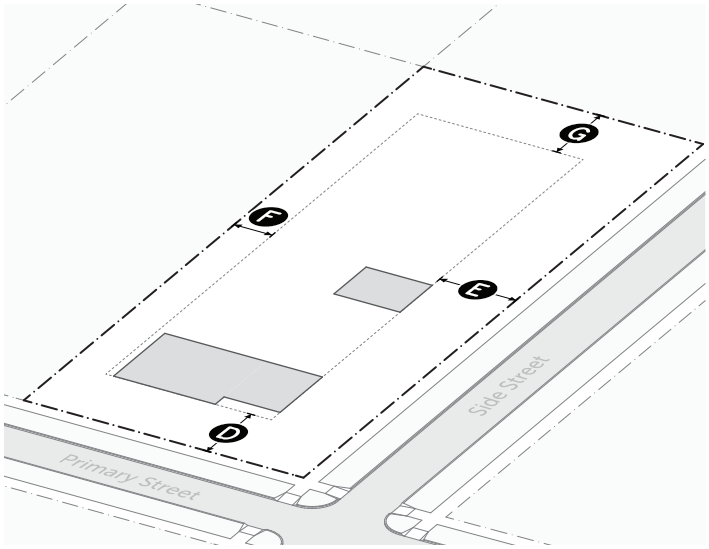


1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	3 stories / 35′
Accessory structure	2 stories / 25′
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0′ / 4′
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

SEC. 2.2.5. **H3** HOUSE 3

A. Lot Standards



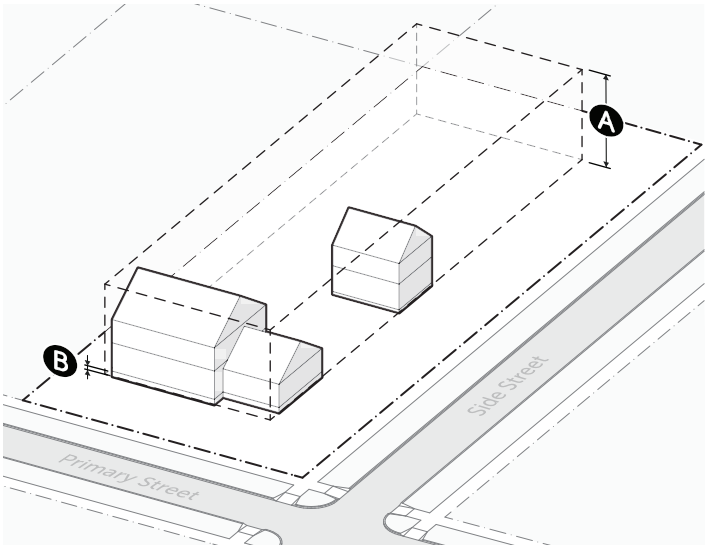


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	30,000 sf
B Lot width (min)	100'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.35
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	35%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range or 60'
E Side street	30'
F Side setback (min)	15'
G Rear setback (min)	30'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

H3 HOUSE 3

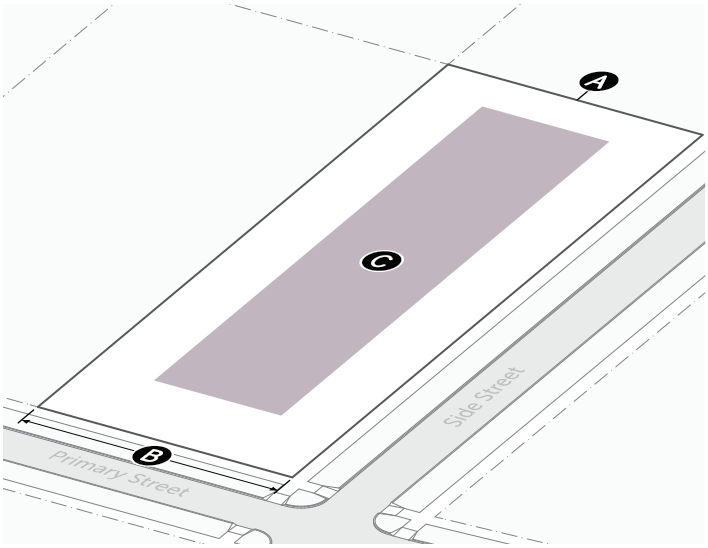
B. Building Standards

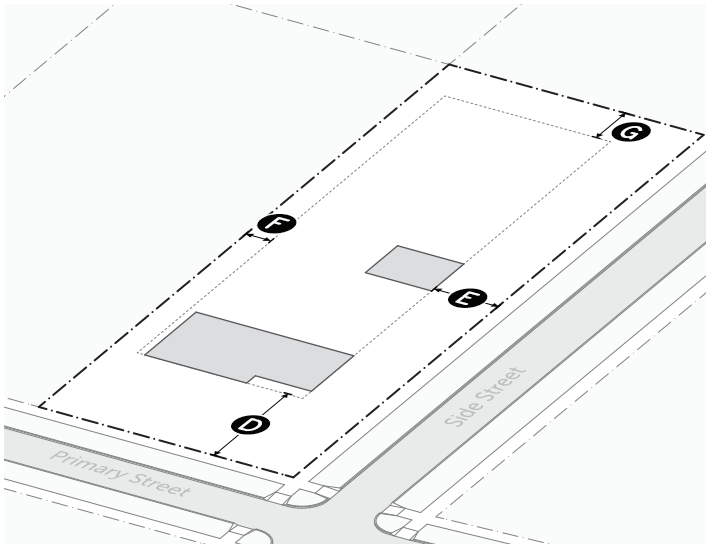


1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories / 25'
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

SEC. 2.2.6. **H4** HOUSE 4

A. Lot Standards



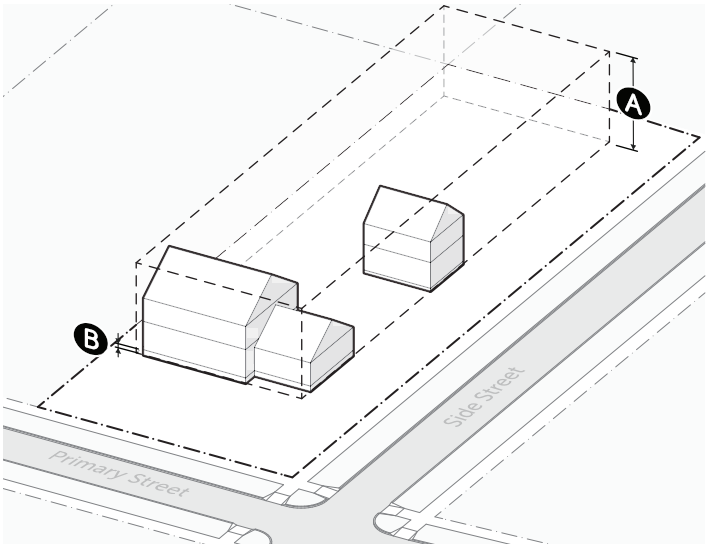


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	28,000 sf
B Lot width (min)	100'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.4
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	40%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range or 50'
E Side street	25'
F Side setback (min)	10'
G Rear setback (min)	20'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

H4 HOUSE 4

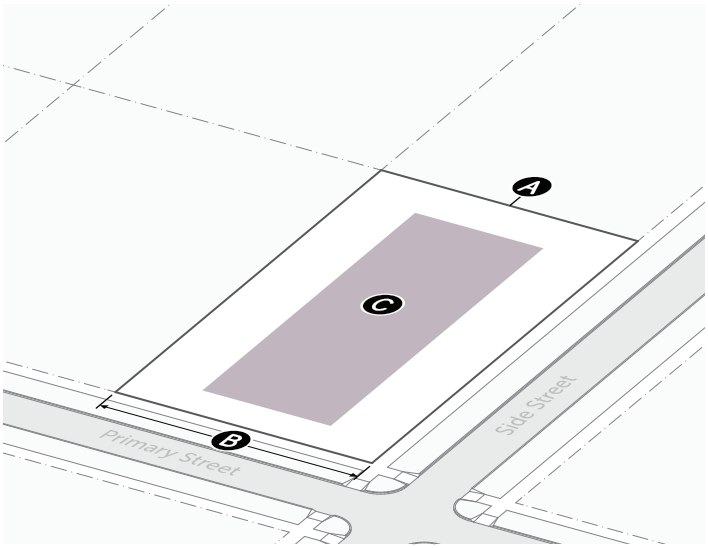
B. Building Standards

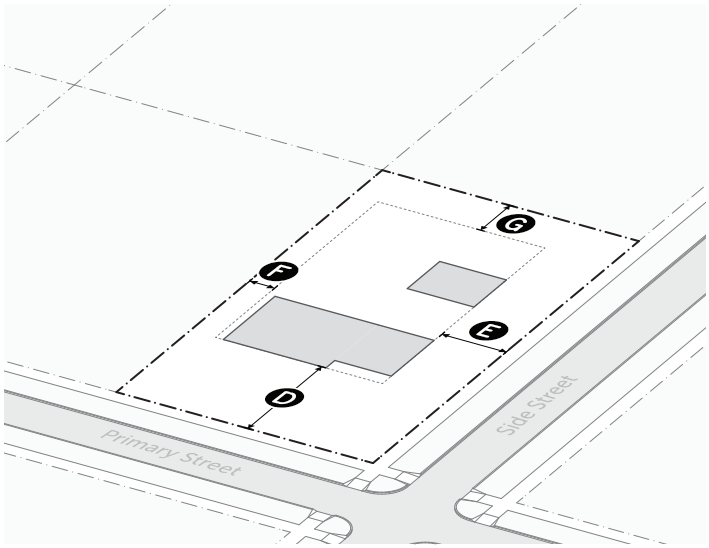


1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	3 stories / 35′
Accessory structure	2 stories / 25′
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0′ / 4′
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

SEC. 2.2.7. **H5** HOUSE 5

A. Lot Standards



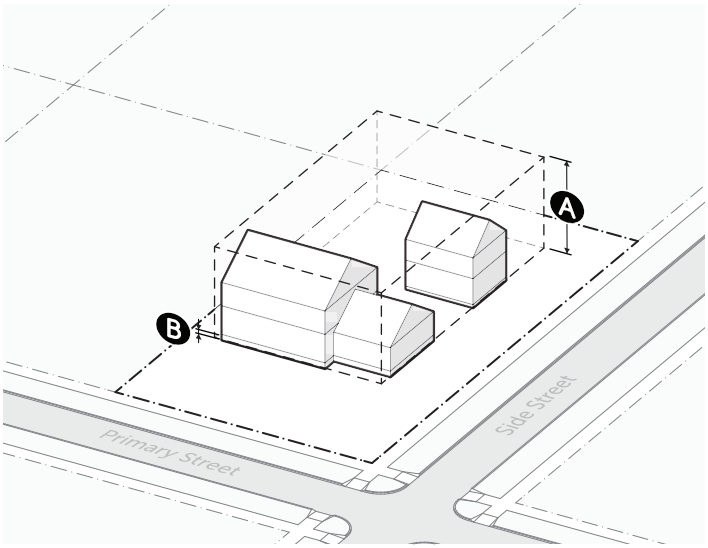


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	18,000 sf
B Lot width (min)	100'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.4
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	40%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range or 50'
E Side street	25'
F Side setback (min)	10'
G Rear setback (min)	20'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

H5 HOUSE 5

B. Building Standards



1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	3 stories / 35'
Accessory structure	2 stories /
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

#009

Posted by **Kim 3** on **03/10/2026** at **7:07pm** [Comment ID: 2229] - Link

Suggestion

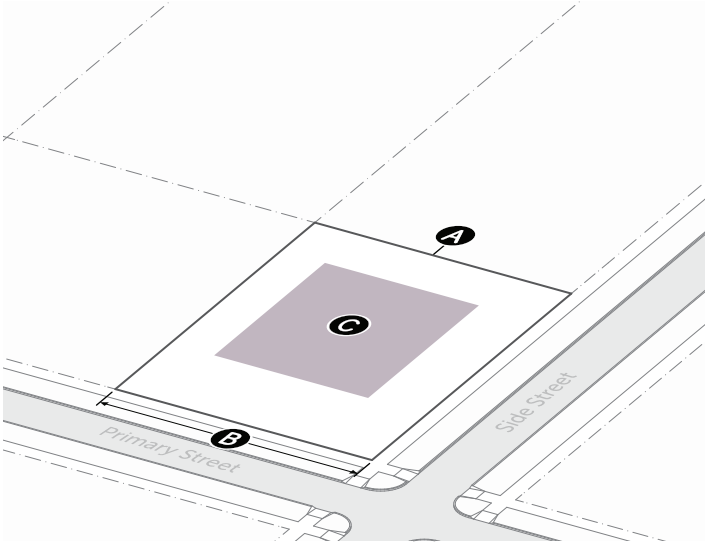
Agree: 0, Disagree: 0

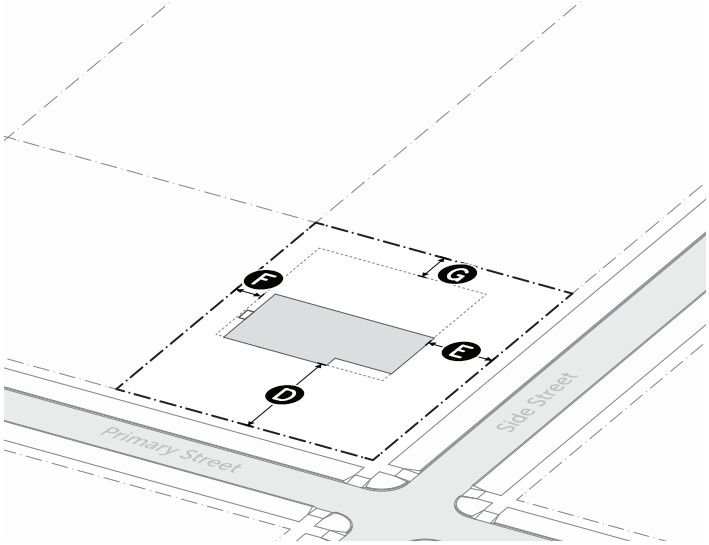
Currently height is limited to 20 feet. Suggest that is tall enough for an accessory structure as these can be quite imposing on neighboring properties.

> Reply by **SiteAdmin** on **03/11/2026** at **8:53am** [Comment ID: 2236] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> The height was increased from 20 feet to 25 feet to allow slightly taller accessory structures for several reasons. First, in both designated and non-designated historic neighborhoods, accessory buildings were frequently taller than 20 feet. A 25-foot limit allows a full two-story structure with a pitched roof, rather than requiring two stories with a flat roof.
>
> Furthermore, because the new code counts all floor area toward the allowable floor area—both primary and accessory buildings—this slightly taller height limit removes the incentive to attach such structures to the primary house in order to take advantage of the higher height limit for the main building.

SEC. 2.2.8. **H6** HOUSE 6

A. Lot Standards



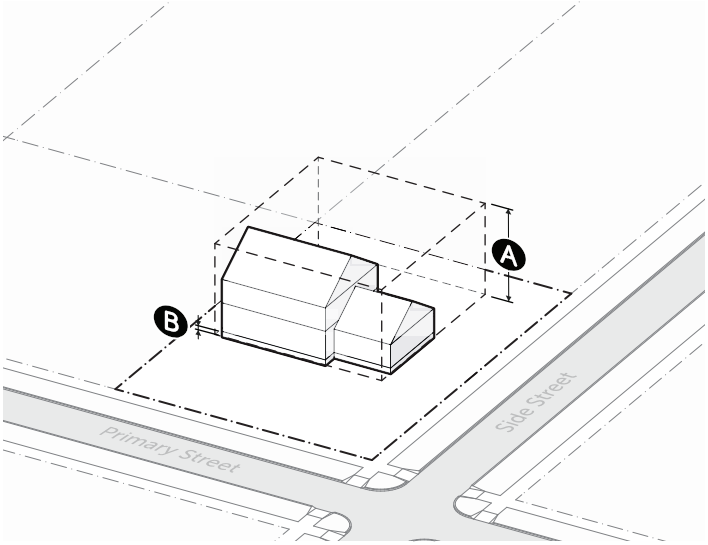


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	13,500 sf
B Lot width (min)	85'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.45
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	45%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range or 50'
E Side street	25'
F Side setback (min)	10'
G Rear setback (min)	15'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

H6 HOUSE 6

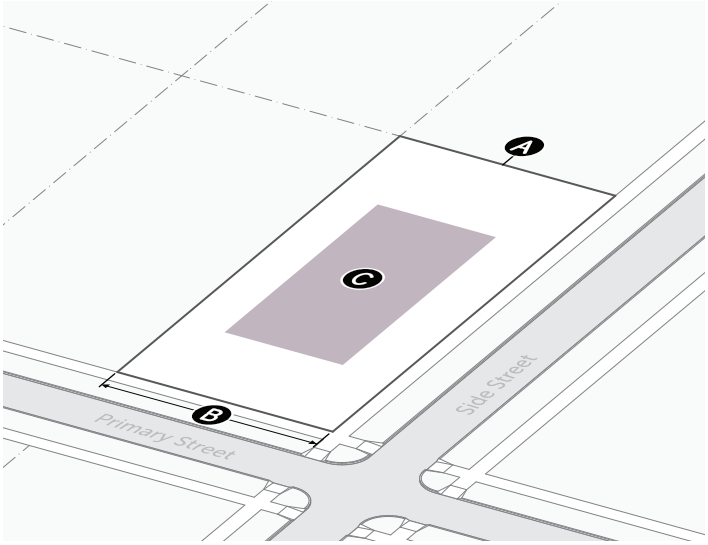
B. Building Standards

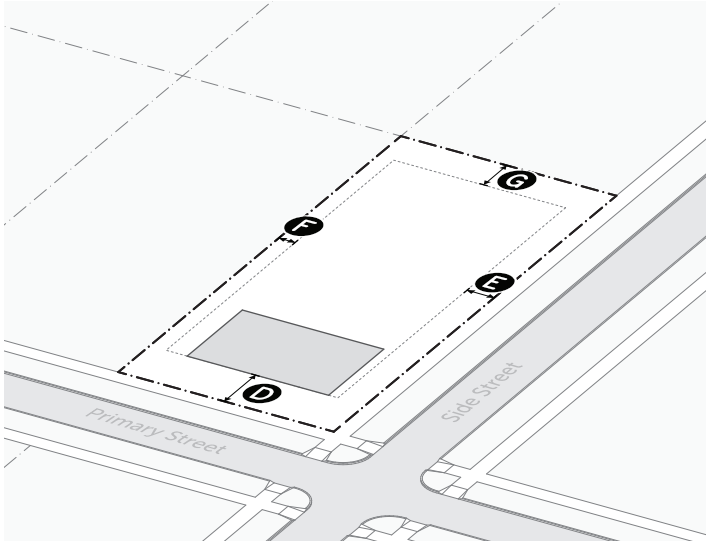


1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	3 stories / 35′
Accessory structure	2 stories / 25′
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0′ / 4′
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

SEC. 2.2.9. **CN1** CONSERVATION 1

A. Lot Standards



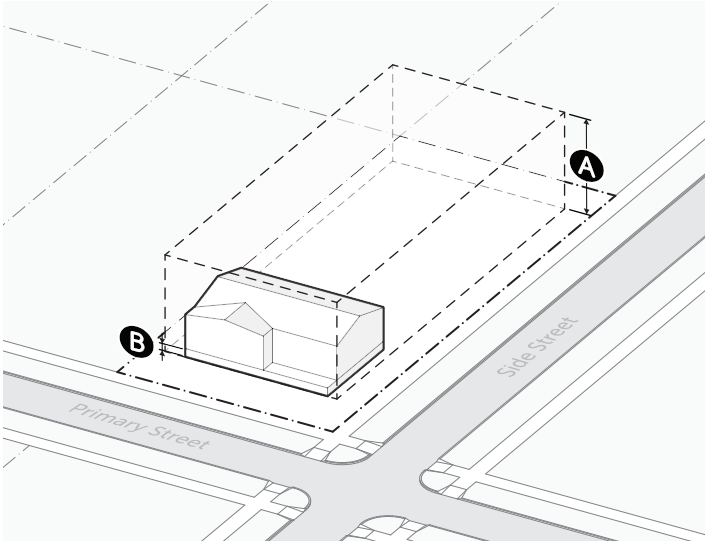


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	13,500 sf
B Lot width (min)	85'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.45
3. Coverage	*Sec. XX.XX.*
C Lot coverage (max)	45%
4. Streetscape	*Sec. XX.XX.*
Amenity zone	Not required
Pedestrian zone	Not required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
D Primary street	Existing range
E Side street	25'
F Side setback (min)	10'
G Rear setback (min)	15'
6. Parking Location	*Sec. XX.XX.*
Primary street setback	Driveway only
Side street setback	Driveway only
Side / rear setback	Allowed

CN1 CONSERVATION 1

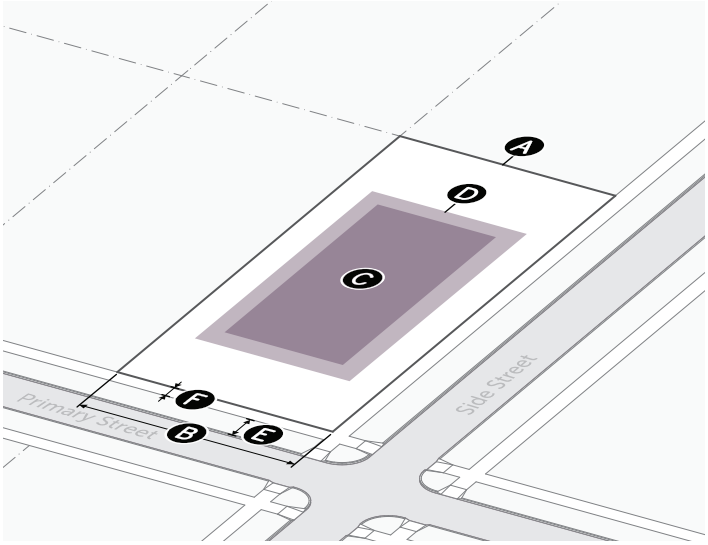
B. Building Standards

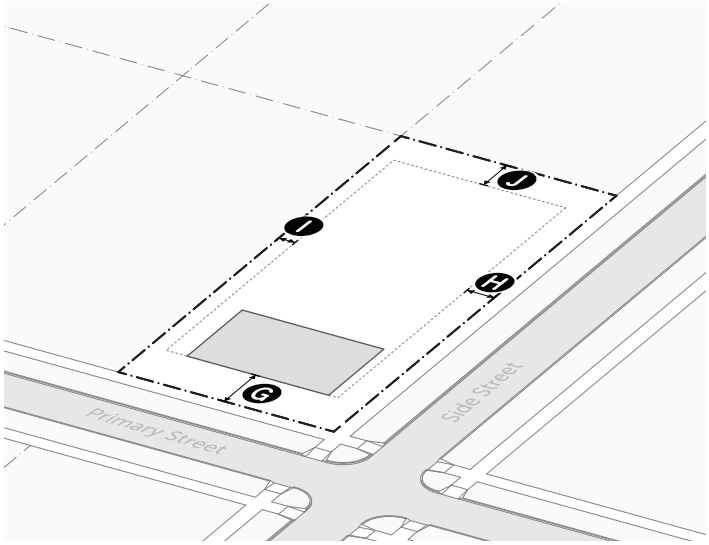


1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	Match existing
Accessory structure	2 stories / 25'
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0' / 4'
3. Fences and Walls	*Sec. XX.XX.*
Primary street setback	Type A3
Side street setback	Type B1
Side / rear setback	Type C1

SEC. 2.2.10. **CN2** CONSERVATION 2

A. Lot Standards





1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	9,000 sf
B Lot width (min)	70′
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	1 010
FAR (max, net lot area)	0.5
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	40%
D Lot coverage (max)	50%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
Street setback (min)	
G Primary street	Existing range
H Side street	15′
Side setback (min)	
I One side	011 4′
Cumulative	14′
J Rear setback (min)	
Primary structure	15′
Accessory structure	10′
6. Parking Location	*Sec. XX.XX.*
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

#010

Posted by **Matthew 1** on **04/07/2026** at **12:04am** [Comment ID: 2569] - Link

Suggestion

Agree: 2, Disagree: 0

CN1 and CN2 should not require new buildings to simply “match existing” development patterns if that language prevents context-sensitive infill and modest new housing. I recommend revising this standard so compatibility focuses on form, frontage, and scale rather than freezing neighborhoods into their current level of intensity. That would preserve character while still allowing more housing choice in walkable areas.

> Reply by **SiteAdmin** on **04/07/2026** at **11:26am** [Comment ID: 2600] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> These districts will not be mapped at this time and are intended for future use in areas that wish to ensure context-sensitive development in “ranch-style” neighborhoods. Currently, the primary mechanism available to preserve the “ranch” form is designation as a historic district.
>
> > Reply by **Chris 1** on **04/07/2026** at **9:23pm** [Comment ID: 2632] - Link
> >
> > *Question*
> >
> > *Agree: 1, Disagree: 0*
> >
> > I apologize but that explanation is very bizarre. The way to "preserve the ranch form" is for the property owner to continue owning the ranch house and not to sell or redevelop it. How does it further the public interest to support an unremarkable and common form of American architecture? Why are we prospectively investing resources and time to protect "ranch" neighborhoods? It seems we are learning the wrong lessons from LA's housing crisis (a city that strangely also insists on protecting "ranch" neighborhoods)...
> >
> > > Reply by **SiteAdmin** on **04/08/2026** at **8:58am** [Comment ID: 2669] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Thank you for your comment.
> > >
> > > Again, this district is NOT MAPPED, which means it will not apply anywhere at adoption, but several neighborhoods have expressed a desire to protect this development pattern, without some of the more restrictive standards of a historic district. This tool will give them a way to do this.
> > >
> > > As a side note, there are already "ranch" historic districts in the

city (i.e., Collier Heights).

#011

Posted by **Marie Acalin** on **04/04/2026** at **5:01pm** [Comment ID: 2517] - Link

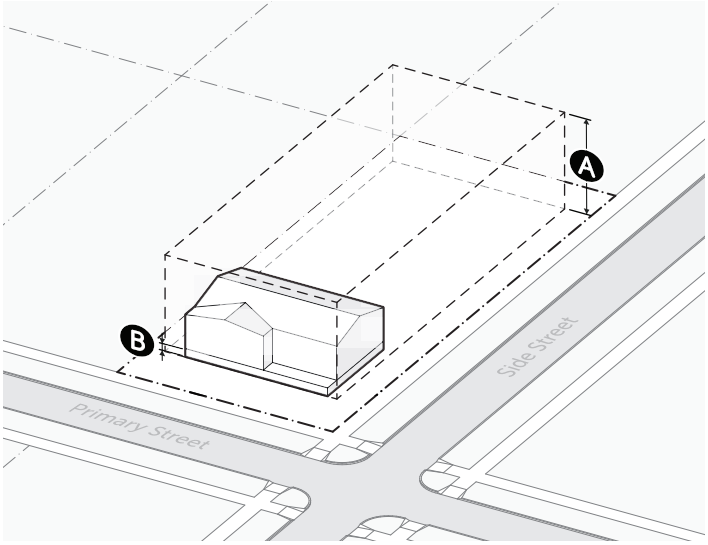
Agree: 0, Disagree: 0

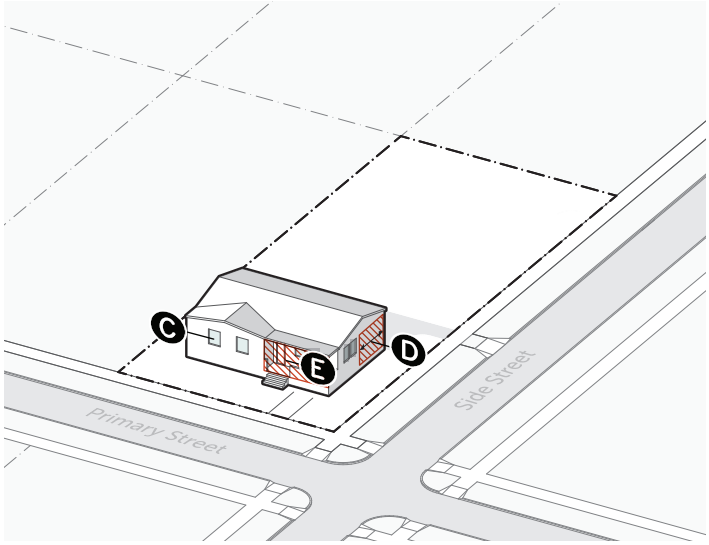
While zoning doesn't regulate fire code, this is a concerning reduction unless the city is going to closely watch how these side walls are constructed. Fire's have jumped 7' driveways in midtown so a 4' is concerning.

> Reply by **SiteAdmin** on **04/05/2026** at **1:13pm** [Comment ID: 2541] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

CN2 CONSERVATION 2

B. Building Standards





1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	
Primary structure	Match existing
Accessory structure	2 stories / 25′
2. Ground Story	*Sec. XX.XX.*
B Ground story elevation (min/max)	0′ / 4′

3. Windows and Doors	*Sec. XX.XX.*
C Ground story glazing (min)	
Primary street	20%
Side street	15%
Upper story glazing (min)	10%
D Blank wall width (max)	20′
E Street-facing entry	Required
4. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.2.11. **CL** CLUSTER

A. Intent

The following regulations and requirements apply to the Cluster (CL) district, defined as a residential form district primarily intended to:

1. Provide a density-neutral residential district that allows flexible design to promote environmentally sensitive and efficient land use and ensures the permanent preservation of open space;
2. Enhance land, water, air, and tree resources by minimizing land disturbance; reducing impervious surfaces, soil erosion, and stormwater runoff; optimizing stream buffers; preserving tree cover; and encouraging open space protection;
3. Preserve in perpetuity archaeological or historic sites, scenic views, and sensitive natural resources such as floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat;
4. Maintain overall dwelling counts in a density-neutral manner and provide a process that allows all interested parties to verify compliance with this Ordinance and related regulations;
5. Encourage development on the least environmentally-sensitive soils and reduce the amount of public infrastructure and associated costs borne by the City;
6. Encourage community interaction and reduce impervious surfaces by clustering dwellings, orienting them toward the street, providing public gathering places, and promoting the use of parks and community facilities as neighborhood focal points;
7. Promote interconnected open spaces that provide pedestrian linkages, recreational opportunities, and wildlife corridors throughout the city and to adjacent jurisdictions; and

B. Applicability

Sites in a House-Scale Form District meeting the standards herein are eligible to apply for rezoning to CL in accordance with *Sec. 9.2. Legislative Review*.

C. Standards

1. Density Calculations and Parcel Eligibility

Cluster (CL) districts may only be established in any House-Scale Form District, with appropriate densities based on the existing zoning as provided in this Section. Only sites served by public sanitary sewer are eligible for rezoning to a CL district.

a. **Maximum number of lots.** The maximum number of lots allowed in a CL district must be determined based on a conventional subdivision design plan under the existing form district of the parcel at the time of application, as provided in *Sec. 2.2.11.C.3. Application*.

b. **Minimum Parcel Size.** Only sites with a minimum of 2 acres are eligible for consideration for Rezoning to a CL district.

c. **Environmental Criteria.** Only sites with one or more of the following distinctive environmental features are eligible for consideration for a housing cluster subdivision zoning:

#012

Posted by **Kim 3** on **03/09/2026** at **5:21pm** [Comment ID: 2204] - Link
Question
Agree: 0, Disagree: 0
An owner would need to rezone to CL, correct? This replaces PDH?

> Reply by **SiteAdmin** on **03/10/2026** at **10:15am** [Comment ID: 2219] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes, this replaces the PD-H district and is only available through rezoning.
>
> This district was created because several previously approved PD-H developments effectively cluster development, and the individual lots have not yet been platted. Without this CL provision, those developments could not be built as originally approved due to Form District lot size standards.

#013

Posted by **Kim 3** on **03/09/2026** at **5:21pm** [Comment ID: 2205] - Link
Suggestion
Agree: 0, Disagree: 0
I would put this in the neighborhood category and remove from House Scale. It will promote density, which is not the intent of the House Scale District.

> Reply by **SiteAdmin** on **03/10/2026** at **10:17am** [Comment ID: 2221] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This cannot be used to increase density. It simply allows a reallocation of existing density. The application is limited to existing PD-Hs in R1 through R3 districts, which tend to be in the parts of the city with the most topography and tree canopy.

#014

Posted by **Kim 3** on **03/09/2026** at **5:20pm** [Comment ID: 2203] - Link
Suggestion
Agree: 1, Disagree: 0
CL developments should not have public infrastructure. They should have private infrastructure. The greenspace/environmentally sensitive land should be placed in a permanent conservation easement to be maintained by the HOA.

> Reply by **SiteAdmin** on **03/10/2026** at **10:13am** [Comment ID: 2218] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

i. Slopes of a 2:1 ratio (2 horizontal to 1 vertical) or steeper covering 5,000 square feet or more;

ii. Streams and other surface waters and their applicable buffer zones;

iii. Wetlands and their applicable buffer zones as defined by U.S. Army Corps of Engineers regulations pursuant to the Clean Water Act;

iv. 100-year floodplains;

v. Populations of endangered or threatened species, as designated under the Endangered Species Act, or habitat for such species;

vi. Archaeological or historic sites that remain primarily in an undeveloped state;

vii. Cemeteries, including abandoned cemeteries;

viii. Existing healthy, native forests within a contiguous area of at least 1 acre;

ix. Significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those visible from public roads; or

x. Properties located adjacent to existing trails, public parks, or open space that provide access and improve connectivity to such areas.

2. Site Planning

Site planning must protect the development from negative impacts outside the site and prevent the development from creating negative impacts on nearby properties.

a. **Primary vehicle access points.** Primary vehicle access points must be designed to encourage smooth traffic flow with controlled turning movements and minimal hazards to vehicular or pedestrian traffic. Merging and turnout lanes, traffic dividers, or additional street width are required where existing or anticipated heavy traffic flows indicate a need. In general, secondary streets must not connect to streets outside CL districts in a manner that encourages substantial through traffic on such minor streets.

b. **Pedestrian and cyclist access.** Access for pedestrians and cyclists entering or leaving the CL district must be provided by safe and convenient routes, which need not be adjacent to or limited to vehicle access points. Where pedestrian zones cross vehicular routes at the edges of the development, such crossings must be safely marked and controlled. Where pedestrian zones or bicycle paths are exposed to substantial vehicular traffic at the district edges, safeguards may be required to prevent crossing except at designated points.

c. **Visibility protection for vehicular traffic, cyclists, and pedestrians.** Visibility protection must be provided as set forth in *Sec. XX. Visibility Clearance at Intersections*, of the City of Atlanta Zoning Ordinance. Additionally, where pedestrian or bicycle access from within the development connects to a street at its edges through paths, yards, or open spaces without a barrier, no impediment to visibility, consistent with *Sec. XX. Visibility Clearance at Intersections*, must be created or maintained within the appropriate visibility triangle.

d. **Fences, walls, or vegetative screening at edges of CL Districts.** Fences, walls, or landscape screening may be provided where needed to protect residents from undesirable views,

lighting, noise, or other off-site negative impacts, or to protect adjoining residential districts from similar negative impacts originating within the CL district, extensive off-street parking areas and areas for refuse and garbage storage or collection must be screened.

e. **Streets, driveways, and parking.** Streets, driveways, and parking areas must provide safe and convenient access to dwelling units for service and emergency vehicles. Streets must not occupy more land than necessary to provide required access. Interior streets, whether privately maintained or dedicated for public use, must be configured and constructed as required by the City of Atlanta Fire Marshal or the Department of Transportation. No interior streets may be dedicated to the City unless they meet all standards and approvals required by the Department of Transportation.

f. **Internal relationships and site planning.** The site plan must provide for safe, efficient, convenient, and harmonious groupings of structures; preserve desirable natural features; and minimize disturbance to natural topography.

g. **Pedestrian zones and bicycle paths.** Pedestrian zones must form a logical, safe, and convenient system of pedestrian access to all dwelling units, project facilities, and principal off-site pedestrian destinations. Pedestrian zones serving substantial numbers of children or connecting to schools or similar destinations must be located and safeguarded to minimize contact with normal vehicular traffic. If substantial bicycle traffic is anticipated, bicycle paths must be coordinated with the pedestrian system. Street crossings must be minimized, located for safety, and appropriately marked and safeguarded.

h. **Water, sanitary sewer, and stormwater utilities.** All water, sanitary sewer, and stormwater utilities, whether privately maintained or publicly dedicated, must be configured and constructed as required by the Department of Watershed Management. No such utilities may be dedicated to the City unless they meet all standards and approvals of the Department of Watershed Management.

i. **Infrastructure.** Before issuance of any building permit, all public and private infrastructure shown on approved site plans must be installed.

3. Application

All applicants seeking a Rezoning to the Cluster (CL) Form District must submit an Existing Conditions Site Plan, a Conventional Subdivision Site Plan, and a Housing Cluster Subdivision Site Plan, as defined in this Ordinance, for review and approval with the Rezoning application.

a. All applicants must hold a pre-application meeting with representatives from the Department of City Planning, the Department of Watershed Management, and the Department of Transportation. Applicants must present a general location map, which may include an aerial photograph or similar depiction, for the purpose of reviewing procedures, requirements, and the preliminary eligibility and feasibility of the site for a cluster subdivision. This pre-application conference may occur in the same manner as provided in *Sec. 9.2. Legislative Review* of this Ordinance.

b. **Existing Conditions Site Plan.** At the time of application for Rezoning to a CL district, the applicant must submit an Existing Conditions Site Plan, sealed by an engineer or landscape architect registered in the State of Georgia, identifying the following site features and information based on a survey prepared by a Georgia-licensed surveyor:

#015

Posted by **Ben Valente** on **03/31/2026** at **4:00pm** [Comment ID: 2406] - Link

Question

Agree: 1, Disagree: 0

There is also no objective criteria here: what qualifies as a substantial number of children or bike traffic? What practical differences in pedestrian circulation would this require? I struggle to see what this would translate to during a site design process.

> Reply by **SiteAdmin** on **04/01/2026** at **4:07pm** [Comment ID: 2487] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Please see the previous comment about every use of this district requiring approval by City Council and this process affording site-specific considerations.

#016

Posted by **Ben Valente** on **03/31/2026** at **4:04pm** [Comment ID: 2407] - Link

Question

Agree: 0, Disagree: 0

Why would the plan need to be signed and sealed by an engineer/landscape architect when all of the information on the plan is directly taken from the survey, which must be prepared by a licensed surveyor?

> Reply by **SiteAdmin** on **04/01/2026** at **4:05pm** [Comment ID: 2486] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Not all the provisions specified below are identified in surveys.

#017

Posted by **Ben Valente** on **03/31/2026** at **3:56pm** [Comment ID: 2405] - Link

Suggestion

Agree: 1, Disagree: 0

Is there an objective definition for an "extensive parking area" and reference for screening standards that can be linked ? This is less than objective.

> Reply by **SiteAdmin** on **04/01/2026** at **4:03pm** [Comment ID: 2485] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Because using this district requires NPU and City Council approval, this will be determined during the review process and may be highly context-based.

i. Property boundaries;

ii. Topographic contours at intervals no greater than two feet;

iii. Streams, lakes, rivers, waters of the State, 100-year floodplains, applicable buffers, and wetlands, including source information;

iv. Identification of tree lines, natural woodlands, open fields or meadows, and peaks or rock outcroppings;

v. Identification of scenic vistas, historic or archaeological sites, wildlife habitats, or other significant environmental features;

vi. Identification of steep slope areas, defined as slopes with a 2:1 horizontal-to-vertical ratio or steeper;

vii. Identification of open space, trails, or public parks adjacent to the property subject to the Rezoning application;

viii. Identification of threatened or endangered plant species, as listed by the Georgia Department of Natural Resources;

ix. General soil types and vegetation characteristics;

x. Existing roads, buildings, structures, and utility easements; and

xi. Identification of the locations of populations of endangered or threatened species, as designated under the Endangered Species Act, and the habitats for such species.

c. **Conventional Subdivision Site Plan.** Using the inventory outlined in the Existing Conditions Site Plan, the applicant must submit a layout of lots and street configuration for a conventional subdivision allowed under the existing zoning of the parcel at the time of application. This layout must demonstrate the total number of feasibly buildable lots permitted on the parcel under the existing H- zoning requirements. This total must constitute the maximum number of lots allowed for CL zoning, as required by *Sec. 2.2.11.C.1. Density Calculations* and Parcel Eligibility. The plan does not need to meet all formal requirements for a conventional subdivision site design plan; however, the design must be capable of being constructed based on site features and all applicable zoning regulations.

d. **Housing Cluster Subdivision Site Plan.** Using the inventory outlined in the Existing Conditions Site Plan, and applying any housing cluster subdivision design standards specified by the Department of City Planning, the applicant must submit a conservation subdivision concept plan that includes the following information at a scale of no less than one inch equals 50 feet:

i. Open space, indicating which areas are to be permanently protected;

ii. Boundaries of areas to be developed, and the proposed street and lot layout;

iii. The number of lots proposed and an explanation of how this number was calculated, in accordance with *Sec. 2.2.11.C.1. Density Calculations* and *Parcel Eligibility*;

iv. Proposed locations of water supply, sewer lines, stormwater management facilities, and other above-ground or below-ground utilities located on the parcel subject to the

#018

Posted by **Kim 3** on **03/09/2026** at **5:25pm** [Comment ID: 2207] - Link

Suggestion

Agree: 0, Disagree: 0

The conventional subdivision needs to show the required buffers, floodplain, etc in the lot layout. The lot layouts need to meet all zoning and other city requirements. That determines lot count.

> Reply by **SiteAdmin** on **03/10/2026** at **10:18am** [Comment ID: 2222] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This is the intention. The term "buildable lot" means that the lot must be able to be legally created when all regulations, not just zoning, are considered.

application, including a designation of whether such facilities are intended for private ownership and maintenance or public dedication and use;

v. Preliminary development envelopes showing all impervious surfaces, including but not limited to paved areas, trails, buildings, grading, and lawns, if applicable;

vi. Proposed methods for ownership, maintenance, and permanent protection of the open space;

vii. The type open space as described in *Sec. 3.4.2. Outdoor Amenity Space*;

viii. Designation of any connections between the proposed open space and existing open space, trails, and public parks located within 1,000 feet of the property line of the property subject to the Rezoning application;

ix. Potential connections with existing open space and trails;

x. Planned open space; and

xi. Proposed street and lot layout.

Amendments to an approved site plan for a CL district must follow the procedures and requirements set forth in Chapter 9. Administration of this Ordinance.

e. **Other Requirements.** Unless this Ordinance specifically states otherwise, all CL districts must comply with all other applicable laws, including but not limited to the City of Atlanta Tree Protection Ordinance and the City of Atlanta Stream Buffer Ordinance.

#019

Posted by **Kim 3** on **03/09/2026** at **6:36pm** [Comment ID: 2208] - Link
Suggestion
Agree: 0, Disagree: 0
Flood Damage and Flood Protection Ordinance should be listed by name

> Reply by **SiteAdmin** on **03/10/2026** at **10:19am** [Comment ID: 2223] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you. We will add this.

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DIVISION 2.3. **NEIGHBORHOOD-SCALE DISTRICTS**

Intent images are illustrative only.

Sec. 2.3.1. **Intent**

Neighborhood-Scale Form Districts are intended to accommodate lower intensity neighborhood areas with small to medium lot sizes and moderate lot coverage, and are generally within walking distance of neighborhood-serving retail, service, and other commercial uses. The number of dwelling units allowed on each lot varies by Form District.

Neighborhood-Scale Form Districts are typically paired with Use Districts that primarily allow household living uses and some civic uses. However, some Neighborhood-Scale Form Districts are paired with Use Districts that allow neighborhood-serving commercial uses that are limited in size and extent.

Sec. 2.3.2. **Summary of Districts**

The following table includes a summary of some requirements for each Neighborhood-Scale Form District. Detailed requirements are further described in this Division.

NEIGHBORHOOD-SCALE DISTRICTS					
District	Lot Area (min)	Lot Width (min)	Dwelling Units (max)	FAR (max, net lot area)	Height (max)
N1	9,000 sf	70'	1	0.50	2.5 stories / 35'
N2A	7,500 sf	50'	1	0.55	2.5 stories / 35'
N2B	7,500 sf	50'	2	0.60	2.5 stories / 35'
N3A	5,000 sf	40'	1	0.60	2.5 stories / 35'
N3B	5,000 sf	40'	2	0.65	2.5 stories / 35'
N4A	2,800 sf	40'	1	0.65	2.5 stories / 35'
N4B	2,800 sf	40'	2	0.70	2.5 stories / 35'
N5A	2,000 sf	25'	6	None	2.5 stories / 35'
N5B	2,000 sf	25'	12	None	3 stories / 35'
N6A	2,000 sf	20'	Unlimited	1.0	3 stories / 40'
N6B	2,000 sf	20'	Unlimited	1.75	4 stories / 50'

#020

Posted by **Sputnik** on **02/15/2026** at **10:49pm** [Comment ID: 1969] - Link
Suggestion
Agree: 4, Disagree: 0
Much of residential intown Atlanta is shown on the map as N1R2. This includes most of the area around East Atlanta, Ormewood Park, etc. Lots in these neighborhoods nearly all match N2A in both width and area. Describing a neighborhood in a way that makes 90+% of the lots nonconforming is perverse.

> Reply by **SiteAdmin** on **02/16/2026** at **8:40am** [Comment ID: 1975] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> This reflects a conversion of existing zoning classifications within those areas.
>
> > Reply by **Sputnik 1** on **02/16/2026** at **4:56pm** [Comment ID: 1980] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > Understood. But I still don't see why an area would be re-zoned with frontage and area minimums that are significantly larger than nearly every existing lot.... especially when nearly all the available single-family lots are already developed in these areas. Any future single family lots will not match the rest of the surrounding existing neighborhood, which strikes me as an odd choice to make.
> >
> > > Reply by **SiteAdmin** on **02/17/2026** at **10:38am** [Comment ID: 1983] - Link
> > > *Answer*
> > > *Agree: 1, Disagree: 0*
> > > Because rezonings of individual properties can generate strong public debate, the ATL Zoning 2.0 process was designed from the beginning to focus first on adopting the updated ordinance text, rather than linking it to any specific property rezoning. This helps ensure the broader code update can move forward successfully.
> > >
> > > Reply by **Jake Derry** on **03/28/2026** at **10:10pm** [Comment ID: 2362] - Link
> > > *Question*
> > > *Agree: 1, Disagree: 0*
> > > Will there be an effort by the Office of City Planning to fix these variances with large scale zoning changes in areas that experience high amounts of variance?
> > >
> > > Reply by **SiteAdmin** on **03/29/2026** at **8:26am** [Comment ID: 2367] -

Link

Answer

Agree: 0, Disagree: 0

The Department of City Planning currently plans to conduct small areas plans after the adoption of ATL Zoning 2.0. This would involve working with neighborhoods to determine if map changes are appropriate.

Please note that most nonconforming lots are still legal. The lot size and frontage standards only apply to the creation of new lots. Furthermore, as drafted, ATL Zoning 2.0 provides some administrative relief for these lots when setbacks and other zoning standards impose a hardship.

Reply by **Ben Valente** on **03/31/2026** at **4:10pm** [Comment ID: 2408] - Link

Question

Agree: 0, Disagree: 0

Is there any official, planned guidance on the City's proposed process or timeline for actually cleaning up and streamlining these districts and standards?

Reply by **SiteAdmin** on **04/01/2026** at **4:01pm** [Comment ID: 2484] - Link

Answer

Agree: 0, Disagree: 0

Unfortunately, the zoning team is unaware of the small area planning schedule at this time.

Reply by **Chris 1** on **04/07/2026** at **9:29pm** [Comment ID: 2634] - Link

Suggestion

Agree: 0, Disagree: 0

Could not agree more. The new zoning map should start from the de facto realities of each neighborhood and, generally, only aim to allow more density, not less. It will only create pain, delay, and cost when any new construction will need to seek variances merely to *match* the existing housing stock in a neighborhood. The mismatches identified by Sputnik are very counter-productive; any neighborhood that in practice matches N2A should not be zoned as N1 (and so on and so forth).

Reply by **SiteAdmin** on **04/08/2026** at **9:02am** [Comment ID: 2670] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your input.

Please note that there is a proposed method of administrative relief for these areas, although we have received many comments opposing this proposed provision.

#021

Posted by **Chris 1** on **04/07/2026** at **9:38pm** [Comment ID: 2636] - Link

Suggestion

Agree: 0, Disagree: 0

Each neighborhood-scale district should permit ADUs. Ideally, each "A" district would be eliminated, and we would simply use N2B, N3B, N4B, etc. The zoning changes so far will not add much opportunity to increase the housing stock.

> Reply by **SiteAdmin** on **04/08/2026** at **9:57am** [Comment ID: 2691] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> Please note, the "dwelling unit" term excludes ADUs. ADUs are distinct from "dwelling units." It would be possible to have ADUs in a House-Scale District by changing the Use District on the official zoning map.

#022

Posted by **Alexander Wu, AIA** on **04/09/2026** at **1:56pm** [Comment ID: 2802] - Link

Suggestion

Agree: 0, Disagree: 0

I'm an architect that currently works on many R-4 and R-5 non-conforming lots. Because those lots are often so small, designs often currently go to a 3-story design.

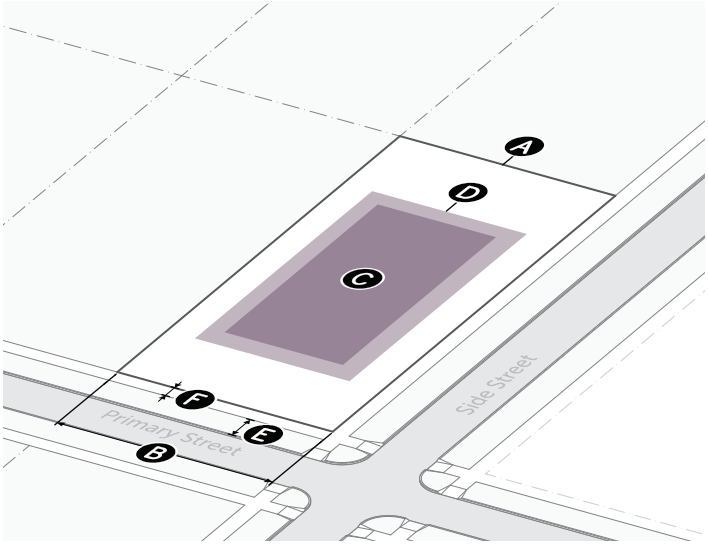
The draft zoning code doesn't appear to have a definition for "2.5 stories." Similar to the lack of clarity around definitions for "basement," I recommend that the new code should have clear definitions and what wiggle room a plan reviewer has for unusual situtations.

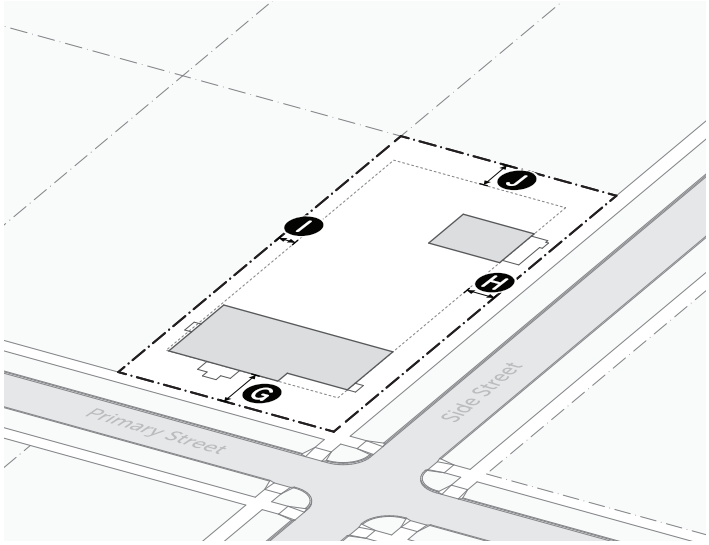
I.e. How does one handle a split level house? Or what happens when there are steep grades on the site?

> Reply by **SiteAdmin** on **04/09/2026** at **2:51pm** [Comment ID: 2803] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Please see Sec. 3.10 for all the applicable definitions and methods of measurement.

SEC. 2.3.3. **N1** NEIGHBORHOOD 1

A. Lot Standards





1. Lot Size	*Division 3.2*
A Lot area (min)	9,000 sf
B Lot width (min)	70′
2. Density	*Division 3.3*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.5
3. Coverage	*Division 3.4*
C Building coverage (max)	40%
D Lot coverage (max)	50%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range 28–35′
H Side street	15′
Side setback (min)	
I One side	7′
Cumulative	14′
J Rear setback (min)	
Primary structure	15′
Accessory structure	10′
6. Parking Location	*Division 3.9*
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

#023

Posted by **Sue Olszewski** on **04/04/2026** at **2:47pm** [Comment ID: 2496] - Link
Agree: 1, Disagree: 0
I am concerned about the side setbacks. I support side setbacks of 7' with a bare minimum of 5' . This would comply with the fire code.

> Reply by **SiteAdmin** on **04/05/2026** at **9:09am** [Comment ID: 2518] - Link
> *Answer*
> *Agree: 1, Disagree: -1*
> Thank you for your comment.
>
> This setback was based on measurements of built setbacks from hundreds of existing R-4 lots across the city (the existing R-4 district converts to the proposed N1 district). It is intended to allow the construction of new houses that match the established patterns of existing neighborhoods.
>
> Regarding fire codes, they will still apply. Such codes do not establish minimum setbacks, per se. Instead, they regulate building placement through fire separation distance, which governs exterior wall fire-resistance requirements and the allowable size and placement of window and door openings.
>
> Fire separation distance is not measured based on the distance to a neighboring building. Rather, it is measured to the lot line (or an assumed lot line), reflecting the potential for another structure to be built up to that line. As a result, houses located closer to side lot lines must meet more stringent fire-resistance requirements than those set farther back. For this reason, most builders will opt for a cheaper wide setback.

#024

Posted by **steele145@comcast.net** on **04/08/2026** at **5:13pm** [Comment ID: 2730] - Link
Suggestion
Agree: 0, Disagree: 0
Please keep our 7’ side setbacks for N1. We want to in the very least stay in compliance of fire code.

> Reply by **SiteAdmin** on **04/09/2026** at **12:22pm** [Comment ID: 2785] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> It is not accurate to state that the fire code requires a setback. Rather, the fire code regulates fire separation distance, measured to the property line, and establishes requirements for exterior wall ratings and allowable openings based on that distance. It does not establish fixed minimum setbacks in the

way zoning does.

#025

Posted by **Sputnik** on **02/15/2026** at **11:12pm** [Comment ID: 1971] - Link
Suggestion
Agree: 0, Disagree: 0
Certain setbacks currently are set in relationship to the "front of the facade" of a house. I have been told that the term 'facade' is being "interpreted".... ahem.... (arbitrarily) as 'conditioned space,' despite nothing in the plain text of the ordinance defining 'facade' as such. Therefore, any unconditioned space at the front of a house, no matter how large, is being challenged as "not actually part of the house." An enclosed sunroom that is unheated? Not your house. A large area of attic that extends beyond the rest of the structure? Not a house either. Version 2 appears to do nothing to resolve this absurdity. A far more rational definition would be any space that is completely enclosed within the same envelope as the rest of the house. This would exclude porches, small roof overhangs over front doors, and similar structures, without randomly **penalizing design choices** based on whether they're heated.

> Reply by **SiteAdmin** on **02/16/2026** at **8:28am** [Comment ID: 1972] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Please refer to the revised language on P 3-25, which reads:
>
> "All buildings and permanent structures on a lot must be located at or behind the minimum building setbacks specified by the zoning district, unless listed as an exception below.
>
> Porches and certain other elements are excluded when specified in page 3-29.
>
> Lastly, the term "facade" means, "The above-grade, non-roof portions of the exterior building envelope."
>
> > Reply by **Sputnik 1** on **02/16/2026** at **8:32pm** [Comment ID: 1981] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > May I ask whether this is the meaning of ‘facade’ in the current zoning, or is this a new definition in 2.0? Thanks
> >
> > > Reply by **SiteAdmin** on **02/17/2026** at **10:34am** [Comment ID: 1982] - Link
> > > *Answer*
> > > *Agree: 1, Disagree: 0*
> > > This is the proposed definition.
> > >
> > > The term is not defined in the existing zoning ordinance.

#026

Posted by **J Winer** on **03/30/2026** at **8:31am** [Comment ID: 2391] - Link
Suggestion
Agree: 1, Disagree: 0
4 feet creates a fire hazard, The 2024 IRC Table R302.1 (1) Exterior Walls addresses this. The ordinance proposal of 4 feet creates a fire risk that creates a very challenging proiblem for the Building Department. This contradicts the stated purpose in Sec 1.1.3 "securing safety from fire".The recommendation is to maintain the 7-foot standard, with the provision that an administrative variance may be granted to reduce the setback to no less than 5 feet upon the consent of the affected adjacent property owner. Any reduction of the setback to less than 5 feet shall require a formal variance process and review by the Building Department, with assurances that applicable fire codes are satisfied.

> Reply by **SiteAdmin** on **03/30/2026** at **1:17pm** [Comment ID: 2392] - Link
> *Answer*
> *Agree: 1, Disagree: -1*
> Thank you for your input.
>
> This is a minimum and all walls would have to be appropriately rated, per fire code in order to use this provision.

#027

Posted by **Laurel Lucey** on **03/18/2026** at **2:30pm** [Comment ID: 2279] - Link
Suggestion
Agree: 1, Disagree: 0
An historic neighborhood should be able to retain its beauty and character, which includes many multi-family as well as single-family home and not squeeze structures even closer together than they are today. This will yield bigger homes, not more homes. Is that really what we want or need? Please retain the 7' side yard setback.

> Reply by **SiteAdmin** on **03/19/2026** at **8:06am** [Comment ID: 2281] - Link
> *Answer*
> *Agree: 1, Disagree: -1*
> Thank you for your feedback.
>
> The 7-foot setback was arbitrarily imposed on many neighborhoods by the 1982 zoning ordinance and was not grounded in the actual built setback patterns of pre-1982 neighborhoods.
>
> In fact, the 1929 zoning code stated:
> “Side yards for a one-family dwelling. If the building does not exceed 2½ stories in height, the least dimension of the side yard shall not be less than 3 feet and at least 20% of the width of each interior lot shall be de-voted to side yards, but not more than 10 feet need be so devoted. If the building exceeds

2½ stories in height the least dimension of the side yard shall not be less than one-sixth of the height of the building." (1929 Atlanta Zoning Ordinance, Sec. 16A, p. 18).

This historic setback requirement is restored in ATL Zoning 2.0.

As part of ATL Zoning 2.0, the consultant team also measured the historic built patterns of neighborhoods to develop the proposed setbacks. These findings can be viewed here: https://atlzoning.com/wp-content/uploads/2021/11/Idea-Lab_-ATL-URBAN-PATTERN-ANALYSIS_v3.pdf

#028

Posted by **Sputnik** on **02/15/2026** at **10:53pm** [Comment ID: 1970] - Link
Question
Agree: 0, Disagree: 0
Does this mean that new construction in N1R2 neighborhoods would no longer be burdened by the variance ordeal simply to match the average setback of other houses on the same block?

Reply by **SiteAdmin** on **02/16/2026** at **8:35am** [Comment ID: 1973] - Link
Answer
Agree: 0, Disagree: 0
That is the intent. This would allow new buildings to match the existing setbacks of nearby buildings.

It is intended to clarify and simplify existing provision 16-28.007(5), which reads:

"Average depth front yard: Where more than 50% of the frontage within a block between intersecting streets is developed with structures having a lesser setback than required by the applicable district regulations, the setback requirement for proposed structures may be reduced to the average setback so established by the bureau of buildings but shall not be reduced by less than 50 percent of the required setback so contained within the applicable district regulations."

Reply by **Ben Valente** on **03/31/2026** at **4:15pm** [Comment ID: 2409] - Link
Question
Agree: 1, Disagree: 0
The existing code has an objective definition of the existing range - is there a subsection that defines it similarly in the proposed code?

Reply by **SiteAdmin** on **04/01/2026** at **4:00pm** [Comment ID: 2483] - Link
Answer

Agree: 0, Disagree: 0
Yes. Please see Division 3.6.

#029

Posted by **dimmickph** on **02/04/2026** at **9:41am** [Comment ID: 1903] - Link
Suggestion
Agree: 1, Disagree: 0
The International Building Code suggests the minimum building side set back for fire separation is 5 feet. Shouldn't our zoning reflect that standard? We wouldn't want to endorse violating building code fire standards. Please change the minimum setback to 5 feet from 4 feet.

Reply by **SiteAdmin** on **02/04/2026** at **10:25am** [Comment ID: 1904] - Link
Answer
Agree: 1, Disagree: -1
Thank you for your feedback.

All buildings would be required to meet fire code based on wall rating and window openings.

Reply by **Jennifer Friese** on **02/05/2026** at **8:19am** [Comment ID: 1910] - Link
Question
Agree: 1, Disagree: 0
How would this be regulated? Would all projects that have a 4' setback be required to also provide an up-to-date survey from the adjoining lot? Or would a physical inspection of the site be required whenever a 4' setback is submitted? I'm unclear on how Building Code would know about non-conforming buildings on adjacent properties until too late in the process. I think it's safer to require a 5' - 14' side setback to uphold fire safety standards

Reply by **SiteAdmin** on **02/05/2026** at **3:34pm** [Comment ID: 1915] - Link
Answer
Agree: 1, Disagree: -1
The building code specifies how close a building may be to the property line before extra fire protection is required. It does not require surveying the adjacent lot to determine compliance.

Atlanta has allowed 0-foot side setbacks in some locations for more than a century, reflecting long-established development patterns. In these cases, compliance with applicable building code fire separation requirements is addressed through the building permitting process, based on verified property line distances and required construction standards.

Reply by **J Winer** on **04/08/2026** at **10:33am** [Comment ID: 2703] - Link

Suggestion

Agree: 0, Disagree: 0

In residential areas an ordinance that allows a 4' setback creates the need for fire resistant construction that will be difficult for the building department to manage and enforce. This is very different than zero lot line construction falling under the IBC. It really should be 5 feet.

Reply by **SiteAdmin** on **04/08/2026** at **2:34pm** [Comment ID: 2727] - Link

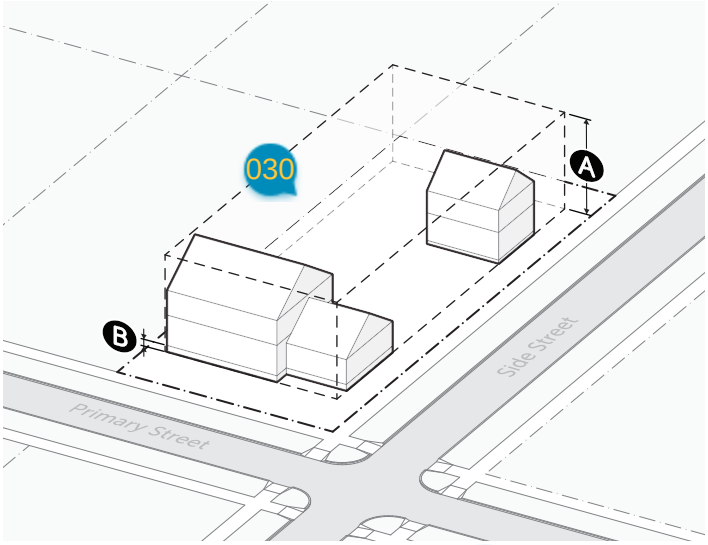
Answer

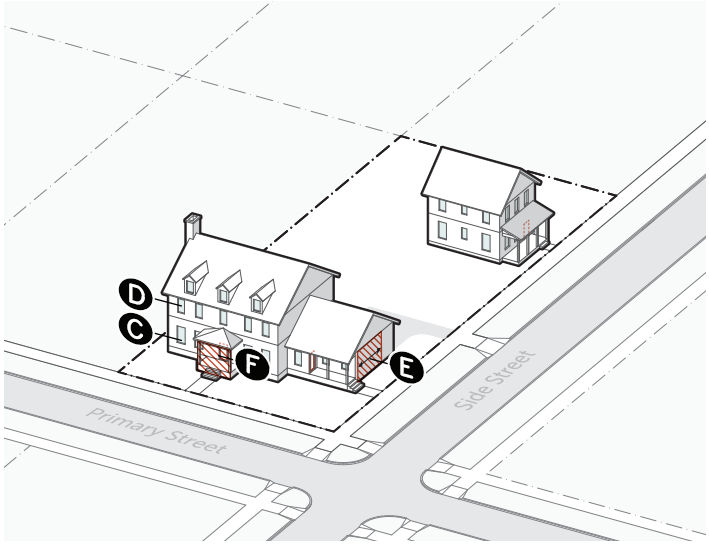
Agree: 0, Disagree: 0

Thank you for your suggestion.

N1 NEIGHBORHOOD 1

B. Building Standards





031

1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
2. Ground Story	*Division 3.12*
B Ground story elevation (min/max)	0′ / 4′

3. Windows and Doors	*Division 3.13*
C Ground story glazing (min)	
Primary street	20%
Side street	15%
D Upper story glazing (min)	10%
E Blank wall width (max)	20′
F Street-facing entry	Required
4. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

#030

Posted by **J Winer** on **03/29/2026** at **5:41pm** [Comment ID: 2385] - Link
Suggestion
Agree: 0, Disagree: 0
Show to midpoint of roof to cync with Ch 3 Rules for Zoning Districts Massing 2.a.

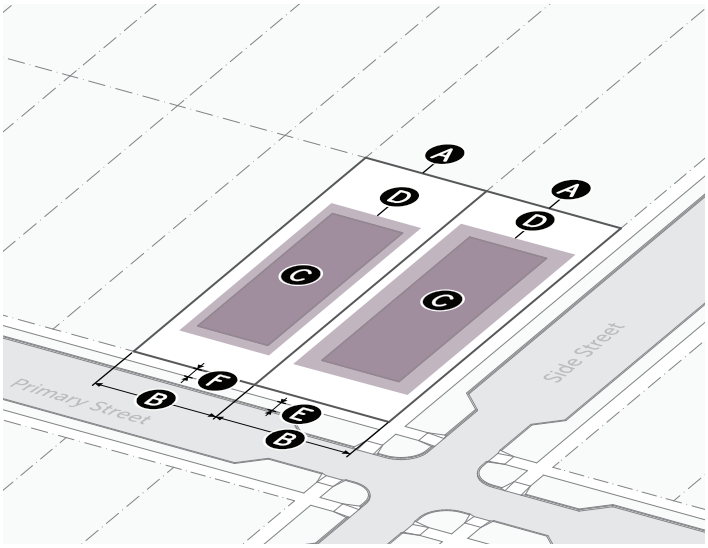
> Reply by **SiteAdmin** on **03/30/2026** at **1:35pm** [Comment ID: 2398] - Link
> *Answer*
> *Agree: 0, Disagree: -1*
> Each of these graphics is to-scale, so 2.5 story buildings shown do not approach the allowed height in feet.

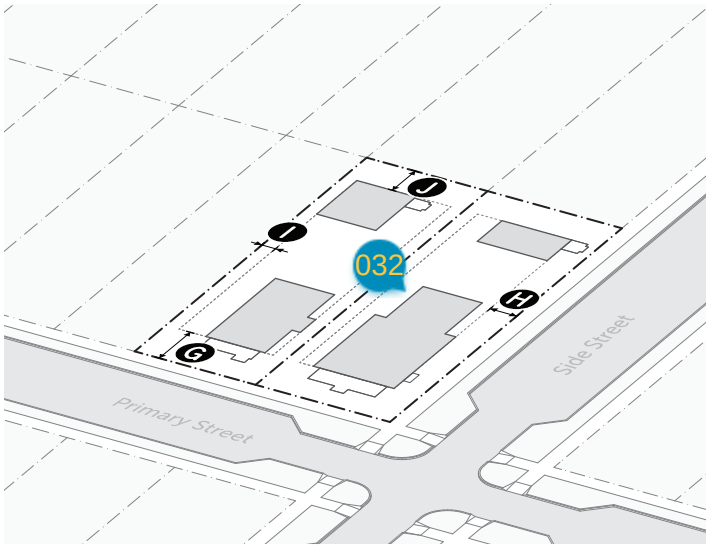
#031

Posted by **Michael Barnett** on **04/07/2026** at **7:05pm** [Comment ID: 2621] - Link
Suggestion
Agree: 1, Disagree: 0
I realize comments have been provided previously, but I want to reiterate the need to clearly define how the 1/2 story works with a walk out roof terrace, or a parapet roof condition, or a flat roof. We want to ensure that the 1/2 story does not have the effect of creating what would appear to be a 3-story massing at the front facade. And that would include any pergola or covered outdoor spaces that would create a similar massing effect.

SEC. 2.3.4. **N2A** NEIGHBORHOOD 2A

A. Lot Standards





1. Lot Size	*Division 3.2.*
A Lot area (min)	7,500 sf
B Lot width (min)	
Front vehicle access	50′
Side or rear vehicle access	35′
2. Density	*Division 3.3*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.55
3. Coverage	*Division 3.4*
C Building coverage (max)	45%
D Lot coverage (max)	55%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 30′
H Side street	5′
Side setback (min)	
I One side	3′
Cumulative	10′
J Rear setback (min)	
Primary structure	10′
Accessory structure	4′
6. Parking Location	*Division 3.9*
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

#032

Posted by **Ben Valente** on **03/31/2026** at **4:19pm** [Comment ID: 2410] - Link

Suggestion

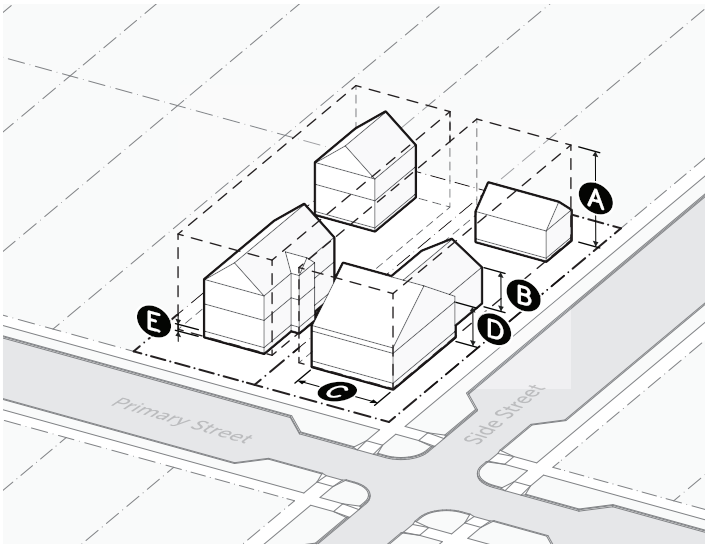
Agree: 0, Disagree: 0

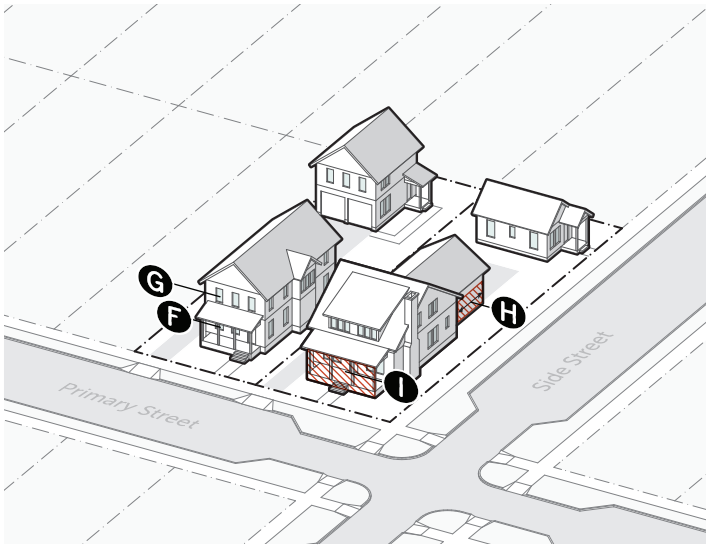
It would be clearer to show 'I' labels on both side setbacks and maybe come up with a more descriptive term than 'cumulative' for the standard of the combined total width of both side setbacks

> Reply by **SiteAdmin** on **04/01/2026** at **3:59pm** [Comment ID: 2482] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

N2A NEIGHBORHOOD 2A

B. Building Standards





034

033

1. Massing	*Division 3.10*
Ⓐ Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
Ⓑ Side wall height (max)	28′
Ⓒ Building width (max)	
Primary street	50′
Side street	100′
2. Ground Story	*Division 3.12*
Ⓓ Ground story height (min)	9′
Ⓔ Ground story elevation (min/max)	0′ / 4′

3. Windows and Doors	*Division 3.13*
Ⓕ Ground story glazing (min)	
Primary street	20%
Side street	15%
Ⓖ Upper story glazing (min)	10%
Ⓗ Blank wall width (max)	20′
Ⓘ Street-facing entry	Required
4. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

035

#033

Posted by **dimmickph** on **01/22/2026** at **2:48pm** [Comment ID: 1872] - Link
Question
Agree: 0, Disagree: 0
Can you provide an illustration of a 2.5 story flat roof building?

> Reply by **SiteAdmin** on **01/23/2026** at **9:04am** [Comment ID: 1873] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This is a great question. ATL Zoning 2.0 is set up so the rules related to interpretation and methods of measurement are found in the indicated cross-reference, which will be clickable in the adopted code.
>
> With regard to half-story, the standards are found on page 3-42, which read:
>
> The topmost story of a building is not counted as a full story and is counted as a half story when the following standards are met:
> i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finish ceiling;
> and
> ii. Dormers may not exceed more than 50% of any front, rear, or side building width.
>
> The intention is to allow a half-story to have a flat roof, but the standard is not clear. In other words, if the second story is 2,000 SF, the half story above could have a flat roof and not exceed 1,000 SF.
>
> > Reply by **dimmickph** on **01/23/2026** at **1:18pm** [Comment ID: 1875] - Link
> > *Agree: 1, Disagree: 0*
> > To further clarify, would the flat-roof half story be subject to the same 50% of any front, side, or side building width? May I suggest that you address this flat-roof configuration issue in the next draft?
> >
> > In addition, could you clarify that "dormers" can be as high as the tallest gable. I'm getting arguments from architect friends that by definition dormers have to be lower than the gable of the hosting roof.
> >
> > > Reply by **SiteAdmin** on **01/23/2026** at **6:33pm** [Comment ID: 1878] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > The 50% of width only applies to dormers within a sloped roof structure, so it would not apply.
> > >
> > > We will discuss your dormer comment. I'm not aware of any

citywide zoning provision that prohibits dormers from extending to the ridgeline, although some historic districts do prohibit this through case-by-case historic review.

#034

Posted by **steele145@comcast.net** on **04/08/2026** at **5:20pm** [Comment ID: 2731] - Link
Suggestion
Agree: 0, Disagree: 0
We should have an imaginary Transitional Height Plane for flat roofed buildings. I do not want flat roofed buildings that are out of scale with traditional pitched roofed buildings in N1 and believe we should install a step-back formula. And the mass of a flat roofed building should not be at the front and sides of the building.

> Reply by **SiteAdmin** on **04/09/2026** at **12:19pm** [Comment ID: 2784] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please note that, under current regulations, flat-roofed buildings may be constructed up to three stories in height directly at the required setback. This standard effectively reduces that condition to two stories, with a partial third-story element above.

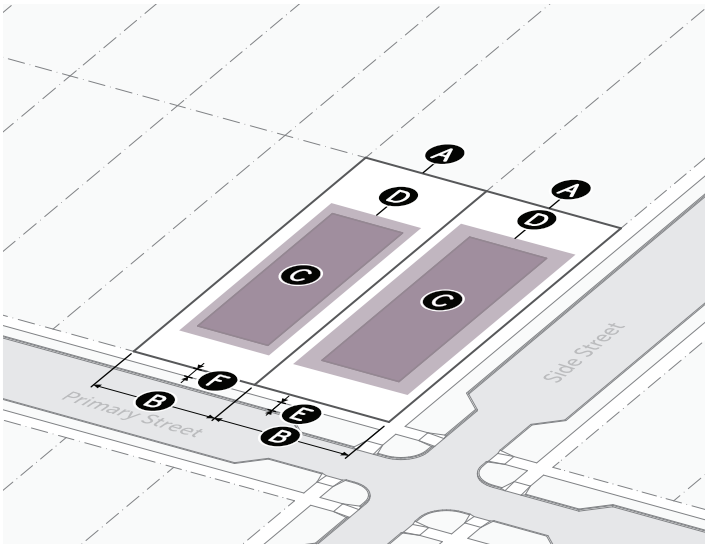
#035

Posted by **Sue Olszewski** on **04/04/2026** at **3:09pm** [Comment ID: 2497] - Link
Agree: 1, Disagree: 0
We need better standards to ensure flat roofed buildings are in scale with traditional houses in the neighborhood.
this can be ensured by creating a step-by-step formula so that flat roofed buildings are not out of scale pitched roof buildings. Also, I think the mass of a flat-roofed building should not be at the front/sides. Perhaps creating an imaginary Transitional Height Plane for flat roofed buildings would be helpful.

> Reply by **SiteAdmin** on **04/05/2026** at **9:13am** [Comment ID: 2519] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Thank you for your comment.
>
> ATL Zoning 2.0 provides a similar control by establishing a maximum side wall height. This limits the height of all side walls to a fixed amount, in this case 28 feet. Builders would not be permitted to construct a side wall to the full 35-foot height limit.
>
> Please see Section 3.10.2 for additional details. Note that this provision will be further clarified based on your comments and those of others.

SEC. 2.3.5. **N2B** NEIGHBORHOOD 2B

A. Lot Standards



1. Lot Size	*Division 3.2*
A Lot area (min)	7,500 sf
B Lot width (min)	
Front vehicle access	50′
Side or rear vehicle access	35′
2. Density	*Division 3.3*
Dwelling units per lot (max)	2
FAR (max, net lot area)	0.6
3. Coverage	*Division 3.4*
C Building coverage (max)	45%
D Lot coverage (max)	55%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 15038 0′
H Side street	5′
Side setback (min)	
I One side	3′
Cumulative	10′
J Rear setback (min)	
Primary structure	7′
Accessory structure	4′
6. Build-To	*Division 3.8*
K Build-to width (min)	
Primary street	50%
Side street	None
7. Parking Location	*Division 3.9*
No park036 allowed betw037 building and street	

#036

Posted by **bmorrisdc** on **01/27/2026** at **6:03pm** [Comment ID: 1882] - Link
Agree: 0, Disagree: 0
I live in a neighborhood of lots that are 50' by 150' for a total lot size of 7500 sq ft. In many situations, there is not sufficient room to put a driveway alongside the house. It would seem to me that a driveway should be permitted for these properties to allow parking between the house and the street, as it appears to be the case in N3A neighborhoods.

> Reply by **SiteAdmin** on **01/28/2026** at **10:02am** [Comment ID: 1884] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> The code proposes to address driveways in several ways:
>
> 1. Requiring the use of existing alleys, where feasible, as specified in Chapter 8 (page 8-17).
>
> 2. Allowing asymmetrical side setbacks, which permit a house to be located closer to one side lot line in exchange for a larger setback on the opposite side.
>
> 3. Reducing the minimum driveway width for lots with up to 6 parking spaces from 10 feet to 8 feet, consistent with existing development patterns and typical vehicle dimensions.
>
> 4. Providing a relief process for site-specific hardships.
>
> Together, these changes are intended to make it easier to accommodate side- or alley-accessed driveways on nonconforming lots, while also providing a clear mechanism for addressing legitimate hardships on a case-by-case basis.

#037

Posted by **Ben Valente** on **03/31/2026** at **4:34pm** [Comment ID: 2412] - Link
Question
Agree: 0, Disagree: 0
How does this apply to driveways? A car parked in front of a garage would be in violation of this standard - would this be enforced? Tandem parked driveways would also likely violate.

> Reply by **SiteAdmin** on **04/01/2026** at **3:56pm** [Comment ID: 2480] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This does not apply to cars parked in driveway up to 10 feet wide. It only

applies to wider driveway, parking lots, and parking pads.

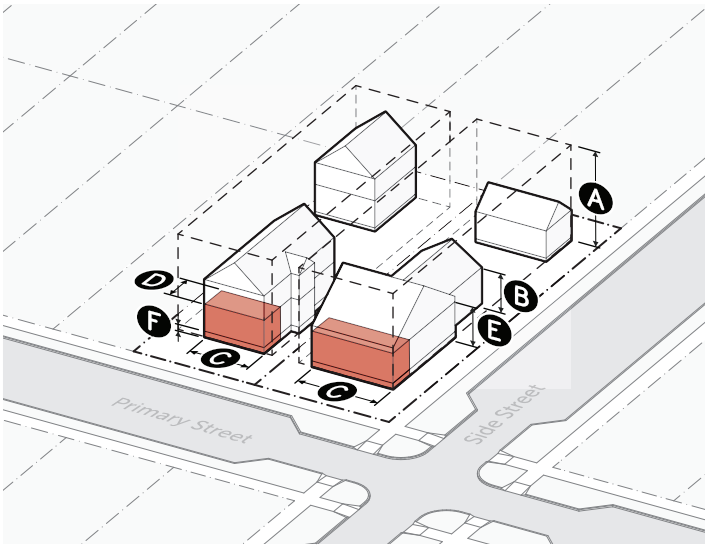
#038

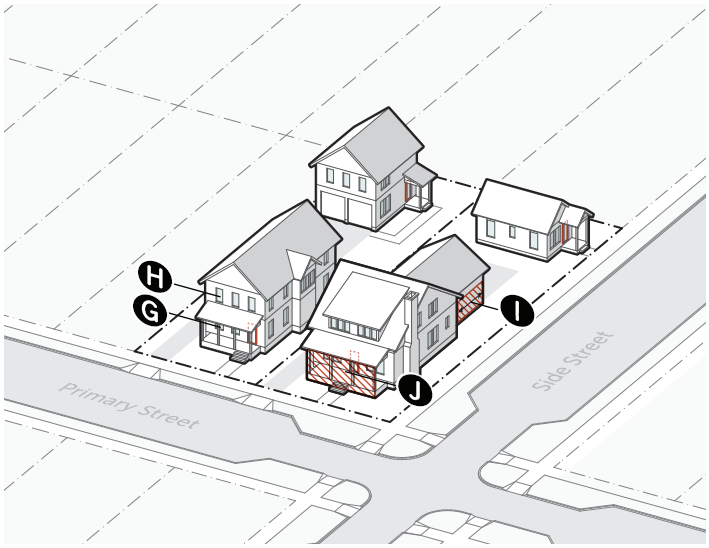
Posted by **Ben Valente** on **03/31/2026** at **4:26pm** [Comment ID: 2411] - Link
Question
Agree: 0, Disagree: 0
What is 15' / 30' mean in this context?

> Reply by **SiteAdmin** on **04/01/2026** at **3:58pm** [Comment ID: 2481] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> 15' minimum, 30' maximum.

N2B NEIGHBORHOOD 2B

B. Building Standards



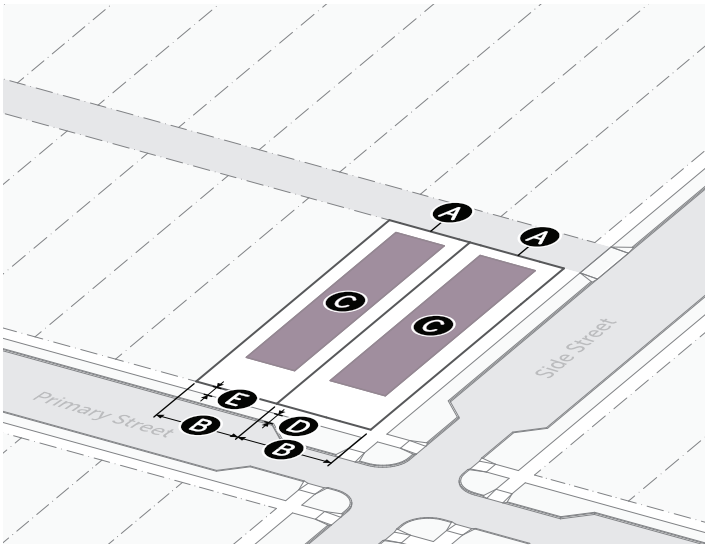


1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
B Side wall height (max)	28′
C Building width (max)	
Primary street	50′
Side street	100′
2. Activation	*Division 3.11*
D Active depth (min)	
Primary street	10′
Side street	None
3. Ground Story	*Division 3.12*
E Ground story height (min)	9′
F Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*
G Ground story glazing (min)	
Primary street	20%
Side street	15%
H Upper story glazing (min)	10%
I Blank wall width (max)	20′
J Street-facing entry	Required
5. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.6. **N3A** NEIGHBORHOOD 3A

A. Lot Standards

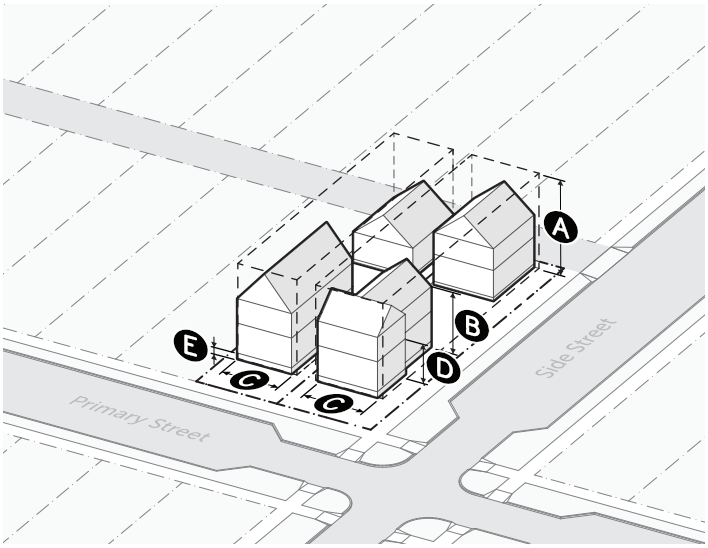


1. Lot Size	*Division 3.2*
A Lot area (min)	5,000 sf
B Lot width (min)	
Front vehicle access	40′
Side or rear vehicle access	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.6
3. Coverage	*Division 3.4*
C Building coverage (max)	60%
4. Streetscape	*Division 3.5*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
F Primary street	Existing range or 20′
G Side street	5′
Side setback (min)	
H One side	3′
Cumulative	10′
I Rear setback (min)	
Primary structure	7′
Accessory structure	4′
6. Parking Location	*Division 3.9*
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

N3A NEIGHBORHOOD 3A

B. Building Standards

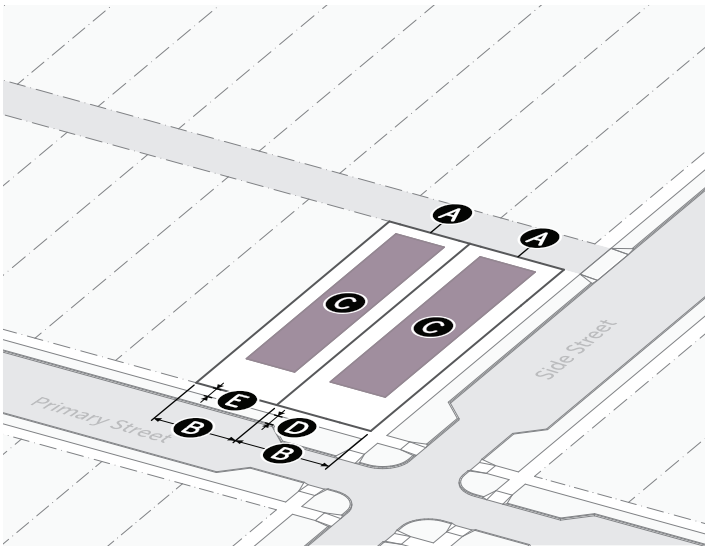


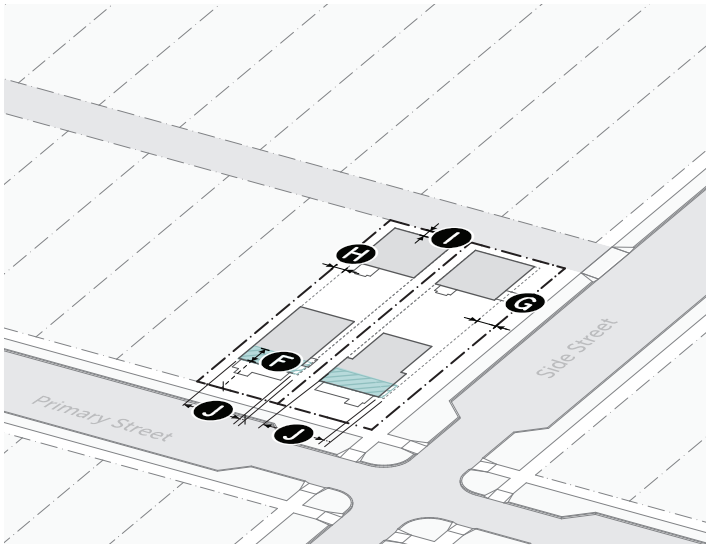
1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
B Side wall height (max)	28′
C Building width (max)	
Primary street	40′
Side street	90′
2. Ground Story	*Division 3.12*
D Ground story height (min)	9′
E Ground story elevation (min/max)	0′ / 4′

3. Windows and Doors	*Division 3.13*
F Ground story glazing (min)	
Primary street	20%
Side street	15%
G Upper story glazing (min)	10%
H Blank wall width (max)	20′
I Street-facing entry	Required
4. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.7. **N3B** NEIGHBORHOOD 3B

A. Lot Standards



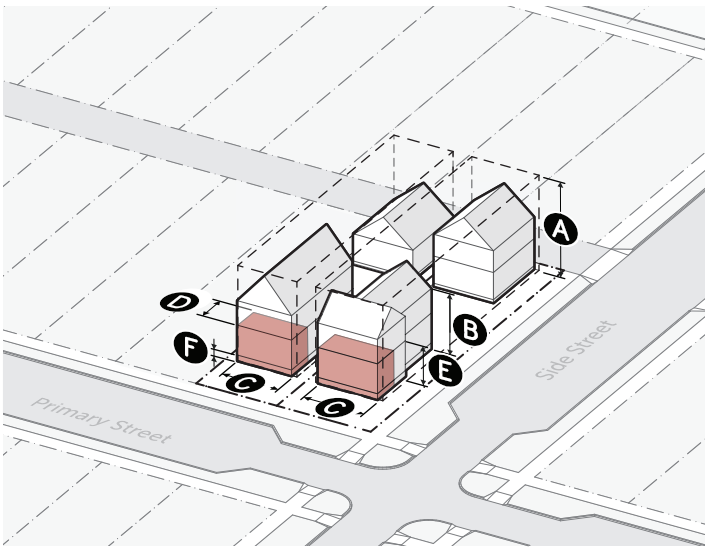


1. Lot Size	*Division 3.2*
A Lot area (min)	5,000 sf
B Lot width (min)	
Front vehicle access	40′
Side or rear vehicle access	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	2
FAR (max, net lot area)	0.65
3. Coverage	*Division 3.4*
C Building coverage (max)	60%
4. Streetscape	*Division 3.5*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
F Primary street	Existing range or 15′ / 30′
G Side street	7′
Side setback (min)	
H One side	3′
Cumulative	10′
I Rear setback (min)	
Primary structure	7′
Accessory structure	4′
6. Build-To	*Division 3.8*
J Build-to width (min)	
Primary street	50%
Side street	None
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

N3B NEIGHBORHOOD 3B

B. Building Standards

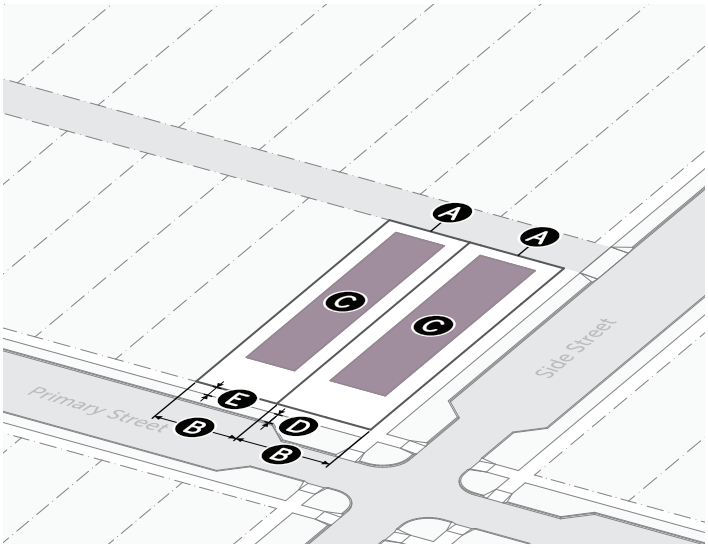


1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
B Side wall height (max)	28′
C Building width (max)	
Primary street	40′
Side street	90′
2. Activation	*Division 3.11*
D Active depth (min)	
Primary street	10′
Side street	None
3. Ground Story	*Division 3.12*
E Ground story height (min)	9′
F Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*
G Ground story glazing (min)	
Primary street	20%
Side street	15%
H Upper story glazing (min)	10%
I Blank wall width (max)	20′
J Street-facing entry	Required
5. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.8. **N4A** NEIGHBORHOOD 4A

A. Lot Standards

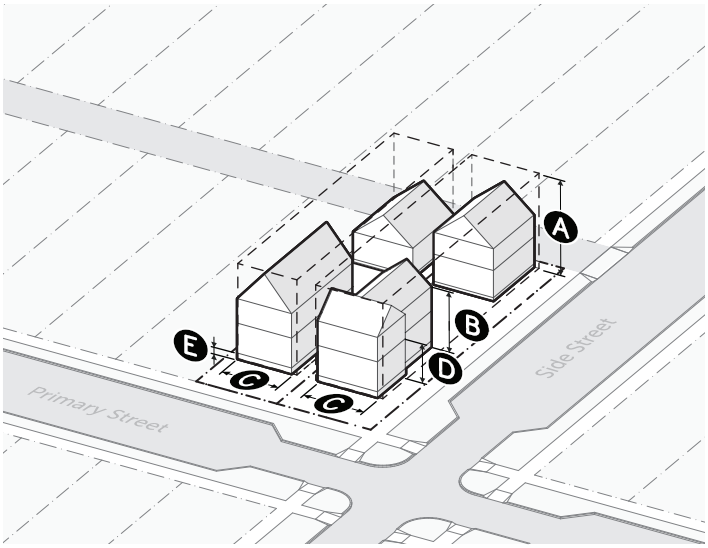


1. Lot Size	*Division 3.2*
A Lot area (min)	2,800 sf
B Lot width (min)	
Front vehicle access	40′
Side or rear vehicle access	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	1
FAR (max, net lot area)	0.65
3. Coverage	*Division 3.4*
C Building coverage (max)	65%
4. Streetscape	*Division 3.5*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
F Primary street	Existing range or 20′
G Side street	5′
Side setback (min)	
H One side	3′
Cumulative	10′
I Rear setback (min)	
Primary structure	5′
Accessory structure	4′
6. Parking Location	*Division 3.9*
Front yard	Driveway only
Side street yard	Driveway only
Side / rear yard	Allowed

N4A NEIGHBORHOOD 4A

B. Building Standards

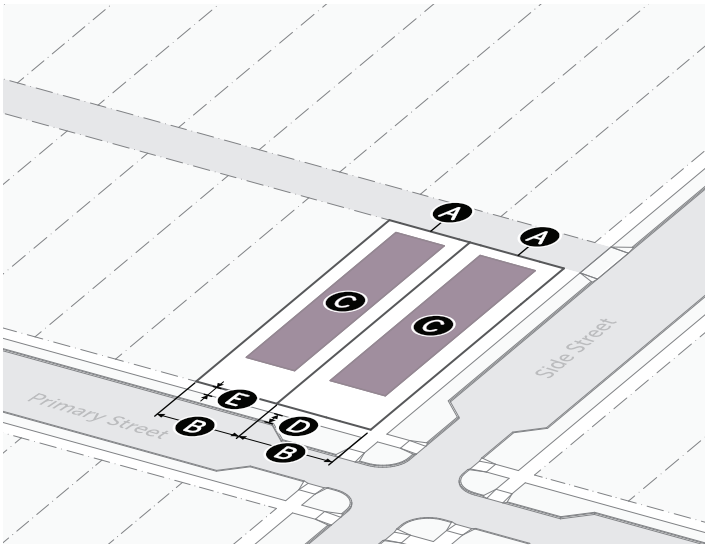


1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
B Side wall height (max)	28′
C Building width (max)	
Primary street	35′
Side street	70′
2. Ground Story	*Division 3.12*
D Ground story height (min)	9′
E Ground story elevation (min/max)	0′ / 4′

3. Windows and Doors	*Division 3.13*
F Ground story glazing (min)	
Primary street	20%
Side street	15%
G Upper story glazing (min)	10%
H Blank wall width (max)	20′
I Street-facing entry	Required
4. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.9. **N4B** NEIGHBORHOOD 4B

A. Lot Standards

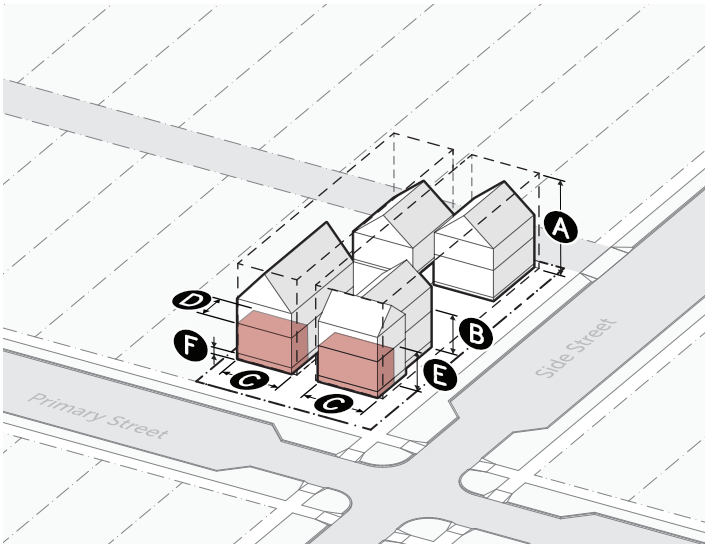


1. Lot Size	*Division 3.2*
A Lot area (min)	2,800 sf
B Lot width (min)	
Front vehicle access	40′
Side or rear vehicle access	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	2
FAR (max, net lot area)	0.7
3. Coverage	*Division 3.4*
C Building coverage (max)	65%
4. Streetscape	*Division 3.5*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
F Primary street	Existing range or 15′ / 30′
G Side street	5′
Side setback (min)	
H One side	3′
Cumulative	10′
I Rear setback (min)	
Primary structure	5′
Accessory structure	4′
6. Build-To	*Division 3.8*
J Build-to width (min)	
Primary street	50%
Side street	None
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

N4B NEIGHBORHOOD 4B

B. Building Standards



1. Massing	*Division 3.10*
A Building height (max stories/feet)	
Primary structure	2.5 stories / 35′
Accessory structure	2 stories / 25′
B Side wall height (max)	28′
C Building width (max)	
Primary street	35′
Side street	70′
2. Activation	*Division 3.11*
D Active depth (min)	
Primary street	10′
Side street	None
3. Ground Story	*Division 3.12*
E Ground story height (min)	9′
F Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*
G Ground story glazing (min)	
Primary street	20%
Side street	15%
H Upper story glazing (min)	10%
I Blank wall width (max)	20′
J Street-facing entry	Required
5. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.10. **N5A** NEIGHBORHOOD 5A

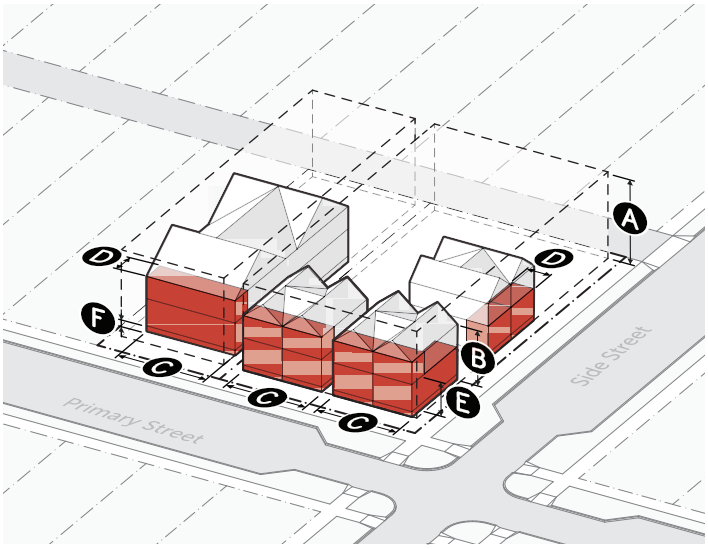
A. Lot Standards

1. Lot Size	*Division 3.2*
A Lot area (min)	2,000 sf
B Lot width (min)	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	6
3. Coverage	*Division 3.4*
C Building coverage (max)	65%
D Outdoor amenity space (min)	15%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 10′ / 25′
H Side street	5′ / 20′
Side setback (min)	
I One side	3′
Cumulative	10′
J Rear setback (min)	7′
6. Build-To	*Division 3.8*
K Build-to width (min)	
Primary street	65%
Side street	40%
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

N5A NEIGHBORHOOD 5A

B. Building Standards

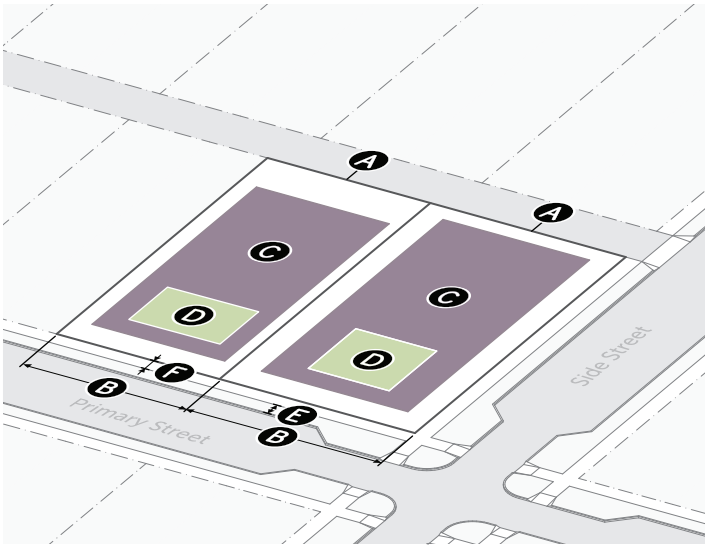


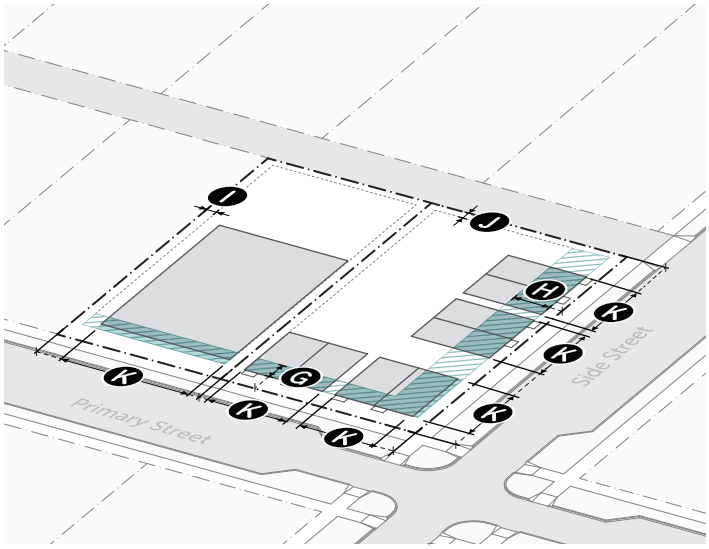
1. Massing	*Division 3.10*
A Building height (max stories/feet)	2.5 stories / 35′
B Side wall height (max)	28′
C Building width (max)	
Primary street	40′
Side street	90′
2. Activation	*Division 3.11*
D Active depth (min)	
Primary street	10′
Side street	10′
3. Ground Story	*Division 3.12*
E Ground story height (min)	9′
F Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*
G Ground story glazing (min)	
Primary street	20%
Side street	15%
H Upper story glazing (min)	10%
I Blank wall width (max)	20′
J Street-facing entry	Required
5. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.11. **N5B** NEIGHBORHOOD 5B

A. Lot Standards



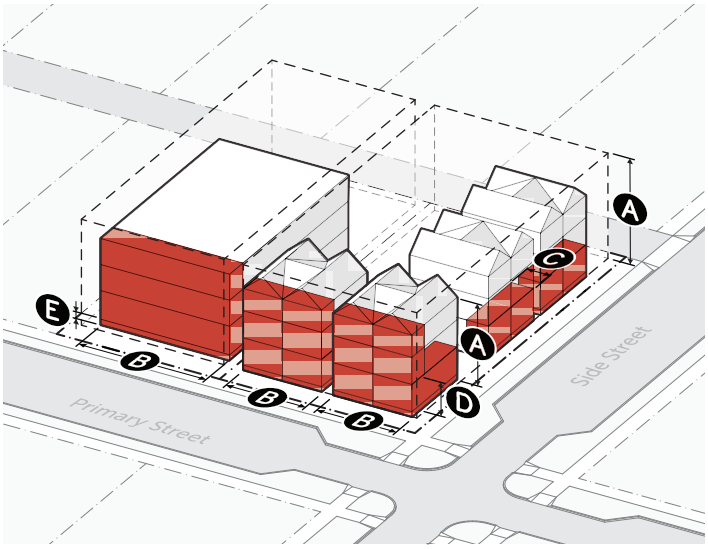


1. Lot Size	*Division 3.2*
A Lot area (min)	2,000 sf
B Lot width (min)	25′
2. Density	*Division 3.3*
Dwelling units per lot (max)	12
3. Coverage	*Division 3.4*
C Building coverage (max)	70%
D Outdoor amenity space (min)	15%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 10′ / 25′
H Side street	5′ / 20′
I Side setback (min)	5′
J Rear setback (min)	7′
6. Build-To	*Division 3.8*
K Build-to width (min)	
Primary street	65%
Side street	40%
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

N5B NEIGHBORHOOD 5B

B. Building Standards

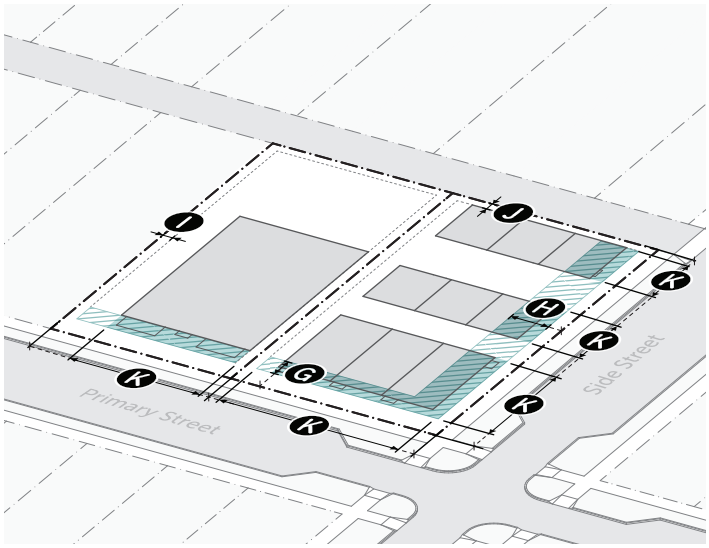


1. Massing	*Division 3.10*
A Building height (max stories/feet)	3 stories / 35′
B Building width (max)	
Primary street	40′
Side street	90′
2. Activation	*Division 3.11*
C Active depth (min)	
Primary street	10′
Side street	10′
3. Ground Story	*Division 3.12*
D Ground story height (min)	9′
E Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*
F Ground story glazing (min)	
Primary street	20%
Side street	15%
G Upper story glazing (min)	10%
H Blank wall width (max)	20′
I Street-facing entry	Required
5. Fences and Walls	*Division 3.14*
Front yard	Type A3
Side street yard	Type B1
Side / rear yard	Type C1

SEC. 2.3.12. **N6A** NEIGHBORHOOD 6A 039

A. Lot Standards



1. Lot Size	*Division 3.2*
A Lot area (min)	2,000 sf
B Lot width (min)	20′
2. Density	*Division 3.3*
Dwelling units per lot (max)	Unlimited
FAR (max, net lot area)	1.0
3. Coverage	*Division 3.4*
C Building coverage (max)	75%
D Outdoor amenity space (min)	20%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 15′ / 30′
H Side street	5′ / 20′
I Side setback (min)	10′
J Rear setback (min)	15′
6. Build-To	*Division 3.8*
K Build-to width (min)	
Primary street	75%
Side street	45%
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

#039

Posted by **Jennifer 4** on **02/10/2026** at **6:30am** [Comment ID: 1941] - Link

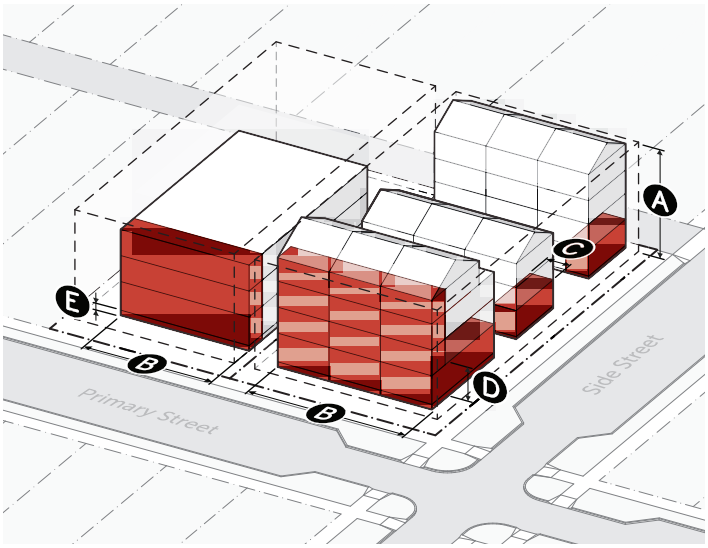
Suggestion

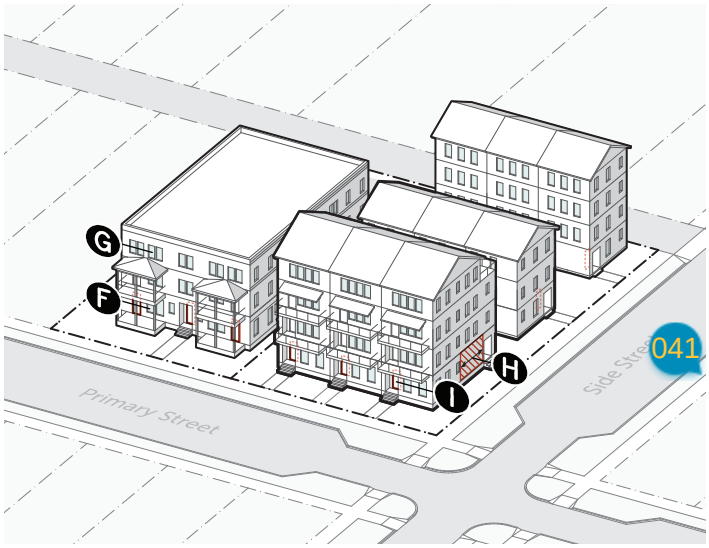
Agree: 0, Disagree: 0

This FORM more closely resembles the existing development at Ansley Terrace and Ansley Walk Terrace in Ansley Park - the bigger setback requirements allow these buildings to fit into the streetscape of the neighborhood. They allow people density with less concrete density of the proposed UG3 conversion. These properties are unique because they are actually inside a residential neighborhood and face single family homes, they were built in the 1980s with deference to their surroundings, they are great examples of hidden density that exalts the principles of Form based code - changing the Form of these properties to UG3 would defeat that purpose and allow future development that overwhelms its surroundings.

N6A NEIGHBORHOOD 6A

B. Building Standards





041

1. Massing	*Division 3.10*
A Building height (max stories/feet)	3 stories / 40′
B Building width (max)	100′
2. Activation	*Division 3.11*
C Active depth (min)	
Primary street	20′
Side street	10′
3. Ground Story	*Division 3.12*
D Ground story height (min)	9′
E Ground story elevation (min/max)	0′ / 4′

040

4. Windows and Doors	*Division 3.13*	
F Ground story glazing (min)		
Primary street	30%	
Side street	25%	
G Upper story glazing (min)	20%	
H Blank wall width (max)	20′	
I Street-facing entry	Required	
5. Fences and Walls	*Division 3.14*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type B1	Type A1
Side / rear yard	Type C1	Type C1

#040

Posted by **steele145@comcast.net** on **04/08/2026** at **5:23pm** [Comment ID: 2732] - Link
Suggestion
Agree: 0, Disagree: 0
N6A is a more congruent conversion for AT and AWT (RG-3) because it allows people density but not building density. It is a neighborhood scale category that allows hidden density that fits into traditional neighborhoods. This should be the form conversion for Ansley Terrace and Ansley Walk Terrace.

> Reply by **SiteAdmin** on **04/09/2026** at **12:16pm** [Comment ID: 2783] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> Please note, Ansley Terrace is too wide to meet this standard, which limits buildings to 100 feet in width.

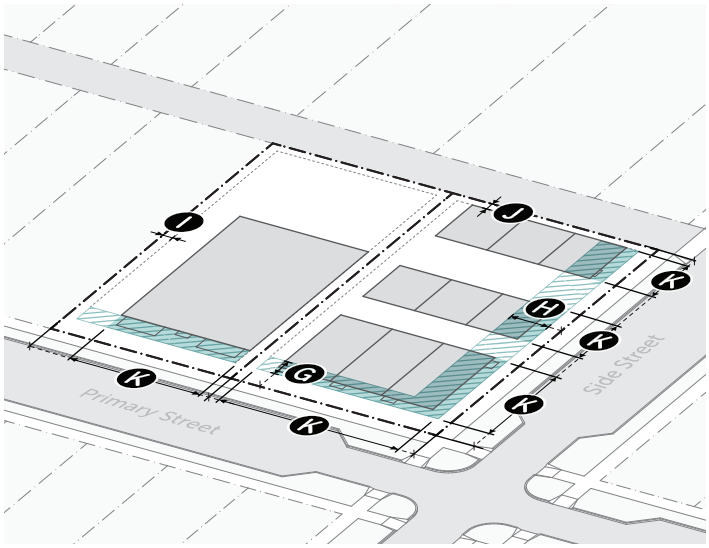
#041

Posted by **Sue Olszewski** on **04/04/2026** at **3:19pm** [Comment ID: 2498] - Link
Agree: 0, Disagree: 0
I support N6A .

> Reply by **SiteAdmin** on **04/05/2026** at **12:52pm** [Comment ID: 2525] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you.
>
> Is your comment regarding a specific site, or just in general?

SEC. 2.3.13. **N6B** NEIGHBORHOOD 6B

A. Lot Standards

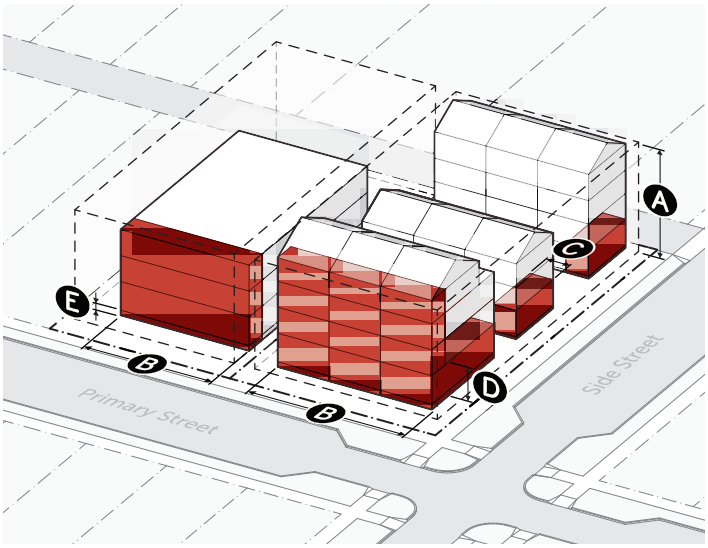


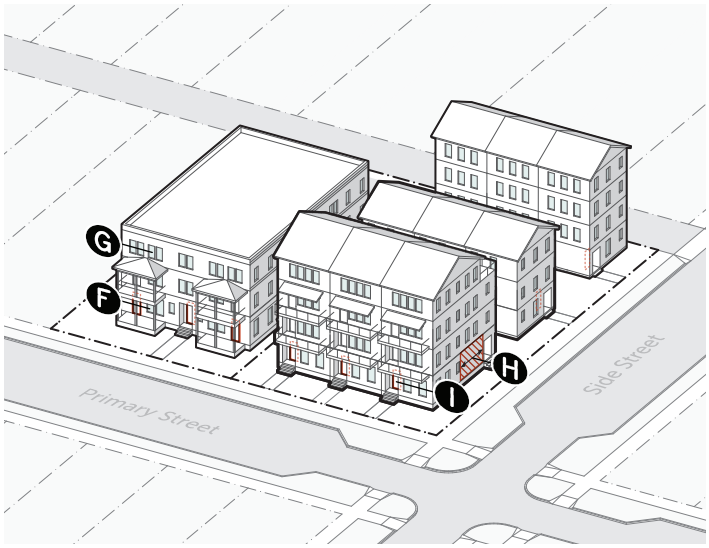
1. Lot Size	*Division 3.2*
A Lot area (min)	2,000 sf
B Lot width (min)	20′
2. Density	*Division 3.3*
Dwelling units per lot (max)	Unlimited
FAR (max, net lot area)	1.75
3. Coverage	*Division 3.4*
C Building coverage (max)	80%
D Outdoor amenity space (min)	20%
4. Streetscape	*Division 3.5*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	Required

5. Building Setbacks	*Division 3.6*
Street setback (min)	
G Primary street	Existing range or 15′ / 30′
H Side street	5′ / 20′
I Side setback (min)	10′
J Rear setback (min)	15′
6. Build-To	*Division 3.8*
K Build-to width (min)	
Primary street	75%
Side street	45%
7. Parking Location	*Division 3.9*
No parking allowed between building and street	

N6B NEIGHBORHOOD 6B

B. Building Standards





1. Massing	*Division 3.10*
A Building height (max stories/feet)	4 stories / 52′
B Building width (max)	100′
2. Activation	*Division 3.11*
C Active depth (min)	
Primary street	20′
Side street	10′
3. Ground Story	*Division 3.12*
D Ground story height (min)	9′
E Ground story elevation (min/max)	0′ / 4′

4. Windows and Doors	*Division 3.13*	
F Ground story glazing (min)		
Primary street	30%	
Side street	25%	
G Upper story glazing (min)	20%	
H Blank wall width (max)	20′	
I Street-facing entry	Required	
5. Fences and Walls	*Division 3.14*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type B1	Type A1
Side / rear yard	Type C1	Type C1

042

043

044

#042

Posted by **steele145@comcast.net** on **04/08/2026** at **5:27pm** [Comment ID: 2734] - Link
Suggestion
Agree: 0, Disagree: 0
UG3 is not the correct Form within House or Neighborhood scale neighborhoods. It does not fit in form within a traditional neighborhood because of the small front, side and rear setbacks. These proposed small or zero setbacks in UG3 will destroy greenspace and our rapidly dwindling tree canopy. I do not want Atlanta to become a heat island.

#043

Posted by **Sue Olszewski** on **04/04/2026** at **3:32pm** [Comment ID: 2499] - Link
Agree: 0, Disagree: 0
UG3 is not the correct Form within House or Neighborhood scale. UG3 does not fit in form within a traditional neighborhood because of the small front, side and rear setbacks. The small or zero setbacks will destroy greenspace and tree canopy.

> Reply by **SiteAdmin** on **04/05/2026** at **12:54pm** [Comment ID: 2526] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> UG3 is not a Neighborhood-Scale district; it is an Urban General district intended for areas with comparable existing zoning classifications.

#044

Posted by **Matthew 1** on **04/07/2026** at **12:09am** [Comment ID: 2570] - Link
Suggestion
Agree: 1, Disagree: 0
N5A, N5B, N6A, and N6B are some of the strongest pro-housing, walkable districts in the chapter, allowing 6 units, 12 units, or unlimited units on small lots. These districts should be mapped much more broadly in transit corridors, neighborhood centers, and BeltLine-adjacent areas instead of being treated as exceptional.

> Reply by **SiteAdmin** on **04/07/2026** at **11:24am** [Comment ID: 2599] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> After adoption, the City plans to undertake a small area planning process to identify opportunities to apply new Form and Use Districts in specific locations.

DIVISION 2.4. **URBAN GENERAL DISTRICTS**

Intent images are illustrative only.

Sec. 2.4.1. **Intent**

Urban General Form Districts are intended to accommodate a range of low-, moderate-, and higher-intensity buildings with easy access to retail, food and entertainment, and service-oriented uses in a vibrant, pedestrian-friendly environment.

Some Urban General Form Districts are paired with Use Districts that primarily allow residential uses, with some commercial uses that limited in size and extent. Other Urban General Form Districts are paired with Use Districts that permit a variety of uses, from local businesses embedded in neighborhoods to more dense mixed-use development.

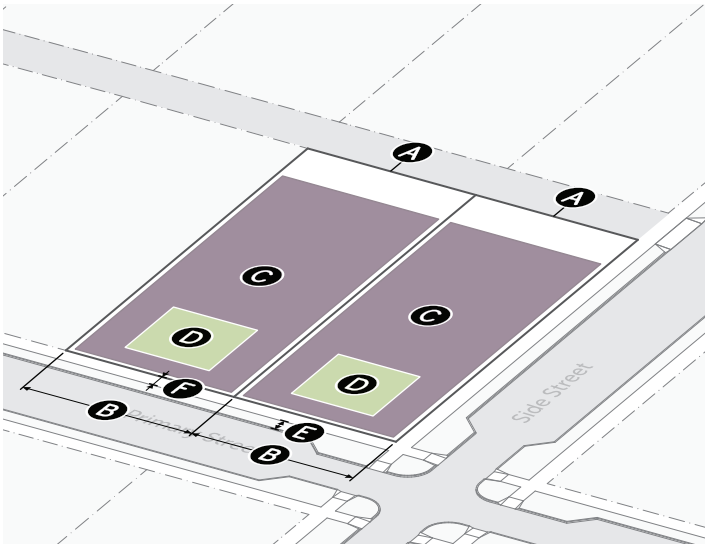
Sec. 2.4.2. **Summary of Districts**

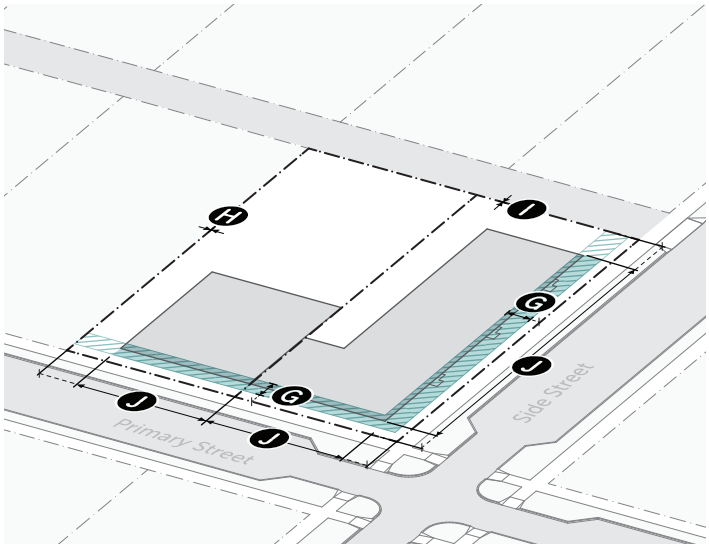
The following table includes a summary of some requirements for each Urban General Form District. Detailed requirements are further described in this Division.

URBAN GENERAL DISTRICTS						
District	Lot Area (min)	Lot Width (min)	FAR (max, gross lot area)		Height (max)	
			Base	With Bonus	Base	With Bonus
UG3A	1,000 sf	20′	1.0	2.0	3 stories / 45′	4 stories / 60′
UG3B	None	None	1.5	3.0	3 stories / 45′	4 stories / 60′
UG5A	None	None	1.5	3.0	5 stories / 70′	7 stories / 100′
UG5B	None	None	2.0	4.0	5 stories / 70′	7 stories / 100′
UG8A	None	None	2.0	4.0	8 stories / 115′	14 stories / 200′
UG8B	None	None	3.0	6.0	8 stories / 115′	14 stories / 200′
UG15	None	None	7.0	8.5	15 stories / 210′	24 stories / 340′
UG25	None	None	5.0	8.5	25 stories / 340′	35 stories / 500′

SEC. 2.4.3. **UG3** URBAN GENERAL 3

A. Lot Standards 047





1. Lot Size	Sec. XX.XX.	
A Lot area (min) 045	1,000 sf	
B Lot width (min) 046	20′	
2. Density	*Sec. XX.XX.*	
	UG3A	UG3B
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (max, gross lot area)		
Base	1.0	1.5
With bonus	2.0	3.0
3. Coverage	*Sec. XX.XX.*	
C Building coverage (max)	85%	
D Outdoor amenity space (min)		
Up to 1 acre	10%	
Over 1 acre	15%	
4. Streetscape	*Sec. XX.XX.*	
E Amenity zone	Required	
F Pedestrian zone	Required	
Front and side street yard landscaping		
Residential	Required	
Nonresidential / storefront	Not required	

5. Building Setbacks	Sec. XX.XX.
G Street setback (min/max)	048 051
Primary street	5′ / 15′ 049
Side street	5′ / 15′
Storefront street	0′ / 10′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B 050
7. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

#045

Posted by **Jim** on **03/10/2026** at **5:35pm** [Comment ID: 2226] - Link
Suggestion
Agree: 0, Disagree: 0
2.4.2 UGB3 is None. Suggest intergrating into this table.

> Reply by **SiteAdmin** on **03/18/2026** at **9:12am** [Comment ID: 2278] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> Remember, the "lot" refers to the overall development. In UG districts, a "lot" can be further subdivided into "sub-lots." There is no minimum sub-lot size. So, for example, in the case of a row of townhouses or a so-called "cottage court," each unit could have a sub-lot less than 1,000 sf.

#046

Posted by **Jim** on **03/10/2026** at **5:36pm** [Comment ID: 2227] - Link
Agree: 0, Disagree: 0
2.4.2 UGB3 is None. Suggest intergrating into this table.

#047

Posted by **Jennifer 1** on **02/06/2026** at **7:21am** [Comment ID: 1920] - Link
Question
Agree: 1, Disagree: -1
UG3 is not an appropriate conversion for RG3 lots that front the old R1-R5 districts (new House Scale and N1, N2, N4) because of the small setbacks. I couldn't find other examples except the two properties in Ansley Park; Ansley Terrace and Ansley Walk Terrace. The existing developments were built in the 1980s to fit into the neighborhood by matching the large front setbacks of surrounding houses and ensuring that air and light is not impeded for adjacent lots thanks to the moderate side and rear setbacks. The existing developments are great examples of hidden density, they have people density without having concrete density. Neither building could be built as they are today under UG3 since the MAXIMUM front setback for UG3 is 15'. The fact that they couldn't be built in UG3 should be reason enough to convert these to a zoning category that they COULD be built in like N6A. N6A would allow unlimited people density but would allow new development to be set on the lot in a Neighborhood Scale so it fits into a neighborhood. The only real difference in the UG3 and N6A is 5' of height and 1/2 a story. Would a N6A property be eligible for the 10% admin mod for height? Would it be eligible for a variance to add 5' to the height and half a story? If yes then N6A is the perfect conversion for "neighborhood facing" RG3. Please consider this.

#048

Posted by **Kori** on **04/08/2026** at **6:34am** [Comment ID: 2653] - Link
Suggestion
Agree: 0, Disagree: -1
Building setbacks should be reduced across all categories. They are inappropriate for a city and result in exacerbated infrastructure costs per person.

> Reply by **SiteAdmin** on **04/08/2026** at **9:29am** [Comment ID: 2680] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The minimum required setback along a street is 5 feet, and the maximum allowed is 15 feet. This minimum provides space for outdoor dining, outdoor sales, awnings, door swings, and private utilities.
>
> In many cases, this space is visually indistinguishable from the sidewalk. In fact, many recent buildings in Midtown that appear to have no street setback do, in fact, meet this standard.

#049

Posted by **Laurel Lucey** on **03/18/2026** at **2:54pm** [Comment ID: 2280] - Link
Suggestion
Agree: 1, Disagree: -2
I am very concerned that a mid-size condominium property (Ansley Terrace) within my neighborhood (Ansley Park) would come under this category, enabling a new larger structure to be built on the property with potentially only a 5 foot front setback. Ansley Terrace is next door to and across the street (15th Street) from historic and beautiful single-family homes that have a 35-foot setback. The condo property is currently set back a distance commensurate with the homes next to and across the street from it. A new structure built with the set-back standards of this zoning category would loom over the neighboring homes and would be totally out of character with this historic and extraordinary neighborhood, which the City of Atlanta should want to preserve.

> Reply by **SiteAdmin** on **03/19/2026** at **8:09am** [Comment ID: 2282] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> We will take this into consideration as we finalize the map conversion approach.

#050

Posted by **Jennifer Friese** on **01/14/2026** at **6:13pm** [Comment ID: 1839] - Link
Suggestion
Agree: 1, Disagree: 0
This should really be Type A only - UG3 is massive compared to the House scale

districts and many of the Neighborhood districts - the point of THPs is to protect the smaller districts, as Type B is written it does not provide transition nor screening. If a UG3 lot was contiguous to an N1 lot with an alley the benefit would be that the building could soar up to 40' at the 3' rear setback rather than soar to 45' at the zero lot line. This is a change from the THP that is in effect now. Type B could be improved if the building set back minimum for contiguous properties changed from 10' to 20'.

#051

Posted by **Jennifer 1** on **02/06/2026** at **7:32am** [Comment ID: 1921] - Link

Suggestion

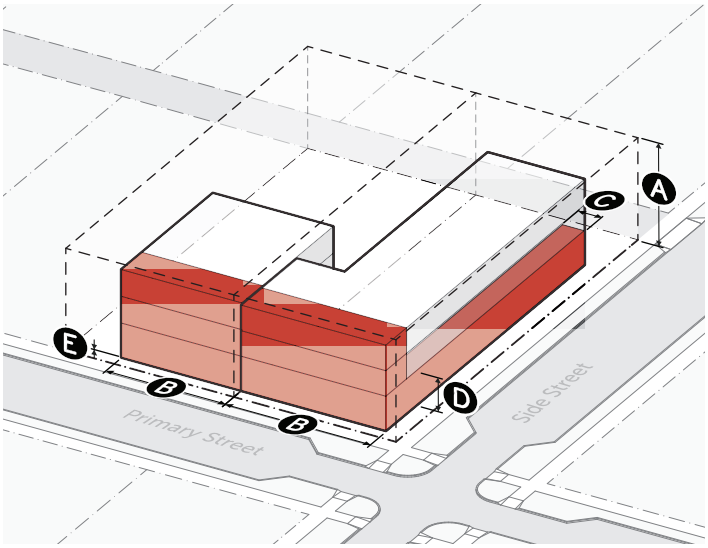
Agree: 1, Disagree: -1

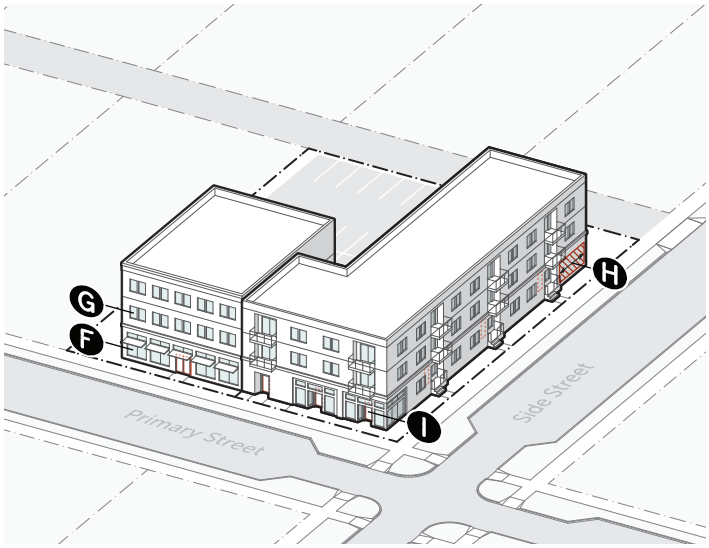
These building setbacks are VERY urban, I can see them working on Storefront streets but I shudder to think about their impact in other areas - overtime it will transform our City in the Forest to just another concrete jungle. I hope that residents in other neighborhoods are really looking at these metrics and considering how they will affect large lot RG2 and RG3 in their neighborhoods. Increasing people density is possible without increasing concrete density.

> Reply by **SiteAdmin** on **02/08/2026** at **1:31pm** [Comment ID: 1937] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> There is a provision under build-to-line that does allow a greater setback when the area between the building and the street is improved as outdoor amity space (see page 3-23). This is intended to allow greater setbacks under certain conditions.

UG3 URBAN GENERAL 3

B. Building Standards





1. Massing	Sec. XX.XX.
Building height (max stories/feet)	
A Base	3 stories / 45′
With bonus	4 stories / 60′
B Building width (max)	
Primary street	275′
Side street	275′
Storefront street	175′

2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary street	20′
Side street	10′
Storefront street	30′

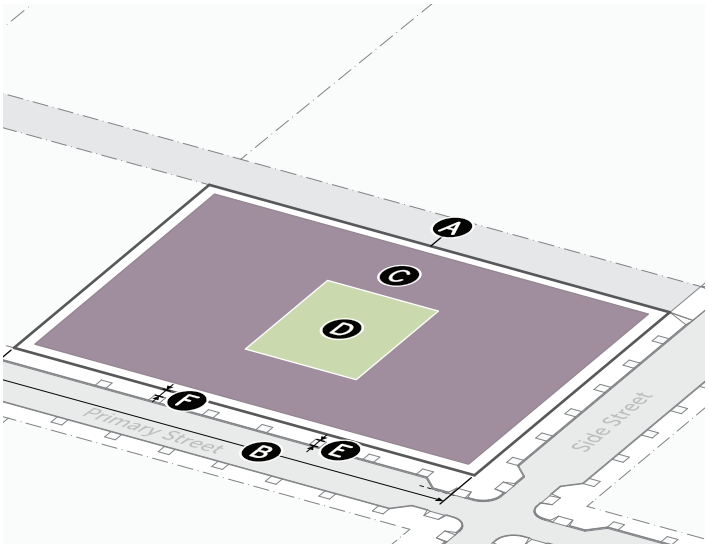
3. Ground Story	Sec. XX.XX.	
	Res.	Nonres.
D Ground story height (min)	10′	14′
E Ground story elevation (min/max)	0′ / 4′	-2′ / 4′

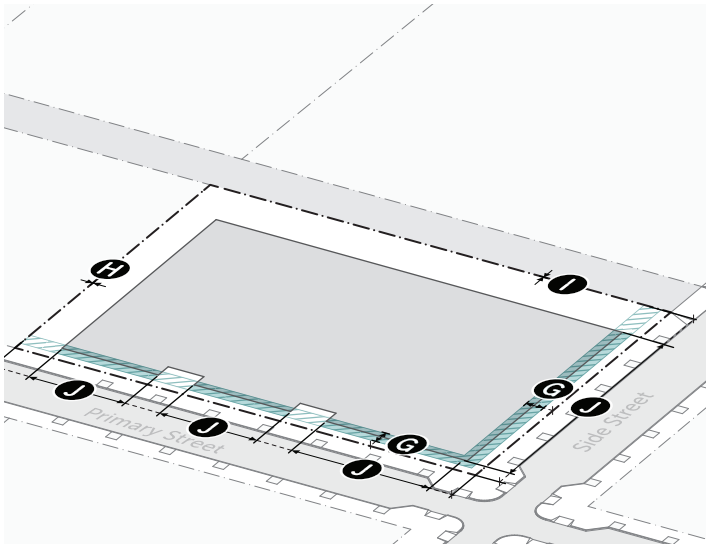
4. Windows and Doors	Sec. XX.XX.	
	Res.	Nonres.
F Ground story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15′	15′
Side street	25′	25′
Storefront street	10′	10′
I Street-facing entry	Required	Required

5. Fences and Walls	Sec. XX.XX.	
	Res.	Nonres.
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.4.4. **UG5** URBAN GENERAL 5

A. Lot Standards



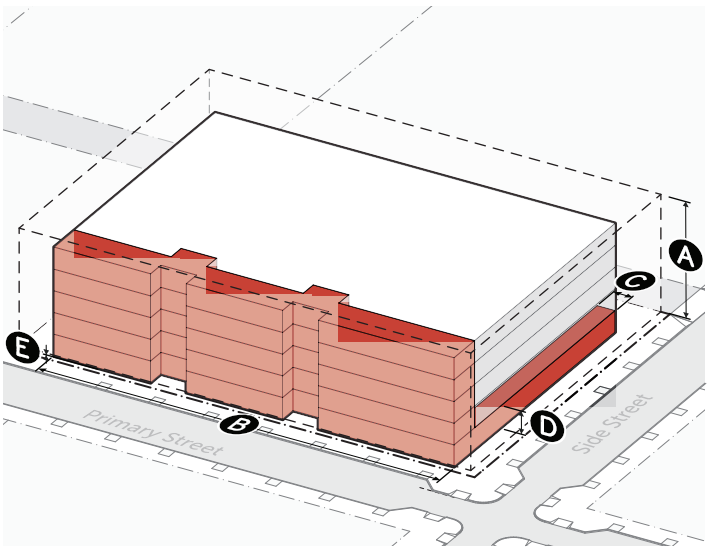


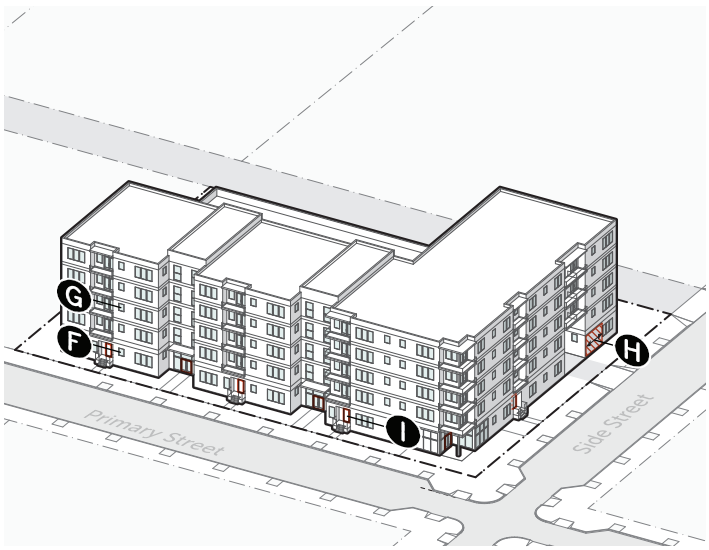
1. Lot Size	Sec. XX.XX.	
Ⓐ Lot area (min)	None	
Ⓑ Lot width (min)	None	
2. Density	*Sec. XX.XX.*	
	UG5A	**UG5B**
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (max, gross lot area)		
Base	1.5	2.0
With bonus	3.0	4.0
3. Coverage	*Sec. XX.XX.*	
Ⓒ Building coverage (max)	85%	
Ⓓ Outdoor amenity space (min)		
Up to 1 acre	10%	
Over 1 acre	15%	
4. Streetscape	*Sec. XX.XX.*	
Ⓔ Amenity zone	Required	
Ⓕ Pedestrian zone	Required	
Front and side street yard landscaping		
Residential	Required	
Nonresidential / storefront	Not required	

5. Building Setbacks	Sec. XX.XX.
Ⓖ Street setback (min/max)	
Primary street	5′ / 15′
Side street	5′ / 15′
Storefront street	0′ / 10′
Ⓗ Side setback (min)	0′
Ⓘ Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B
7. Build-To	*Sec. XX.XX.*
Ⓙ Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UG5 URBAN GENERAL 5

B. Building Standards





1. Massing	Sec. XX.XX.
Building height (max stories/feet)	
A Base	5 stories / 70′
With bonus	7 stories / 100′
B Building width (max)	
Primary street	275′
Side street	275′
Storefront street	175′

2. Activation	Sec. XX.XX.
C Active depth (min)	
Primary street	20′
Side street	10′
Storefront street	30′

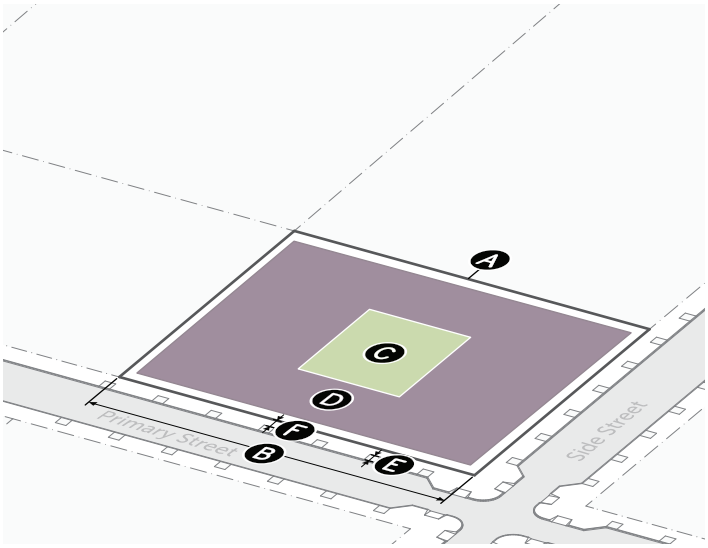
3. Ground Story	Sec. XX.XX.	
	Res.	Nonres.
D Ground story height (min)	10′	14′
E Ground story elevation (min/max)	0′ / 4′	-2′ / 4′

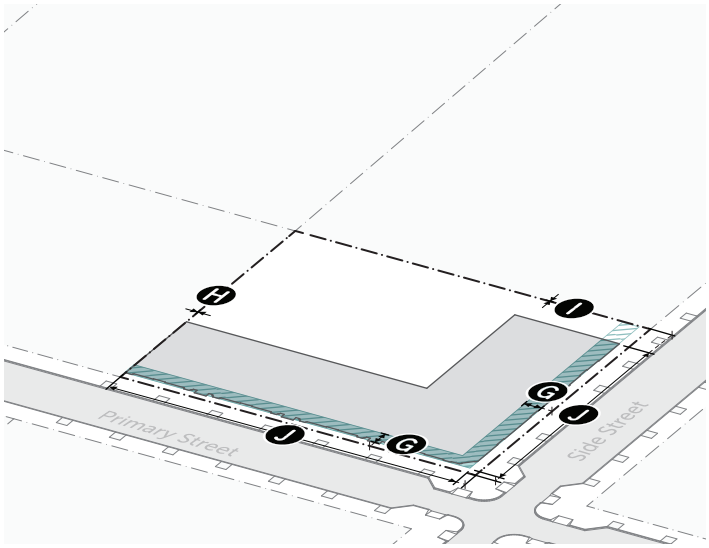
4. Windows and Doors	Sec. XX.XX.	
	Res.	Nonres.
F Ground story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15′	15′
Side street	25′	25′
Storefront street	10′	10′
I Street-facing entry	Required	Required

5. Fences and Walls	Sec. XX.XX.	
	Res.	Nonres.
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.4.5. **UG8** URBAN GENERAL 8

A. Lot Standards



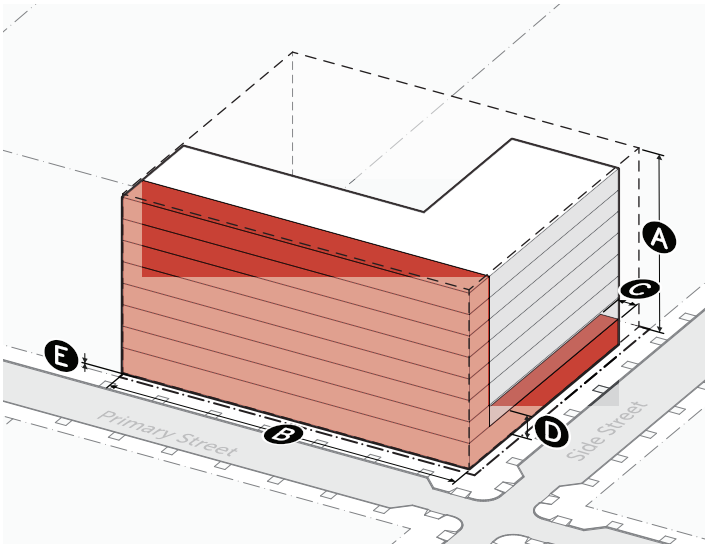


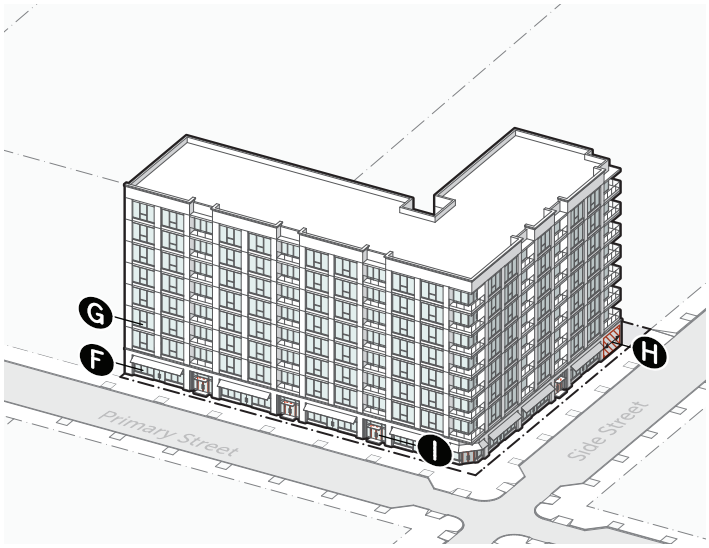
1. Lot Size	Sec. XX.XX.	
Ⓐ Lot area (min)	None	
Ⓑ Lot width (min)	None	
2. Density	*Sec. XX.XX.*	
	UG8A	**UG8B**
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (max, gross lot area)		
Base	2.0	3.0
With bonus	4.0	6.0
3. Coverage	*Sec. XX.XX.*	
Ⓒ Building coverage (max)	85%	
Ⓓ Outdoor amenity space (min)		
Up to 1 acre	10%	
Over 1 acre	15%	
4. Streetscape	*Sec. XX.XX.*	
Ⓔ Amenity zone	Required	
Ⓕ Pedestrian zone	Required	
Front and side street yard landscaping		
Residential	Required	
Nonresidential / storefront	Not required	

5. Building Setbacks	Sec. XX.XX.
Ⓖ Street setback (min/max)	
Primary street	5′ / 15′
Side street	5′ / 15′
Storefront street	0′ / 10′
Ⓗ Side setback (min)	0′
Ⓘ Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or C
7. Build-To	*Sec. XX.XX.*
Ⓙ Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UG8 URBAN GENERAL 8

B. Building Standards



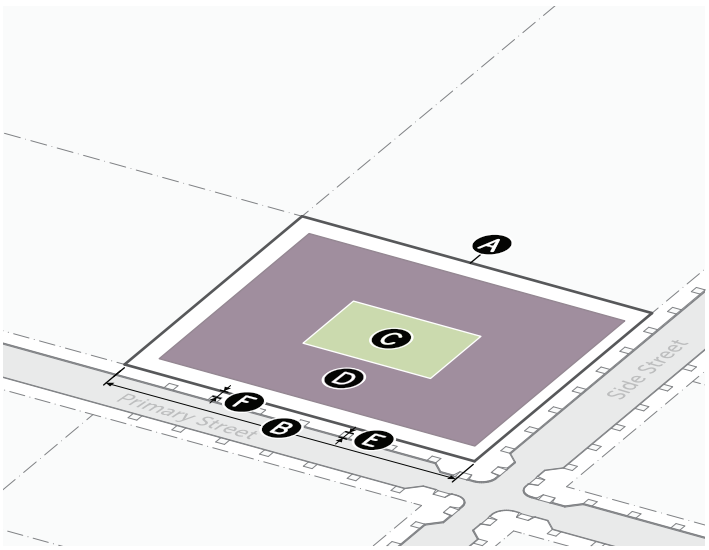


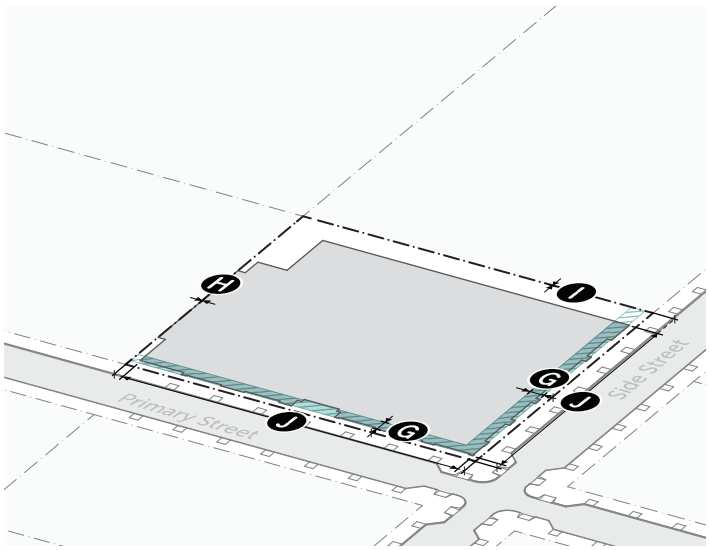
1. Massing	Sec. XX.XX.	
Building height (max stories/feet)		
A Base	8 stories / 115′	
With bonus	14 stories / 200′	
B Building width (max)		
Primary street	275′	
Side street	275′	
Storefront street	175′	
2. Activation	*Sec. XX.XX.*	
C Active depth (min)		
Primary street	20′	
Side street	10′	
Storefront street	30′	
3. Ground Story	*Sec. XX.XX.*	
	Res.	**Nonres.**
D Ground story height (min)	10′	14′
E Ground story elevation (min/max)	0′ / 4′	-2′ / 4′

4. Windows and Doors	Sec. XX.XX.	
	Res.	**Nonres.**
F Ground story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15′	15′
Side street	25′	25′
Storefront street	10′	10′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.4.6. **UG15** URBAN GENERAL 15

A. Lot Standards





1. Lot Size	*Sec. XX.XX.*
Ⓐ Lot area (min)	None
Ⓑ Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	03/09/26 Correction
Base 052	053 3.0
With bonus	8.5 4.5
3. Coverage	*Sec. XX.XX.*
Ⓒ Building coverage (max)	85%
Ⓓ Outdoor amenity space (min)	
Up to 1 acre	10%
Over 1 acre	15%
4. Streetscape	*Sec. XX.XX.*
Ⓔ Amenity zone	Required
Ⓕ Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
Ⓖ Street setback (min/max)	
Primary street	5′ / 15′
Side street	5′ / 15′
Storefront street	0′ / 10′
Ⓗ Side setback (min)	0′
Ⓘ Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Build-To	*Sec. XX.XX.*
Ⓙ Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

#052

Posted by **SiteAdmin** on **02/20/2026** at **6:26pm** [Comment ID: 2031] - Link
Resolution
Agree: 0, Disagree: 0
This is a typo.

The base is 3.0 and with bonus, 4.5, per Draft V1.

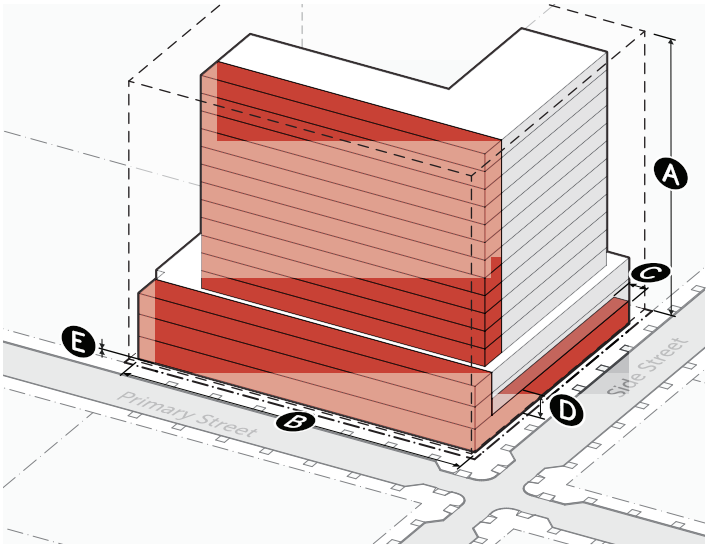
#053

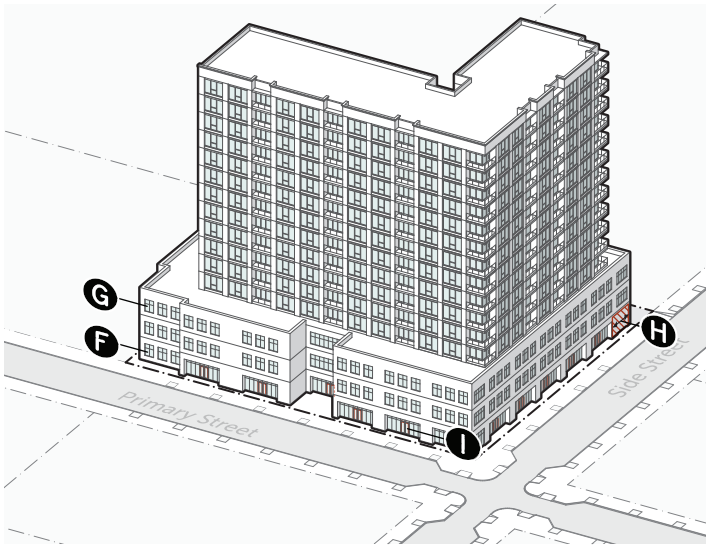
Posted by **jessicahilltroutman** on **02/20/2026** at **8:36am** [Comment ID: 2021] - Link
Agree: 0, Disagree: 0
Why is the allowable density in UG15 (7.0) greater than the density allowed in UG25 (5.0)?

> Reply by **SiteAdmin** on **02/20/2026** at **6:15pm** [Comment ID: 2030] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This was an incorrect revision between Version 1 and Version 2.

UG15 URBAN GENERAL 15

B. Building Standards



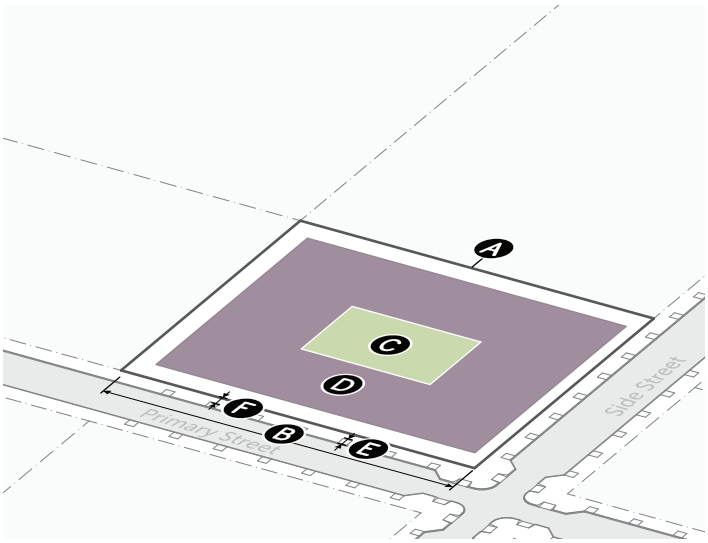


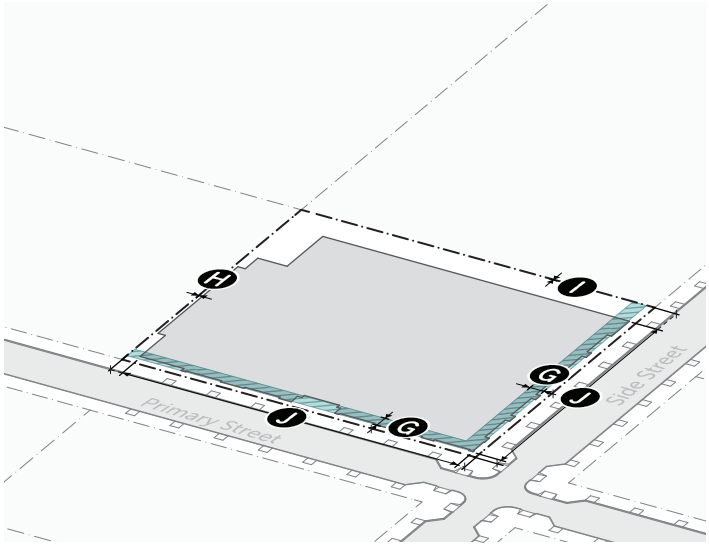
1. Massing	Sec. XX.XX.	
Building height (max stories/feet)		
A Base	15 stories / 210′	
With bonus	24 stories / 340′	
B Building width (max)		
Primary street	275′	
Side street	275′	
Storefront street	175′	
2. Activation	*Sec. XX.XX.*	
C Active depth (min)		
Primary street	20′	
Side street	10′	
Storefront street	30′	
3. Ground Story	*Sec. XX.XX.*	
	Res.	**Nonres.**
D Ground story height (min)	10′	14′
E Ground story elevation (min/max)	0′ / 4′	-2′ / 4′

4. Windows and Doors	Sec. XX.XX.	
	Res.	**Nonres.**
F Ground story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15′	15′
Side street	25′	25′
Storefront street	10′	10′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.4.7. **UG25** URBAN GENERAL 25

A. Lot Standards





1. Lot Size	*Sec. XX.XX.*
Ⓐ Lot area (min)	None
Ⓑ Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	03/09/26 Correction
Base	054 7.0
With bonus	8.5
3. Coverage	*Sec. XX.XX.*
Ⓒ Building coverage (max)	85%
Ⓓ Outdoor amenity space (min)	
Up to 1 acre	10%
Over 1 acre	15%
4. Streetscape	*Sec. XX.XX.*
Ⓔ Amenity zone	Required
Ⓕ Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
Ⓖ Street setback (min/max)	
Primary street	5′ / 15′
Side street	5′ / 15′
Storefront street	0′ / 10′
Ⓗ Side setback (min)	0′
Ⓘ Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Build-To	*Sec. XX.XX.*
Ⓙ Build-to width (min)	
Primary street	75%
Side street	50%
Storefront street	85%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

#054

Posted by **SiteAdmin** on **02/20/2026** at **6:26pm** [Comment ID: 2032] - Link

Resolution

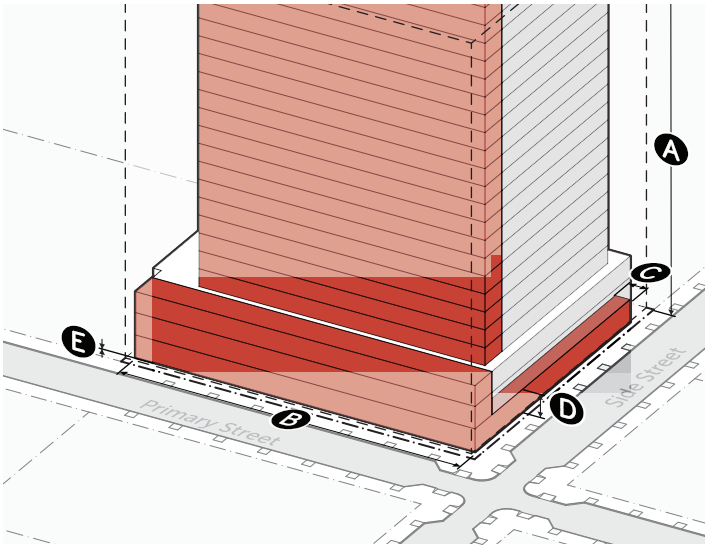
Agree: 0, Disagree: 0

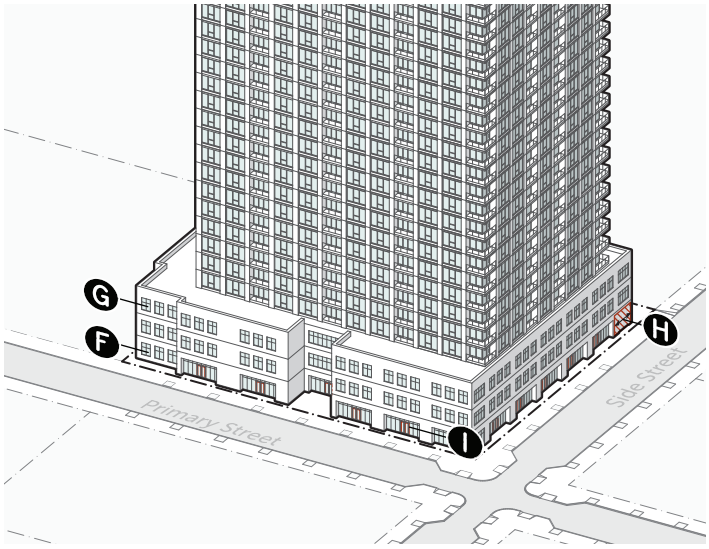
This is a typo.

The base is 7.0.

UG25 URBAN GENERAL 25

B. Building Standards

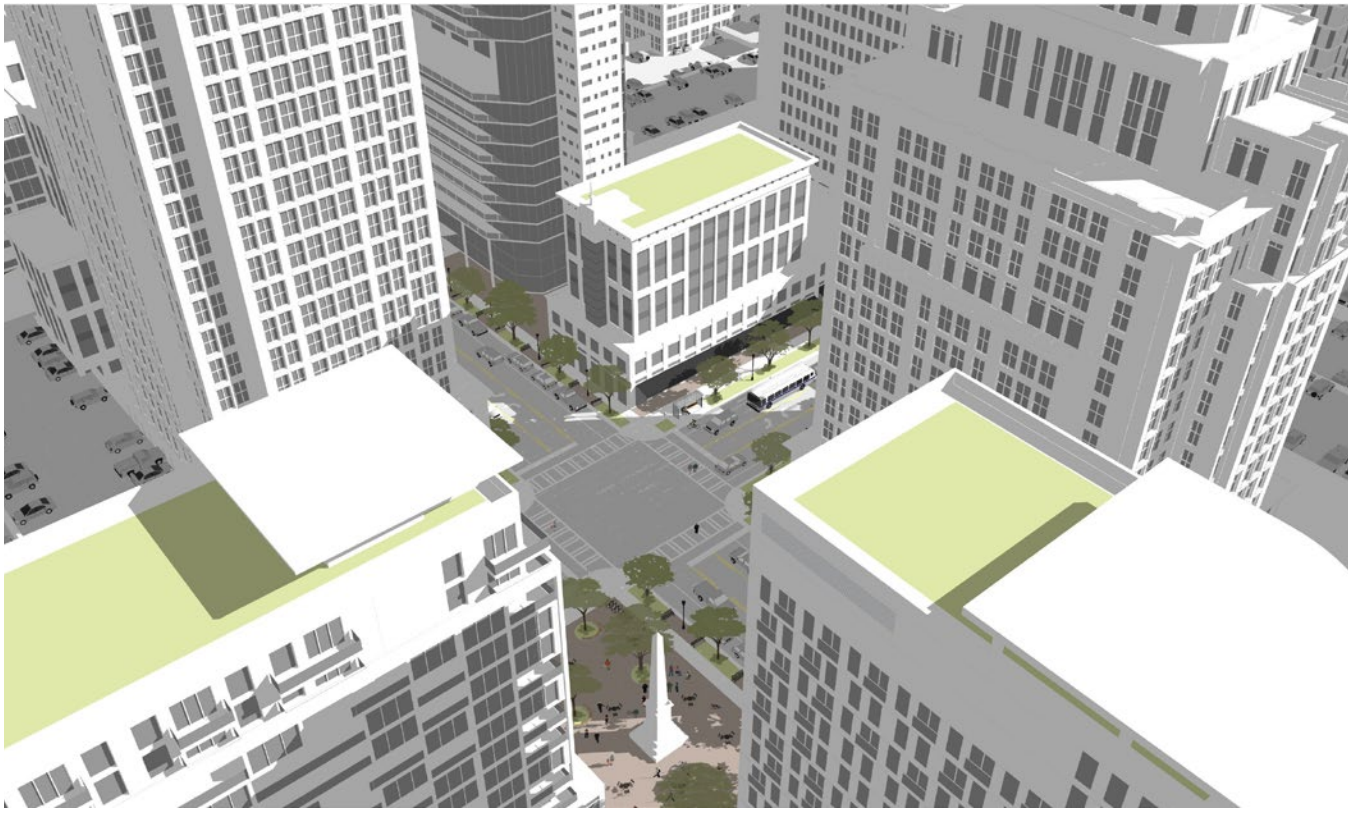




1. Massing	Sec. XX.XX.	
Building height (max stories/feet)	'	
A Base	25 stories / 340'	
With bonus	35 stories / 500'	
B Building width (max)		
Primary street	275'	
Side street	275'	
Storefront street	175'	
2. Activation	*Sec. XX.XX.*	
C Active depth (min)		
Primary street	20'	
Side street	10'	
Storefront street	30'	
3. Ground Story	*Sec. XX.XX.*	
	Res.	**Nonres.**
D Ground story height (min)	10'	14'
E Ground story elevation (min/max)	0' / 4'	-2' / 4'

4. Windows and Doors	Sec. XX.XX.	
	Res.	**Nonres.**
F Ground story glazing (min)		
Primary street	30%	50%
Side street	25%	25%
Storefront street	70%	70%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary street	15'	15'
Side street	25'	25'
Storefront street	10'	10'
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

DIVISION 2.5. **URBAN CORE DISTRICTS**



Intent images are illustrative only.

Sec. 2.5.1. **Intent**

Urban Core Form Districts are intended to accommodate the City's highest intensity development and most mixed-use and pedestrian-friendly environments. These Form Districts require tall ground stories with large windows to accommodate retail-ready ground stories.

Urban Core Form Districts are typically paired with Use Districts that accommodate a variety of residential, retail, service, and commercial uses. Although buildings are allowed to be exclusively residential or commercial in use, a mix of uses is encouraged and intended to occur over time.

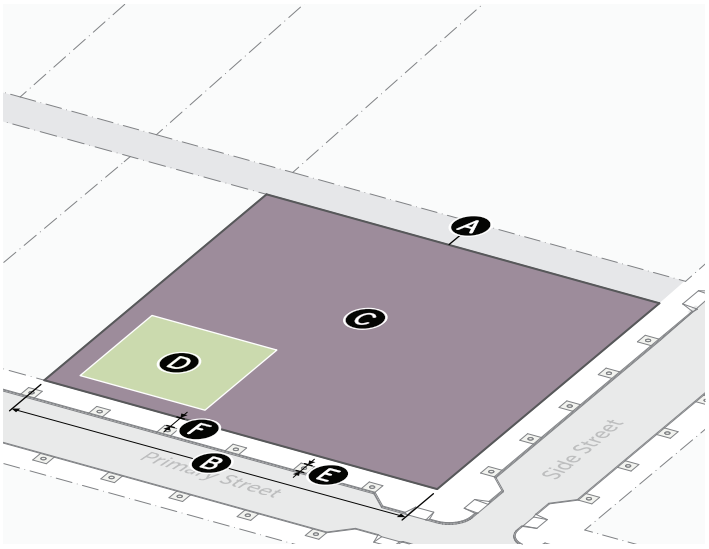
Sec. 2.5.2. **Summary of Districts**

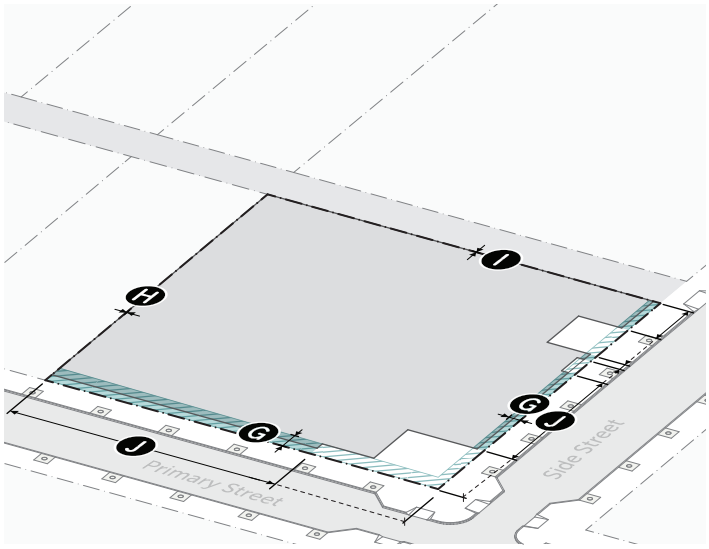
The following table includes a summary of some requirements for each Urban Core Form District. Detailed requirements are further described in this Division.

URBAN CORE DISTRICTS					
District	Lot Area (min)	Lot Width (min)	FAR (max, gross lot area)		Height (max)
			Base	With Bonus	
UC1	None	None	7.0	11.0	Unlimited
UC2	None	None	10.0	17.0	Unlimited
UC3	None	None	10.0	20.0	Unlimited
UC4	None	None	25.0	35.0	Unlimited

SEC. 2.5.3. **UC1** URBAN CORE 1

A. Lot Standards



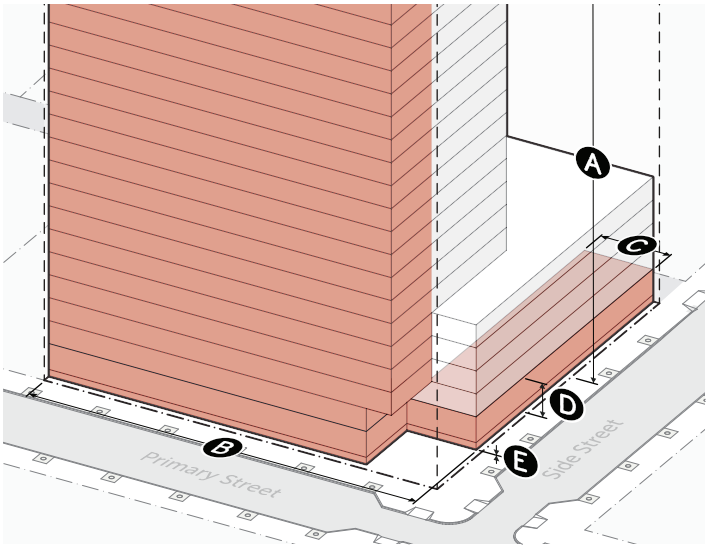


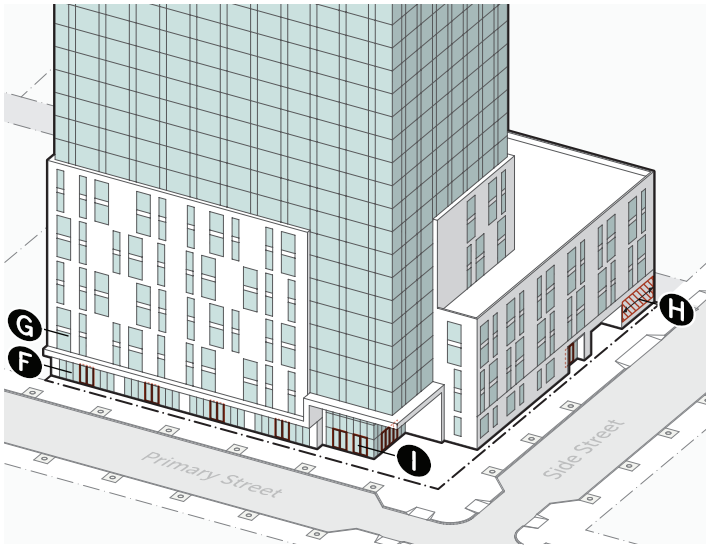
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	
Base	7.0
With bonus	11.0
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
G Street setback (min/max)	0′ / 15′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	85%
Side street	65%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UC1 URBAN CORE 1

B. Building Standards



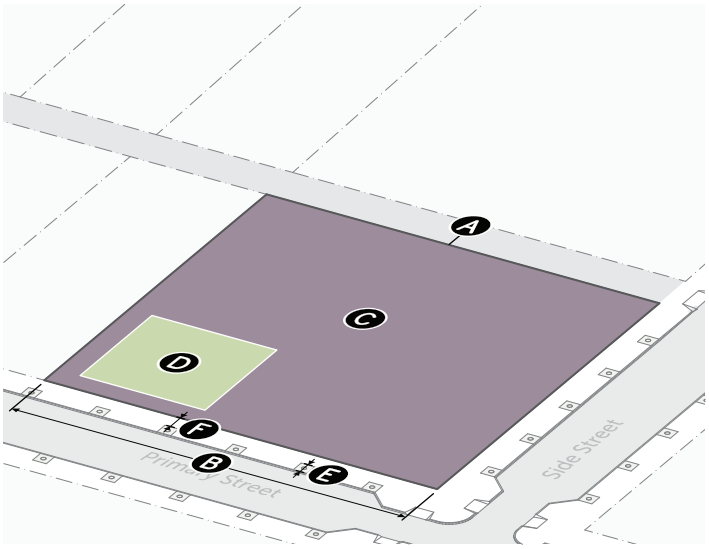


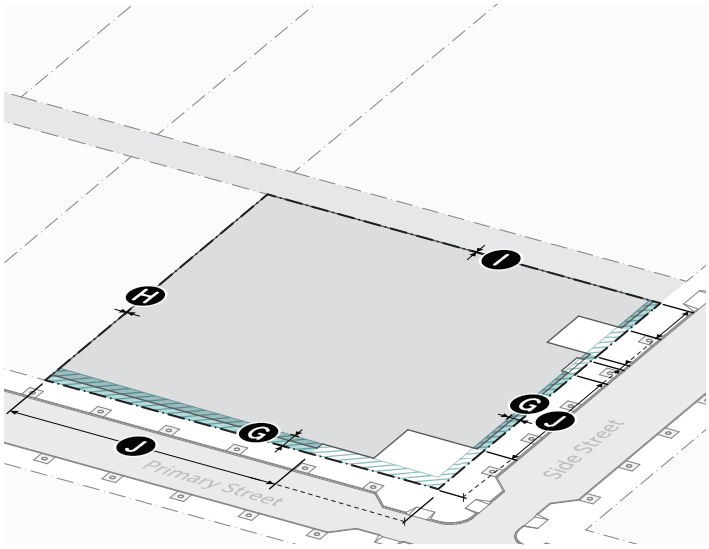
1. Massing	*Sec. XX.XX.*
A Building height (stories/feet)	
Minimum height	3 stories / 35′
Maximum height	Unlimited
B Building width (max)	200′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	30′
Side street	15′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	*Sec. XX.XX.*	
	Res.	**Nonres.**
F Ground story glazing (min)		
Primary / storefront street	70%	70%
Side street	25%	50%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary / storefront street	10′	10′
Side street	20′	20′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	**Nonres.**
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.5.4. **UC2** URBAN CORE 2

A. Lot Standards



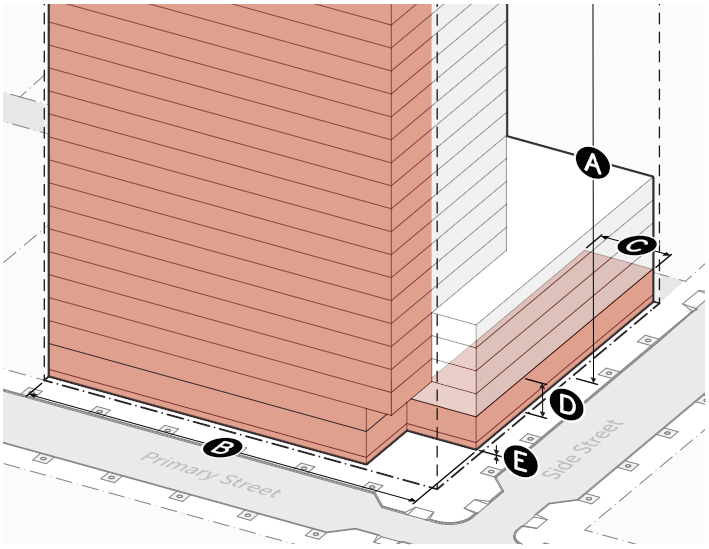


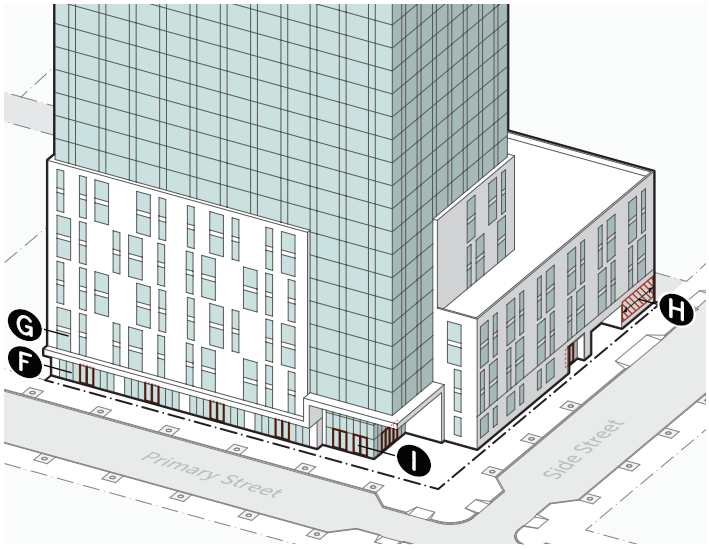
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	
Base	10.0
With bonus	17.0
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
G Street setback (min/max)	0′ / 15′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	85%
Side street	65%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UC2 URBAN CORE 2

B. Building Standards



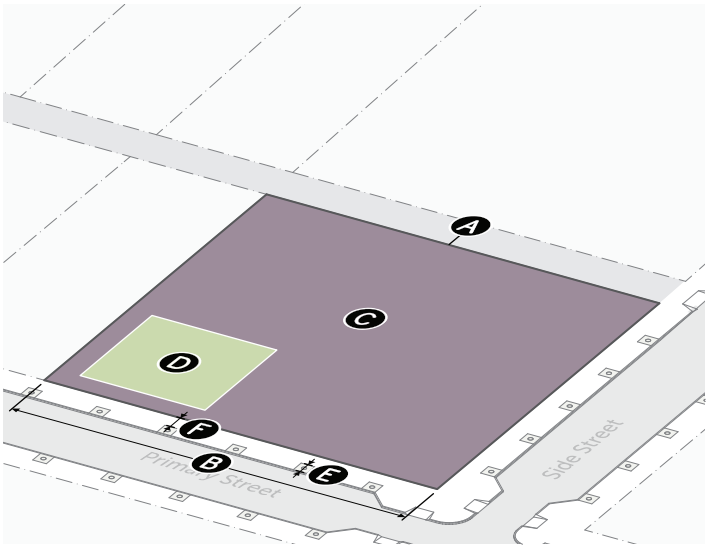


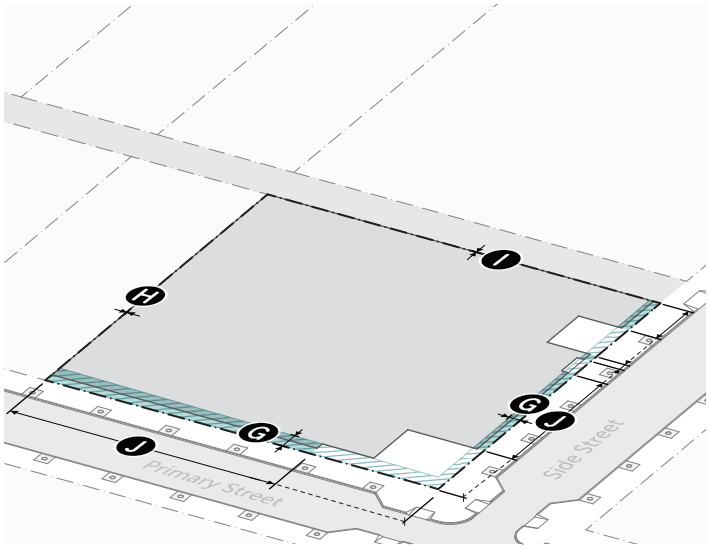
1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35′
Maximum height	Unlimited
B Building width (max)	200′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	30′
Side street	15′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	Sec. XX.XX.	
	Res.	Nonres.
F Ground story glazing (min)		
Primary / storefront street	70%	70%
Side street	25%	50%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary / storefront street	10′	10′
Side street	20′	20′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	Nonres.
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.5.5. **UC3** URBAN CORE 3

A. Lot Standards



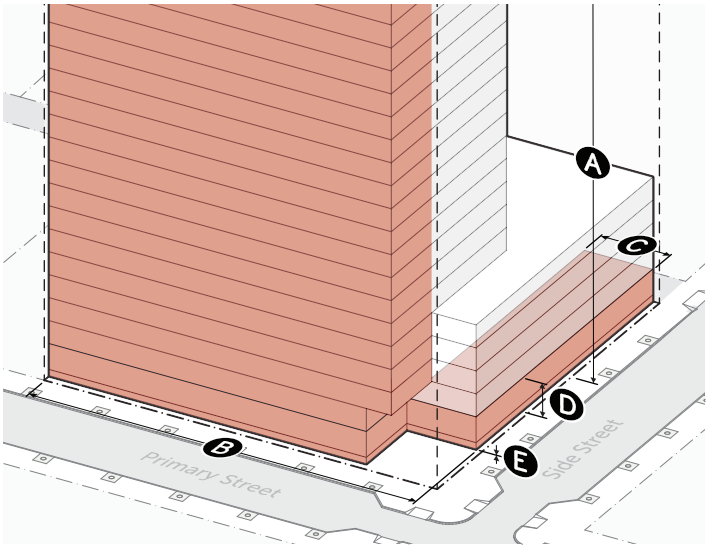


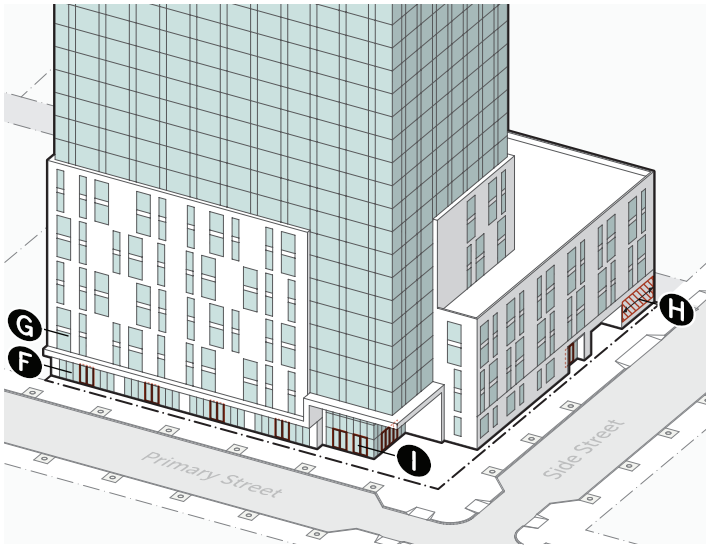
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area	
Base	10.0
With bonus	20.0
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
G Street setback (min/max)	0′ / 15′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	85%
Side street	65%
7. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UC3 URBAN CORE 3

B. Building Standards



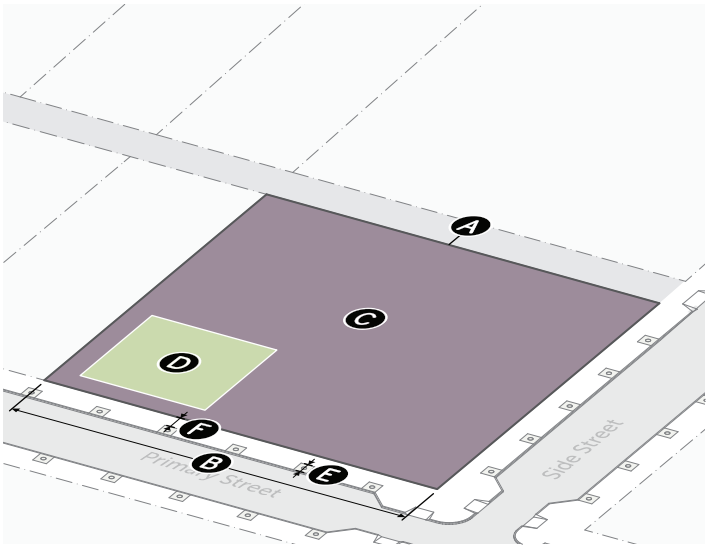


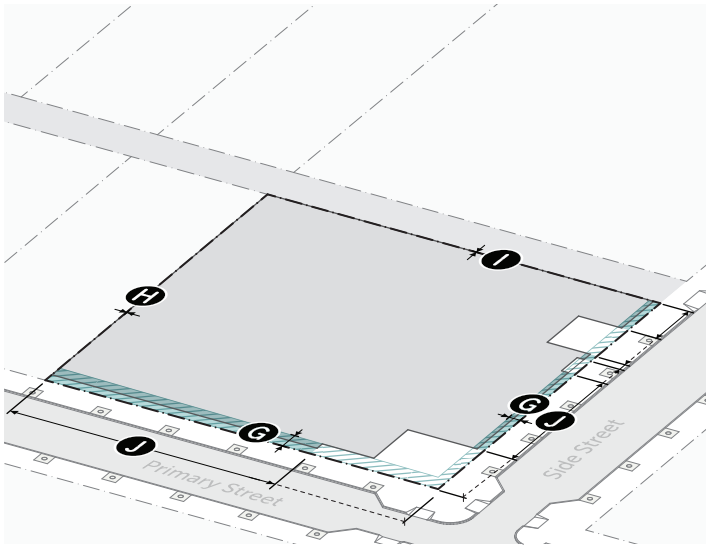
1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35′
Maximum height	Unlimited
B Building width (max)	200′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	30′
Side street	15′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	Sec. XX.XX.	
	Res.	Nonres.
F Ground story glazing (min)		
Primary / storefront street	70%	70%
Side street	25%	50%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary / storefront street	10′	10′
Side street	20′	20′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	Nonres.
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

SEC. 2.5.6. **UC4** URBAN CORE 4

A. Lot Standards



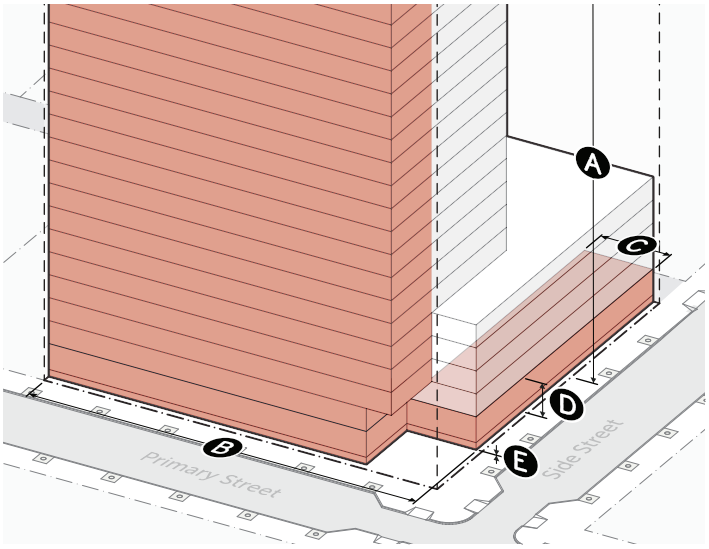


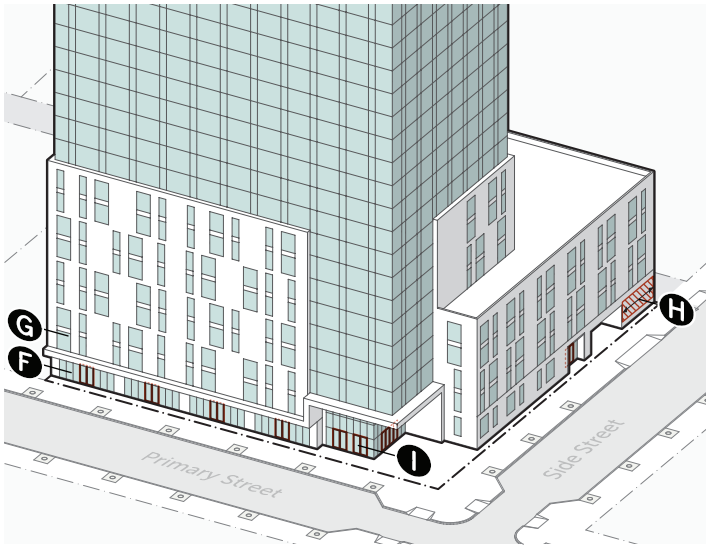
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	
Base	25.0
With bonus	35.0
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	None
D Outdoor amenity space (min)	10%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Nonresidential / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
G Street setback (min/max)	0′ / 15′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	85%
Side street	65%
7. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

UC4 URBAN CORE 4

B. Building Standards





1. Massing	Sec. XX.XX.
A Building height (stories/feet)	
Minimum height	3 stories / 35′
Maximum height	Unlimited
B Building width (max)	200′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	30′
Side street	15′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	Sec. XX.XX.	
	Res.	Nonres.
F Ground story glazing (min)		
Primary / storefront street	70%	70%
Side street	25%	50%
G Upper story glazing (min)	20%	20%
H Blank wall width (max)		
Primary / storefront street	10′	10′
Side street	20′	20′
I Street-facing entry	Required	Required
5. Fences and Walls	*Sec. XX.XX.*	
	Res.	Nonres.
Front yard	Type A3	Type A1
Side street yard	Type A3	Type A1
Side / rear yard	Type C1	Type C1

055

#055

Posted by **Matthew 1** on **04/07/2026** at **12:11am** [Comment ID: 2571] - Link

Suggestion

Agree: 0, Disagree: 0

Urban General and Urban Core should be strengthened and mapped more aggressively around MARTA stations and major corridors, because they already provide the kind of mixed-use, pedestrian-oriented form Atlanta needs. The City should make clear that these districts are meant to absorb growth rather than be weakened through later downscaling or parking-driven compromises.

> Reply by **SiteAdmin** on **04/07/2026** at **11:23am** [Comment ID: 2598] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Thank you for your suggestion.
>
> After adoption, the City plans to undertake a small area planning process to identify opportunities to apply new Form and Use Districts in specific locations.

DIVISION 2.6. **WORKPLACE FLEX DISTRICTS**

Intent images are illustrative only.

Sec. 2.6.1. **Intent**

Workplace Flex Form Districts are intended to accommodate a variety building types that are typically moderate- to higher-intensity and in areas that are intended to become more vibrant pedestrian-friendly environments. These Form Districts require tall ground floors to accommodate a variety of uses on the ground story.

Workplace Flex Form Districts are typically paired with Use Districts that allow low-impact industrial and manufacturing uses while also allowing for residential opportunities and retail, service, and commercial activities in a vibrant, pedestrian-friendly environment.

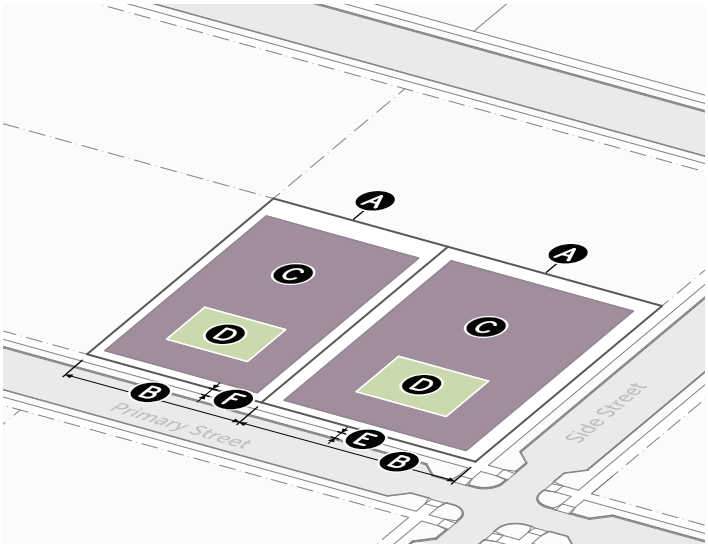
Sec. 2.6.2. **Summary of Districts**

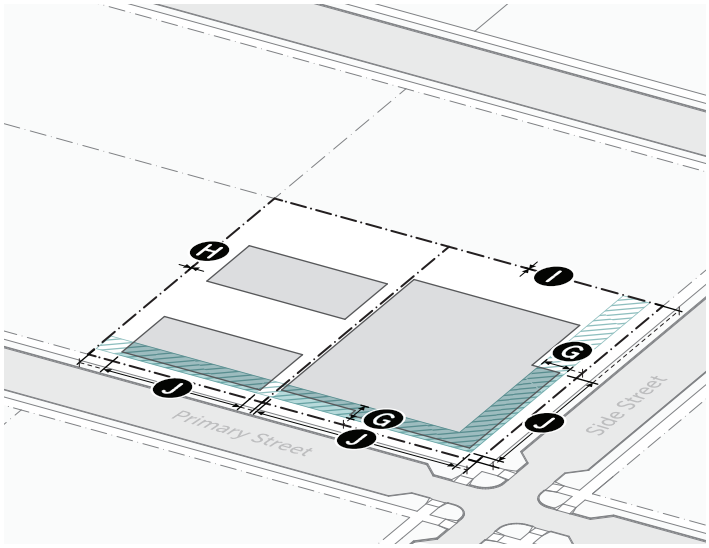
The following table includes a summary of some requirements for each Workplace Flex Form District. Detailed requirements are further described in this Division.

WORKPLACE FLEX DISTRICTS				
District	**Lot Area (min)**	**Lot Width (min)**	**FAR (max, gross lot area)**	**Height (max)**
WX5A	None	None	2.0	5 stories / 65’
WX5B	None	None	3.5	5 stories / 65’
WX15	None	None	3.5	15 stories / 210’

SEC. 2.6.3. **WX5** WORKPLACE FLEX 5

A. Lot Standards



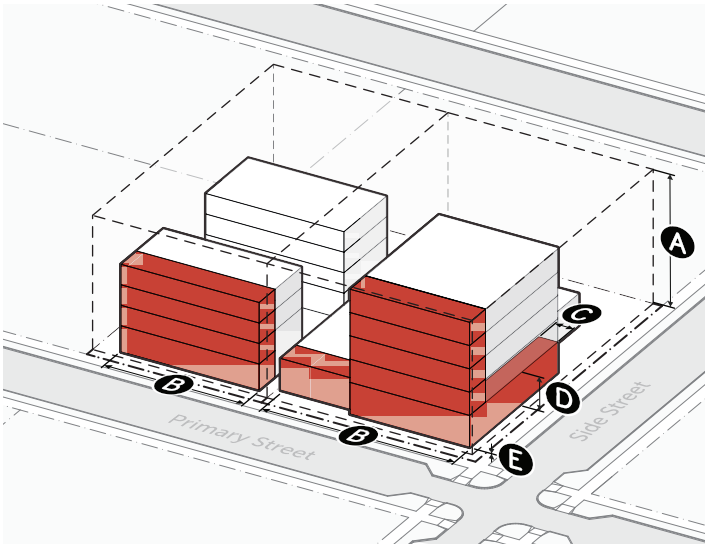


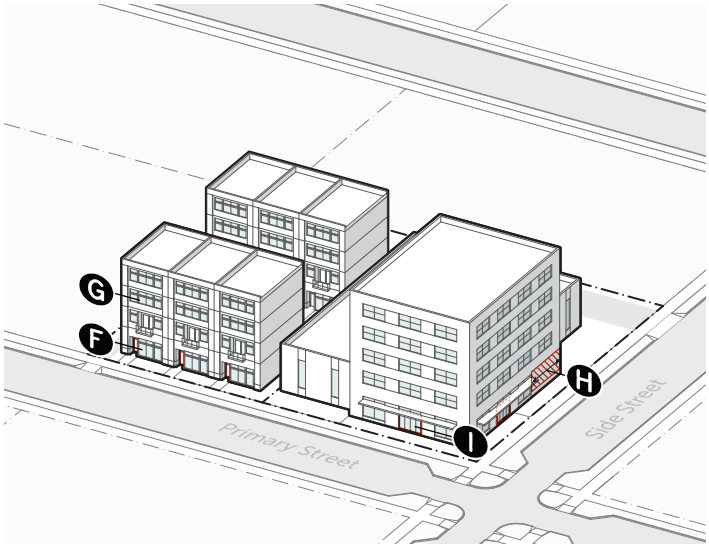
1. Lot Size	Sec. XX.XX.	
A Lot area (min)	None	
B Lot width (min)	None	
2. Density	*Sec. XX.XX.*	
	WX5A	**WX5B**
Dwelling units per lot (max)	Unlimited	Unlimited
FAR (max, gross lot area)	2.0	3.5
3. Coverage	*Sec. XX.XX.*	
C Building coverage (max)	85%	
D Outdoor amenity space (min)	10%	
4. Streetscape	*Sec. XX.XX.*	
E Amenity zone	Required	
F Pedestrian zone	Required	
Front and side street yard landscaping		
Residential	Required	
Industrial	Required	
Other uses / storefront	Not required	

5. Building Setbacks	Sec. XX.XX.
G Street setback (min/max)	
Primary / storefront street	5′ / 20′
Side street	5′ / 20′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B
7. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	75%
Side street	45%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

WX5 WORKPLACE FLEX 5

B. Building Standards



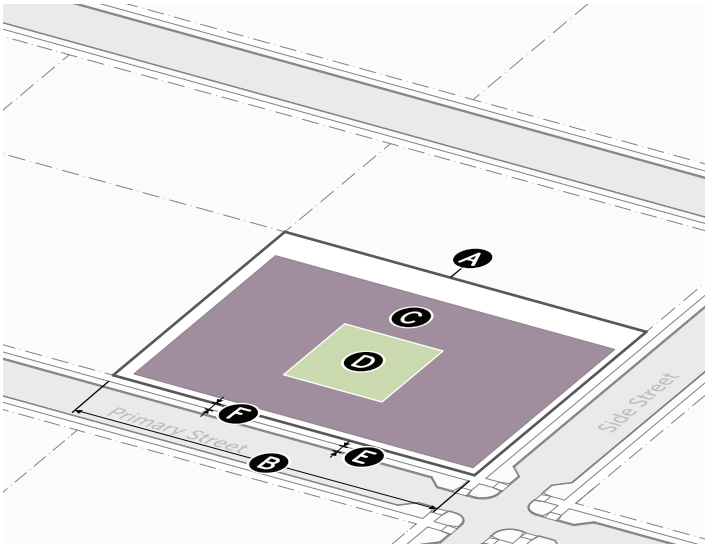


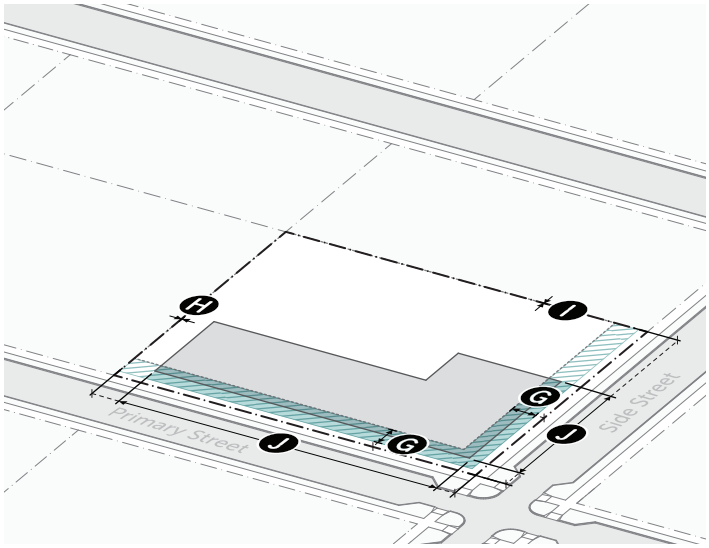
1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	5 stories / 65′
B Building width (max)	275′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	20′
Side street	10′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	*Sec. XX.XX.*		
	Res.	Ind.	Other
F Ground story glazing (min)			
Primary / storefront street	30%	30%	65%
Side street	25%	15%	25%
G Upper story glazing (min)	20%	None	20%
H Blank wall width (max)			
Primary / storefront street	20′	75′	20′
Side street	40′	75′	40′
I Street-facing entry	Req'd	Req'd	Req'd
5. Fences and Walls	*Sec. XX.XX.*		
	Res.	Ind.	Other
Front yard	Typ. A3	Typ. A4	Typ. A1
Side street yard	Typ. A3	Typ. A4	Typ. A1
Side / rear yard	Typ. C1	Typ. C2	Typ. C1

SEC. 2.6.4. **WX15** WORKPLACE FLEX 15

A. Lot Standards



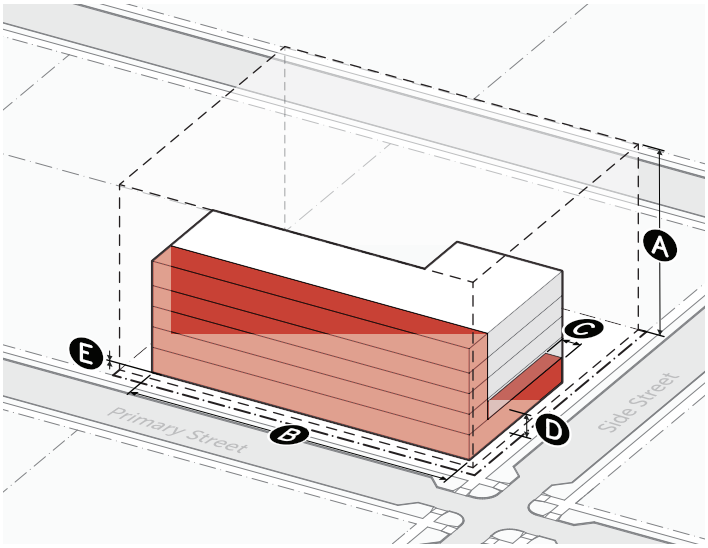


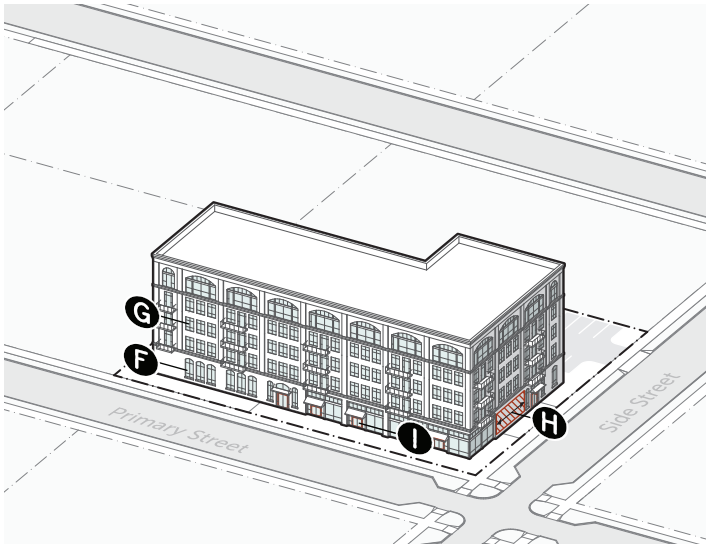
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	3.5
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	85%
D Outdoor amenity space (min)	10%
4. Streetscape	*Sec. XX.XX.*
E Amenity zone	Required
F Pedestrian zone	Required
Front and side street yard landscaping	
Residential	Required
Industrial	Required
Other uses / storefront	Not required

5. Building Setbacks	*Sec. XX.XX.*
G Street setback (min/max)	
Primary / storefront street	5′ / 20′
Side street	5′ / 20′
H Side setback (min)	0′
I Rear setback (min)	0′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Build-To	*Sec. XX.XX.*
J Build-to width (min)	
Primary / storefront street	75%
Side street	45%
8. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

WX15 WORKPLACE FLEX 15

B. Building Standards

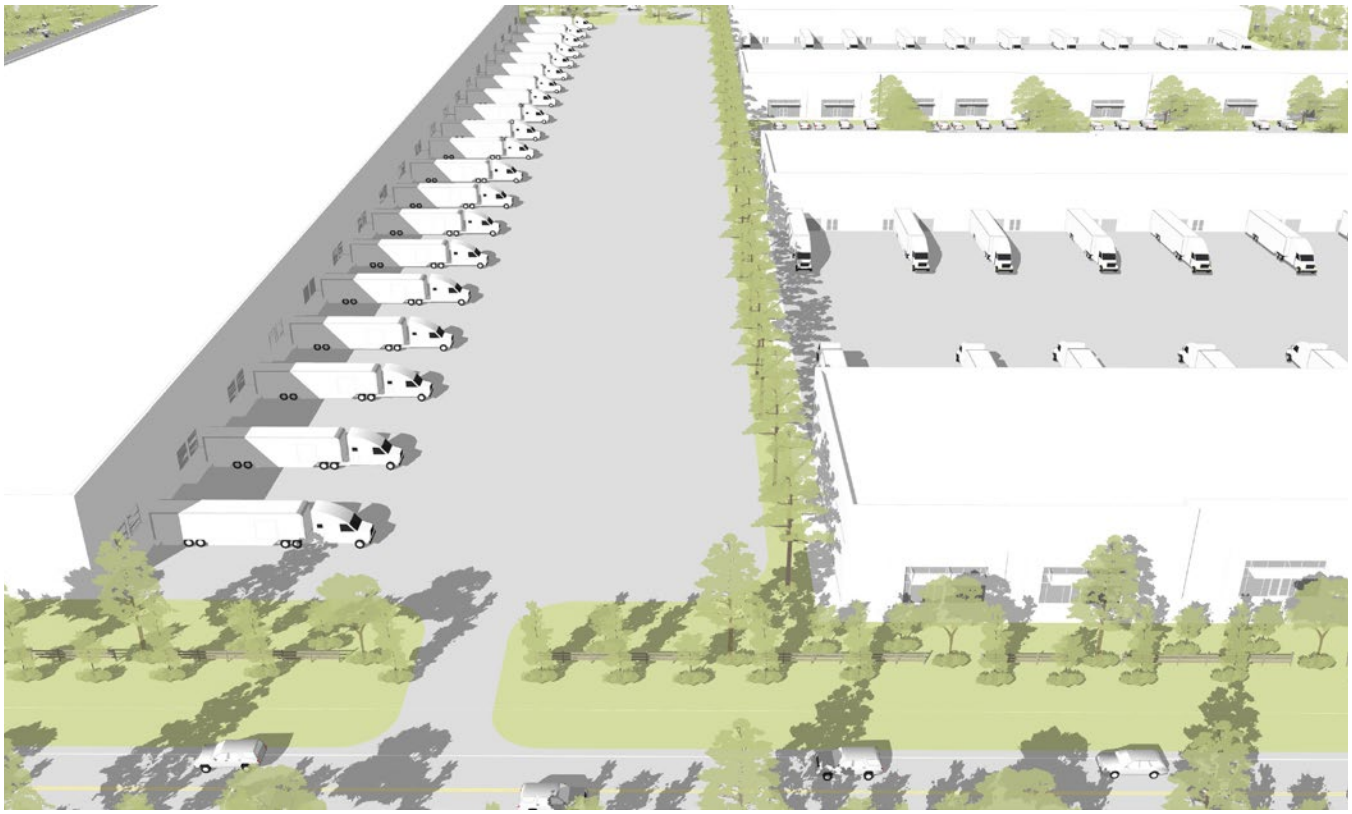




1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	15 stories / 210′
B Building width (max)	275′
2. Activation	*Sec. XX.XX.*
C Active depth (min)	
Primary / storefront street	20′
Side street	10′
3. Ground Story	*Sec. XX.XX.*
D Ground story height (min)	14′
E Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	*Sec. XX.XX.*		
	Res.	Ind.	Other
F Ground story glazing (min)			
Primary / storefront street	30%	30%	65%
Side street	25%	15%	25%
G Upper story glazing (min)	20%	None	20%
H Blank wall width (max)			
Primary / storefront street	20′	75′	20′
Side street	40′	75′	40′
I Street-facing entry	Req'd	Req'd	Req'd
5. Fences and Walls	*Sec. XX.XX.*		
	Res.	Ind.	Other
Front yard	Typ. A3	Typ. A4	Typ. A1
Side street yard	Typ. A3	Typ. A4	Typ. A1
Side / rear yard	Typ. C1	Typ. C2	Typ. C1

DIVISION 2.7. **WORKPLACE DISTRICTS**



Intent images are illustrative only.

Sec. 2.7.1. **Intent**

Workplace Form Districts are intended to accommodate larger-footprint buildings generally in auto-oriented areas with limited walkability to residential, retail, service, and other commercial uses.

Workplace Form Districts are generally paired with Use Districts that allow a range of commercial and industrial activities, including those where outdoor storage is needed.

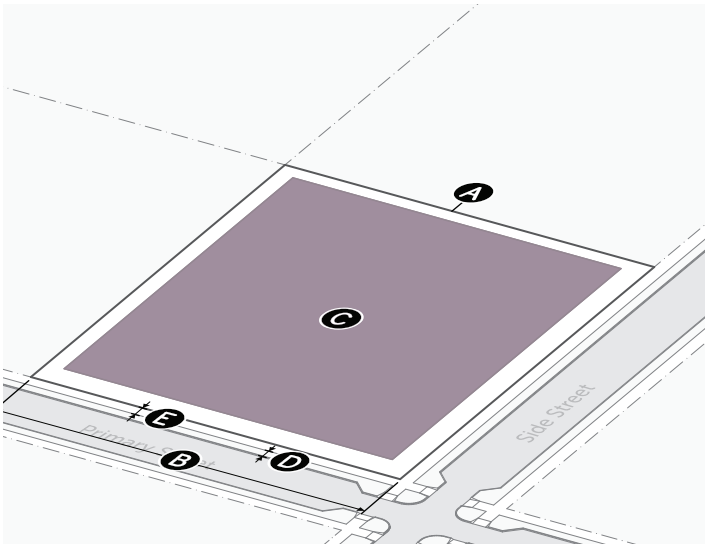
Sec. 2.7.2. **Summary of Districts**

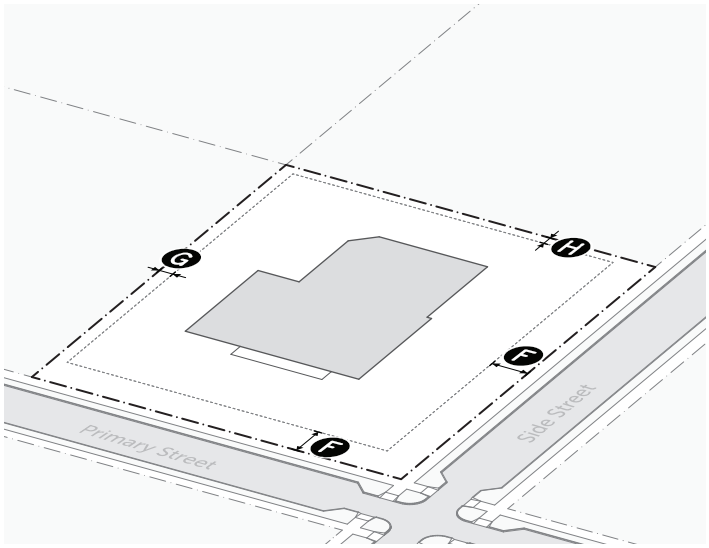
The following table includes a summary of some requirements for each Workplace Form District. Detailed requirements are further described in this Division.

WORKPLACE FLEX DISTRICTS				
District	**Lot Area (min)**	**Lot Width (min)**	**FAR (max, gross lot area)**	**Height (max)**
W1	None	None	2.0	Unlimited

SEC. 2.7.3. **W1** WORKPLACE 1

A. Lot Standards



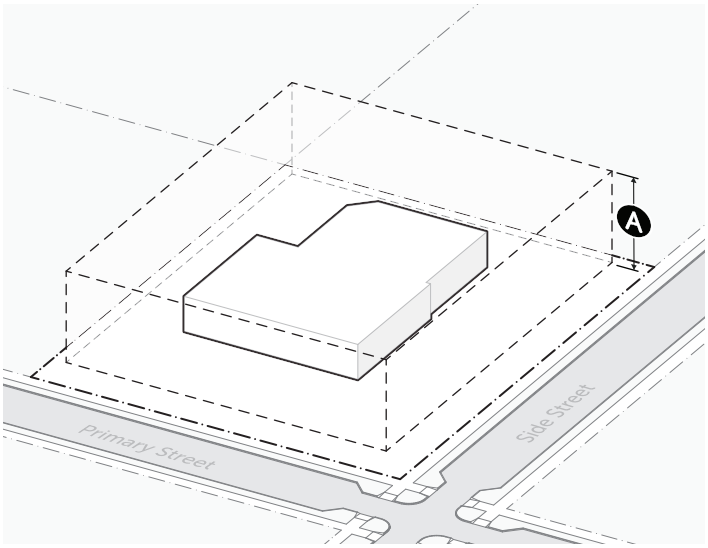


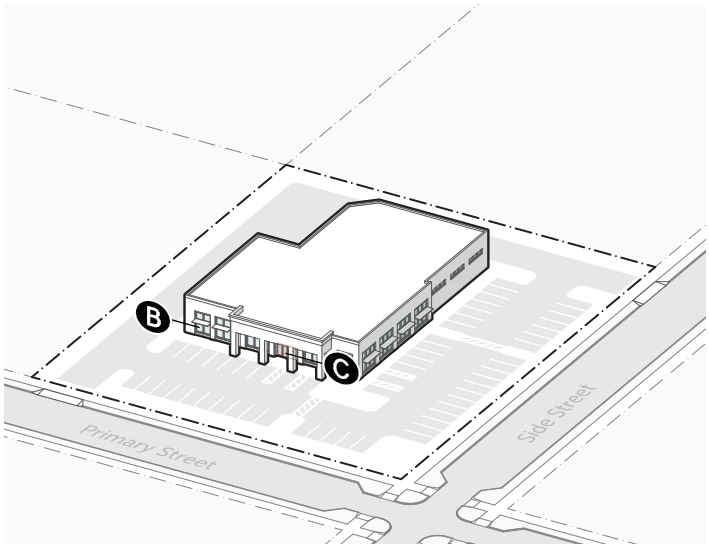
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Not allowed
FAR (max, gross lot area)	2.0
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	80%
4. Streetscape	*Sec. XX.XX.*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
F Street setback (min)	
Primary street	30′
Side street	15′
G Side setback (min)	0′
H Rear setback (min)	5′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or D
7. Parking Location	*Sec. XX.XX.*
Front yard	Allowed
Side street yard	Allowed
Side / rear yard	Allowed

W1 WORKPLACE 1

B. Building Standards





1. Massing	*Sec. XX.XX.*
A Building height (max)	Unlimited
Building width (max)	Unlimited

2. Windows and Doors	*Sec. XX.XX.*
B Ground story glazing (min)	
Primary street	30%
Side street	15%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required
3. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C2

DIVISION 2.8. **SPECIAL DISTRICTS**

Intent images are illustrative only.

Sec. 2.8.1. **Intent**

Special Form Districts are intended to accommodate a mix of building types that serve the surrounding neighborhoods and produce activities that do not readily assimilate into other districts. Campus (CM) is intended for campus-like settings with larger lots, more open space, and larger buildings, and allows for activities including mixed employment and technology hubs and hospitals. Civic (CV) is intended for public, civic, and institutional uses. Park (PK) is intended to create, preserve, and enhance parkland and environmentally sensitive areas.

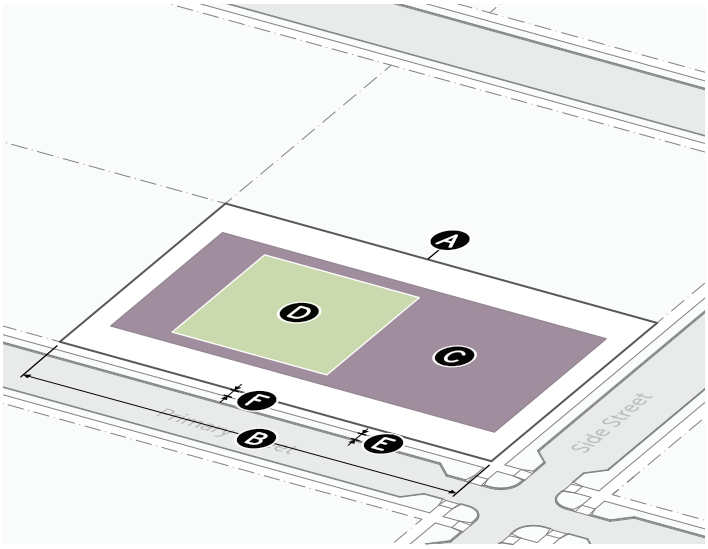
Sec. 2.8.2. **Summary of Districts**

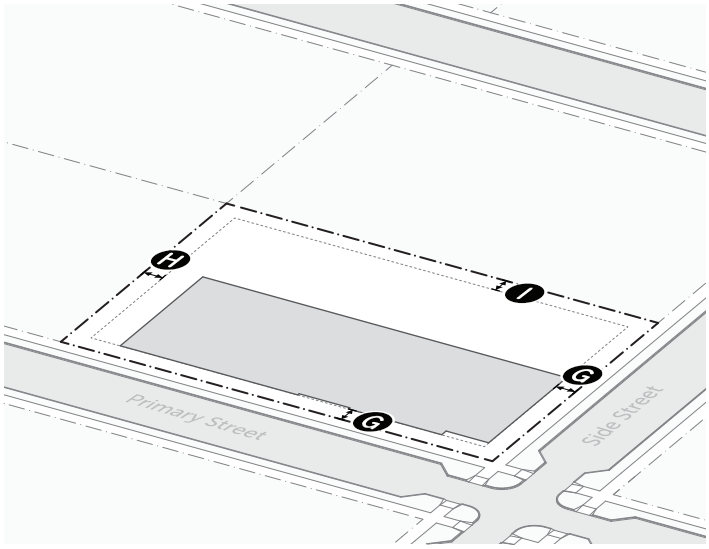
The following table includes a summary of some requirements for each Special Form District. Detailed requirements are further described in this Division.

SPECIAL DISTRICTS				
District	**Lot Area (min)**	**Lot Width (min)**	**FAR (max, gross lot area)**	**Height (max)**
CM	None	100′	6.0	Unlimited
CV	10,000 sf	50′	None	5 stories / 70′
PK	None	None	None	35′

SEC. 2.8.3. **CM** CAMPUS

A. Lot Standards



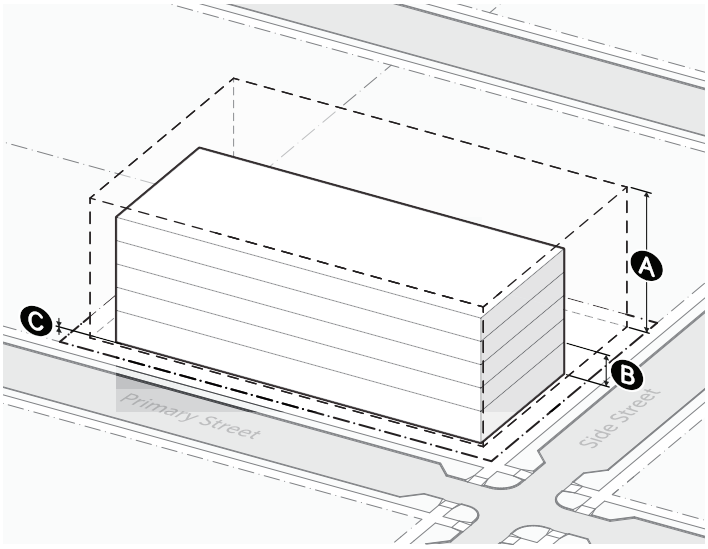


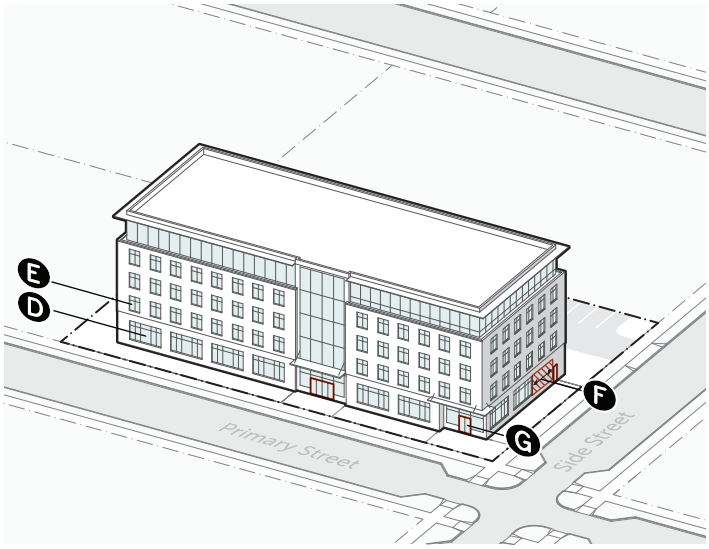
1. Lot Size	*Sec. XX.XX.*
Ⓐ Lot area (min)	None
Ⓑ Lot width (min)	100'
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Unlimited
FAR (max, gross lot area)	6.0
3. Coverage	*Sec. XX.XX.*
Ⓒ Building coverage (max)	80%
Ⓓ Outdoor amenity space (min)	20%
4. Streetscape	*Sec. XX.XX.*
Ⓔ Amenity zone	Required
Ⓕ Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
Ⓖ Street setback (min)	
Primary / storefront street	10'
Side street	10'
Ⓗ Side setback (min)	10'
Ⓘ Rear setback (min)	10'
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B
7. Parking Location	*Sec. XX.XX.*
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard	Allowed

CM CAMPUS

B. Building Standards



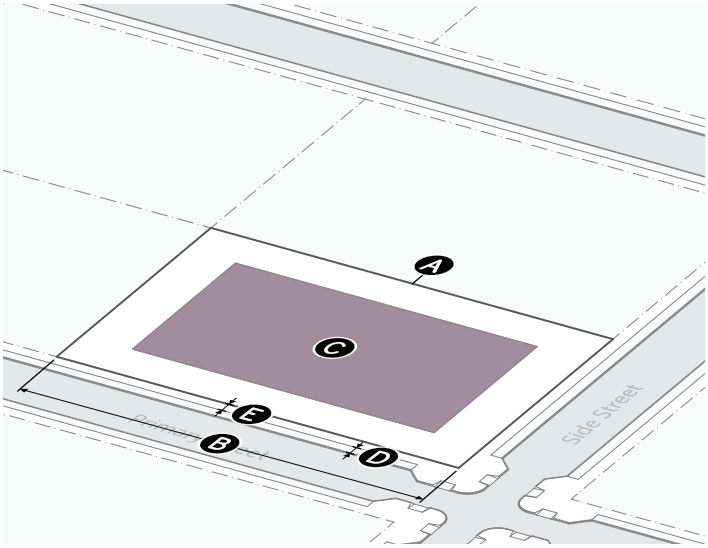


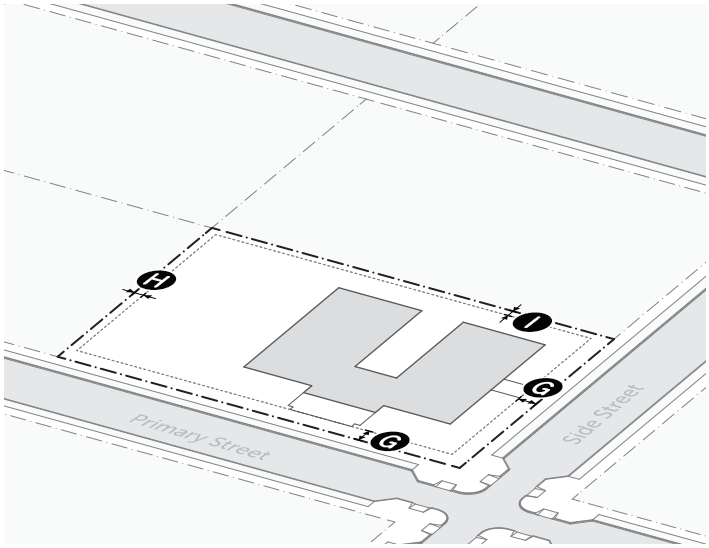
1. Massing	*Sec. XX.XX.*
A Building height (max)	Unlimited
Building width (max)	Unlimited
2. Ground Story	*Sec. XX.XX.*
B Ground story height (min)	10′
C Ground story elevation (min/max)	-2′ / 4′

3. Windows and Doors	*Sec. XX.XX.*
D Ground story glazing (min)	30%
E Upper story glazing (min)	15%
F Blank wall width (max)	
Primary / storefront street	25′
Side street	50′
G Street-facing entry	Required
4. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C2

SEC. 2.8.4. **CV** CIVIC

A. Lot Standards

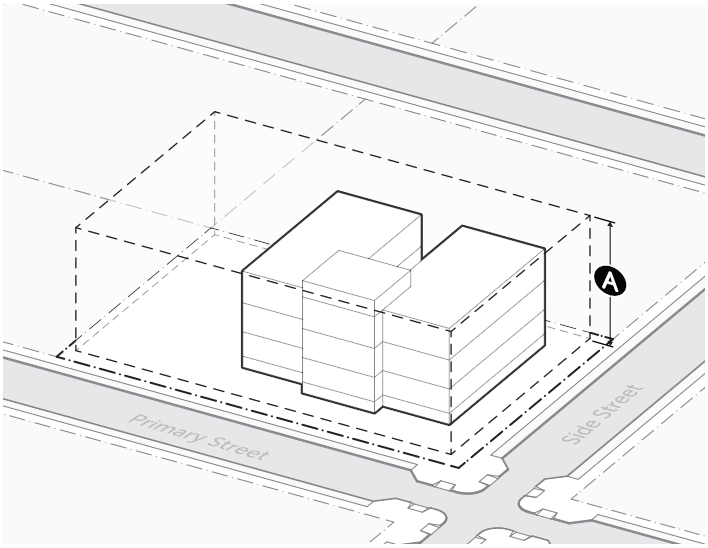


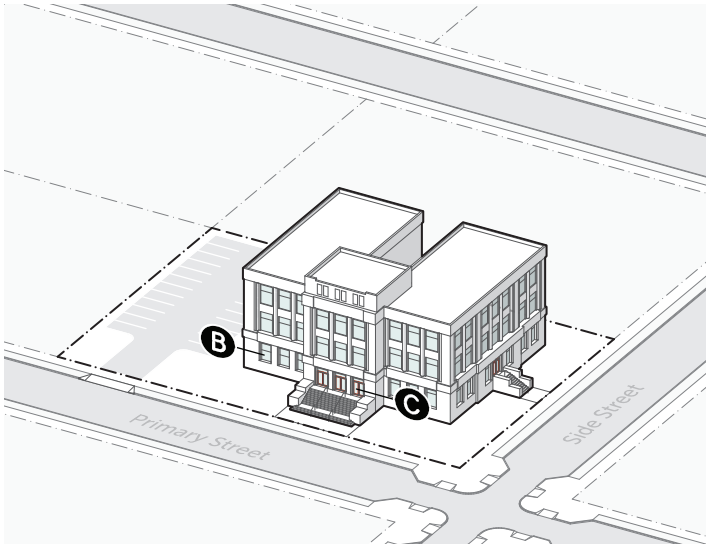


1. Lot Size	*Sec. XX.XX.*
Ⓐ Lot area (min)	10,000 sf
Ⓑ Lot width (min)	50′
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Not allowed
3. Coverage	*Sec. XX.XX.*
Ⓒ Building coverage (max)	50%
4. Streetscape	*Sec. XX.XX.*
Ⓓ Amenity zone	Required
Ⓔ Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
Ⓕ Street setback (min)	
Primary / storefront street	10′
Side street	10′
Ⓖ Side setback (min)	5′
Ⓗ Rear setback (min)	5′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B
7. Parking Location	*Sec. XX.XX.*
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard	Allowed

B. Building Standards



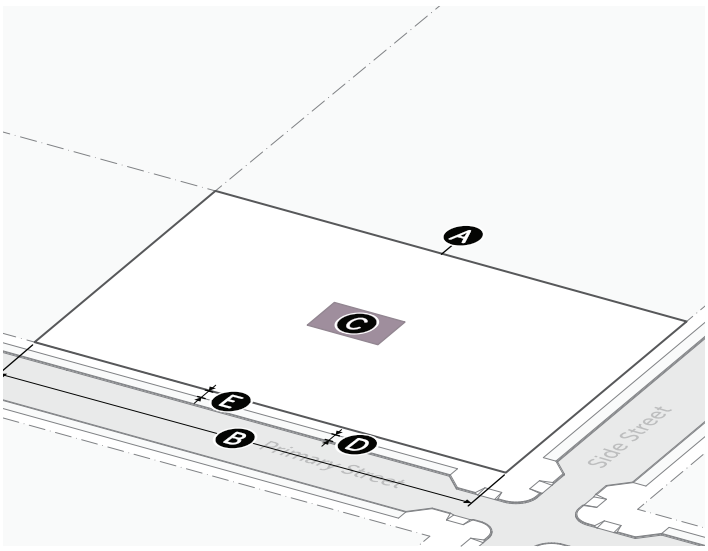


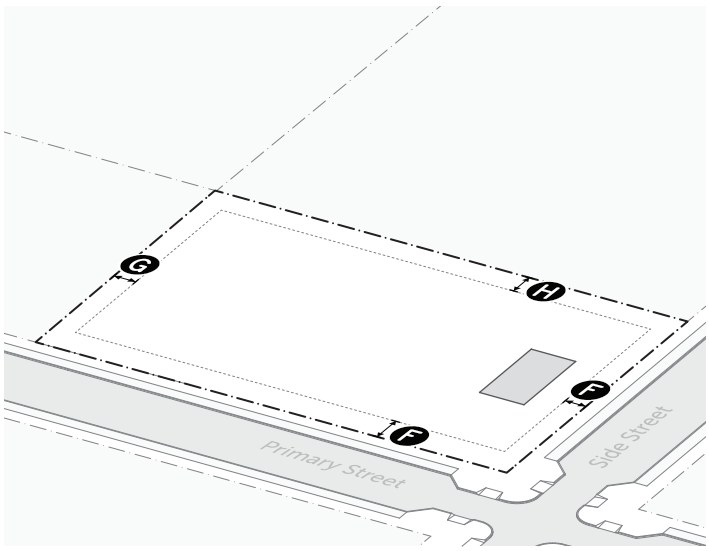
1. Massing	*Sec. XX.XX.*
A Building height (max stories/feet)	5 stories / 68'
Building width (max)	Unlimited

2. Windows and Doors	*Sec. XX.XX.*
B Ground story glazing (min)	20%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required
3. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

SEC. 2.8.5. **PK** PARK

A. Lot Standards



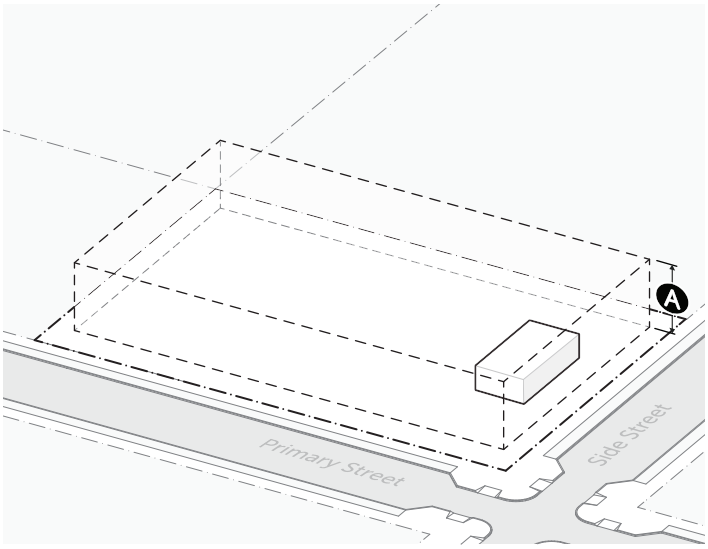


1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	None
B Lot width (min)	None
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Not allowed
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	15%
4. Streetscape	*Sec. XX.XX.*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
F Street setback (min)	
Primary / storefront street	10′
Side street	10′
G Side setback (min)	10′
H Rear setback (min)	5′
6. Transition	*Sec. XX.XX.*
Transition type	Type A or B
7. Parking Location	*Sec. XX.XX.*
Front yard	Allowed
Side street yard	Allowed
Side / rear yard	Allowed

PK PARK

B. Building Standards



1. Massing	*Sec. XX.XX.*
A Building height (max)	35'
2. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

DIVISION 2.9. **ALTERNATE FORMS**

Sec. 2.9.1. **Intent**

Alternate Forms are intended to provide an option to override some standards in the underlying Form District when the standards would otherwise prohibit a desired development configuration for certain uses. In exchange for greater flexibility on some standards, Alternate Forms may require other, higher standards to ensure the development outcomes are contextually appropriate.

Sec. 2.9.2. **Applicability**

A. How to Use Alternate Forms

1. A development may choose to use Alternate Form instead of the underlying standards of the Form District if all the following criteria are met:
    a. The underlying Form District must be listed as an eligible Form District for that particular Alternate Form;
    b. The underlying Use District (*Chapter 4*) must allow the eligible use; and
    c. The lot must contain one of the eligible uses.
2. Alternate Forms do not affect the uses permitted on a lot; all use permissions are established by the Use District as detailed in *Sec. 4.2.2. Consolidated Use Tables*.

B. Relationship to Form Districts

1. Where a standard is listed in an Alternate Form and the underlying Form District, the standard listed in this Division supersedes the standard listed for the underlying Form District.
2. The underlying Form District standard applies when an Alternate Form:
    a. Defers to the underlying Form District (for example, "Set by Form District");
    b. Provides no requirement for a standard listed by the underlying Form District; or
    c. Does not list a standard that is listed by the underlying Form District.

C. Relationship to Use Districts

For uses with additional standards listed in *Ch. 4. Uses*, the Use District supersedes any conflicting standard listed in the Alternate Form.

Sec. 2.9.3. **Corner Store**

A. Intent

Corner Store is intended to accommodate small-scale, neighborhood-serving commercial uses at a scale appropriate for predominately residential settings and encourage the reuse of existing neighborhood commercial buildings. This Alternate Form intends to improve the walkability of residential neighborhoods, provide surrounding residents with amenities within a convenient distance of their homes, and support community-oriented small business development.

B. Eligible Form Districts

When the Use District allows an eligible use, and the lot contains an eligible use, Corner Store is allowed in the following Form Districts:

1. Neighborhood-Scale (N-); and
2. Urban General (UG-).

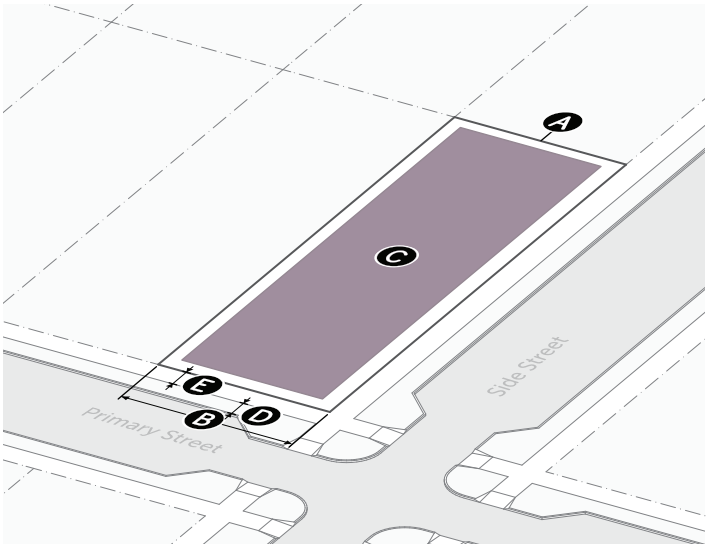
C. Eligible Uses

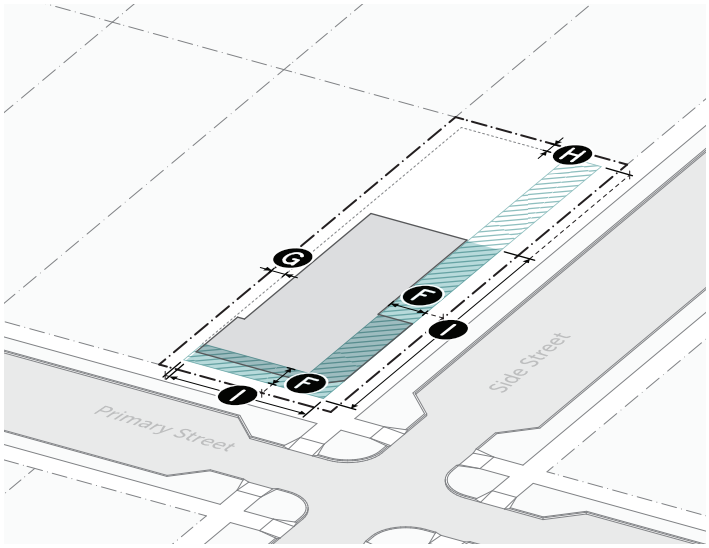
When the lot is in an eligible Form District and the use is allowed by the Use District, Corner Store is allowed for the following uses:

1. Live-work;
2. General food and beverage;
3. Bakery, wholesale;
4. Bar;
5. Catering establishment;
6. General medical;
7. General office;
8. Sound recording studio;
9. General personal service;
10. Hair or nail salon;
11. Laundry service;
12. General retail;
13. Artisan workshop;
14. Grocery store; and
15. Small discount variety store.

CORNER STORE

D. Lot Standards



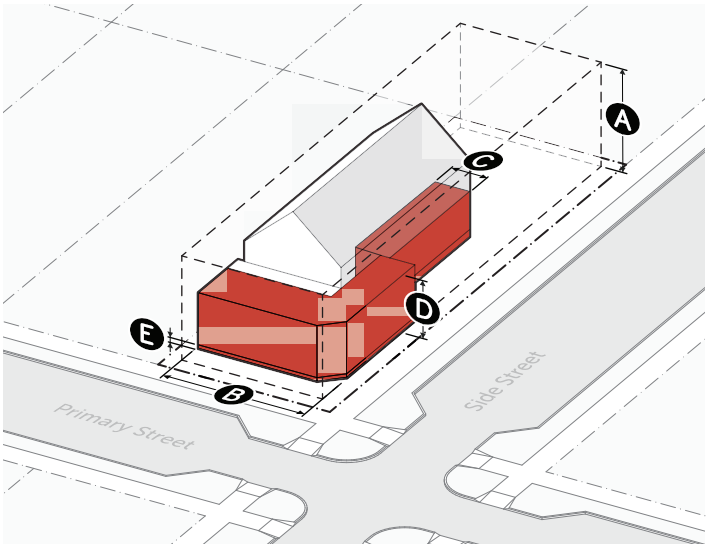


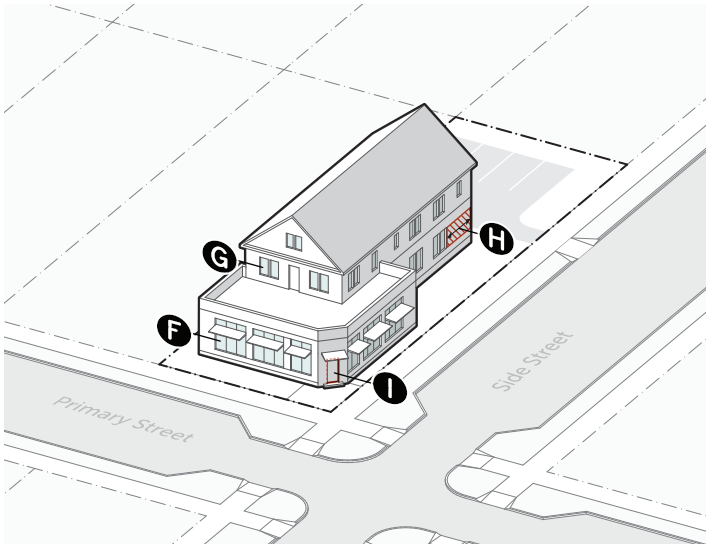
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	Set by Form District
B Lot width (min)	Set by Form District
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Set by Form District
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	Set by Form District
4. Streetscape	*Sec. XX.XX.*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
F Street setback (min/max)	
Primary / storefront street	5′ / 15′
Side street	5′ / 15′
G Side setback (min)	4′
H Rear setback (min)	4′
6. Build-To	*Sec. XX.XX.*
I Build-to width (min)	
Primary / storefront street	80%
Side street	60%
7. Parking Location	*Sec. XX.XX.*
No parking allowed between building and street	

CORNER STORE

E. Building Standards





1. Massing	*Sec. XX.XX.*
Ⓐ Building height (max stories/feet)	2.5 stories / 35′
Ⓑ Building width (max)	
Primary / storefront street	40′
Side street	70′
2. Massing	*Sec. XX.XX.*
Ⓒ Active depth (feet)	
Primary / storefront street	15′
Side street	15′
3. Ground Story	*Sec. XX.XX.*
Ⓓ Ground story height (min)	14′
Ⓔ Ground story elevation (min/max)	-2′ / 4′

4. Windows and Doors	*Sec. XX.XX.*
Ⓕ Ground story glazing (min)	
Primary / storefront street	50%
Side street	25%
Ⓖ Upper story glazing (min)	20%
Ⓗ Blank wall width (max)	
Primary / storefront street	10′
Side street	20′
Ⓘ Street-facing entry	Required
5. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A1
Side street yard	Type A1
Side / rear yard	Type C1

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Sec. 2.9.4. **Civic Institution**

A. Intent

Civic Institution is intended to promote placemaking through architectural monuments and publicly accessible civic spaces. This Alternate Form allows greater design flexibility for civic institutions to differentiate civic assets from the surrounding built environment.

B. Eligible Form Districts

When the Use District allows an eligible use, and the lot contains an eligible use, Civic Institution is allowed in the following Form Districts:

1. House-Scale (H-)
2. Neighborhood-Scale (N-);
3. Urban General (UG-);
4. Urban Core (UC-);
5. Workplace Flex (WX-); and
6. Workplace (W-).

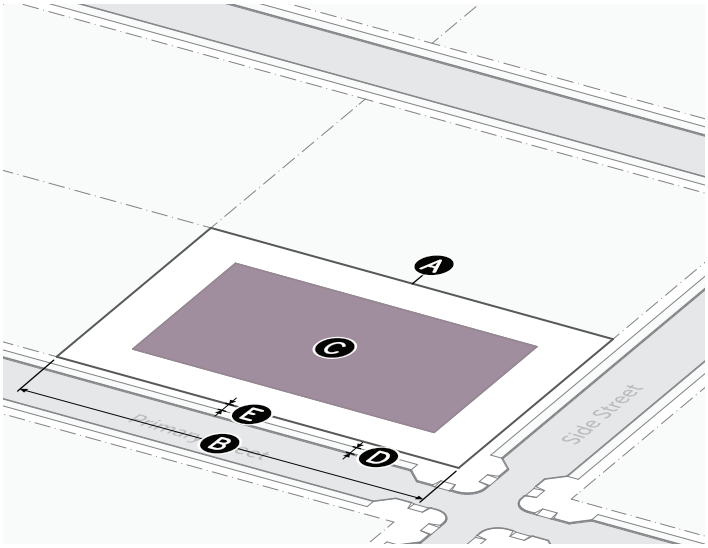
C. Eligible Uses

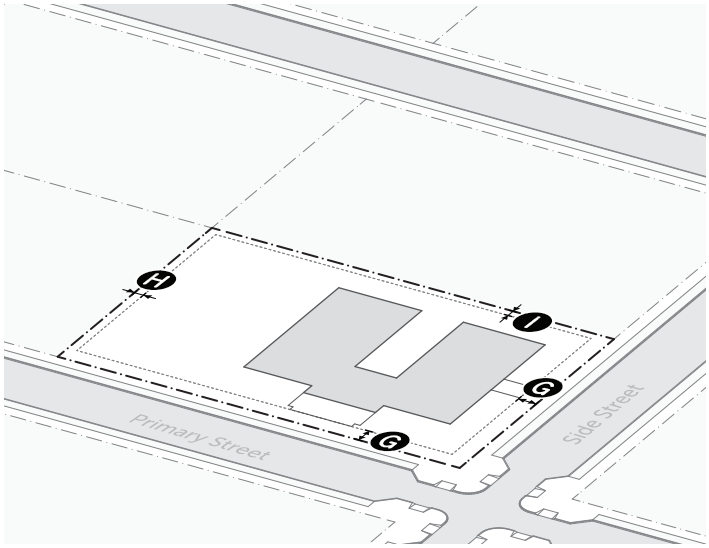
When the lot is in an eligible Form District and the use is allowed by the Use District, Civic Institution is allowed for the following uses:

1. General civic;
2. Community center, private;
3. Library or museum, private;
4. Religious assembly;
5. General private education; and
6. College or university, private.

CIVIC INSTITUTION

D. Lot Standards



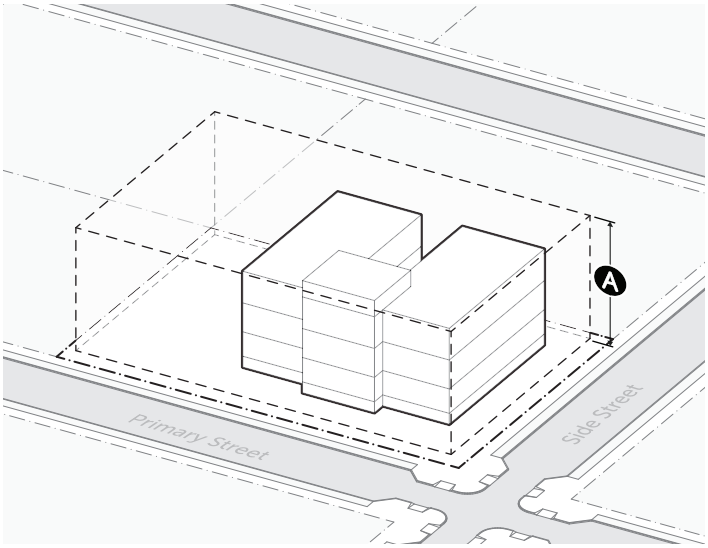


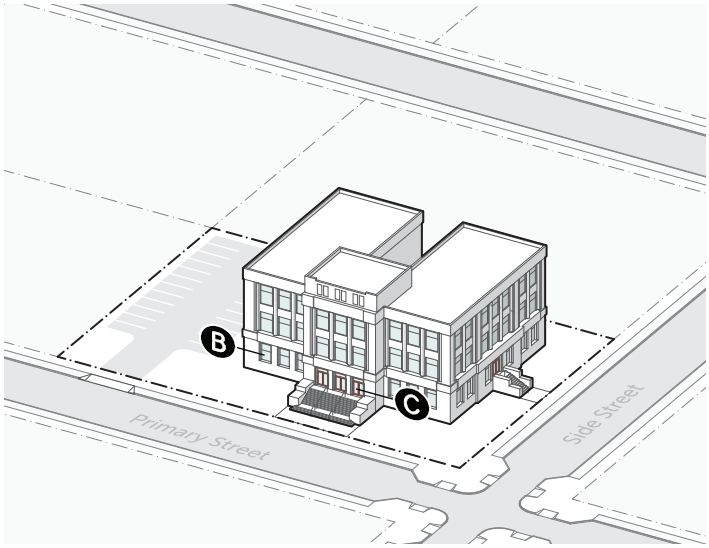
1. Lot Size	*Sec. XX.XX.*
A Lot area (min)	Set by Form District
B Lot width (min)	Set by Form District
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Set by Form District
3. Coverage	*Sec. XX.XX.*
C Building coverage (max)	Set by Form District
4. Streetscape	*Sec. XX.XX.*
D Amenity zone	Required
E Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
F Street setback (min)	
Primary / storefront street	10′
Side street	10′
G Side setback (min)	5′
H Rear setback (min)	5′
6. Parking Location	*Sec. XX.XX.*
Front yard	Not allowed
Side street yard	Allowed
Side / rear yard	Allowed

CIVIC INSTITUTION

E. Building Standards





1. Massing	*Sec. XX.XX.*
A Building height (max)	Set by Form District
Building width (max)	None

2. Windows and Doors	*Sec. XX.XX.*
B Ground story glazing (min)	20%
Upper story glazing (min)	None
Blank wall width (max)	None
C Street-facing entry	Required
3. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

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Sec. 2.9.5. **Park**

A. Intent

Park is intended to allow greater flexibility for parks, open space, and utility uses, as well as land-based uses such as urban agriculture and gardening.

B. Eligible Form Districts

When the Use District allows an eligible use, and the lot contains an eligible use, Civic Institution is allowed in the following Form Districts:

1. House-Scale (H-)
2. Neighborhood-Scale (N-);
3. Urban General (UG-);
4. Urban Core (UC-);
5. Workplace Flex (WX-); and
6. Workplace (W-).

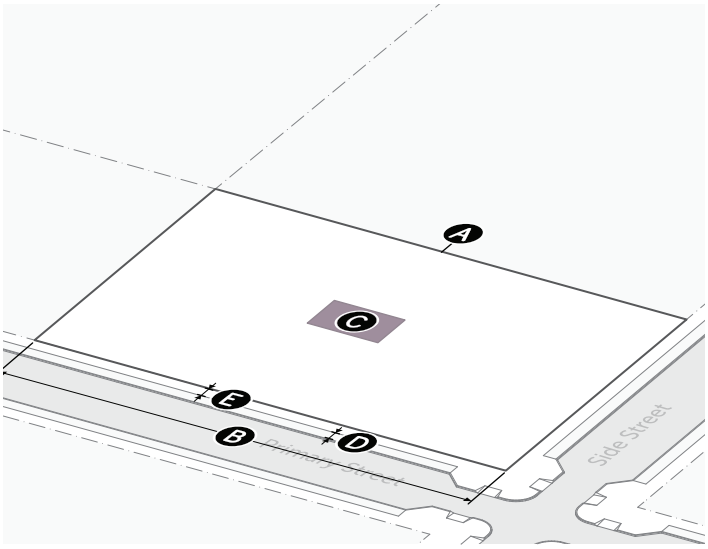
C. Eligible Uses

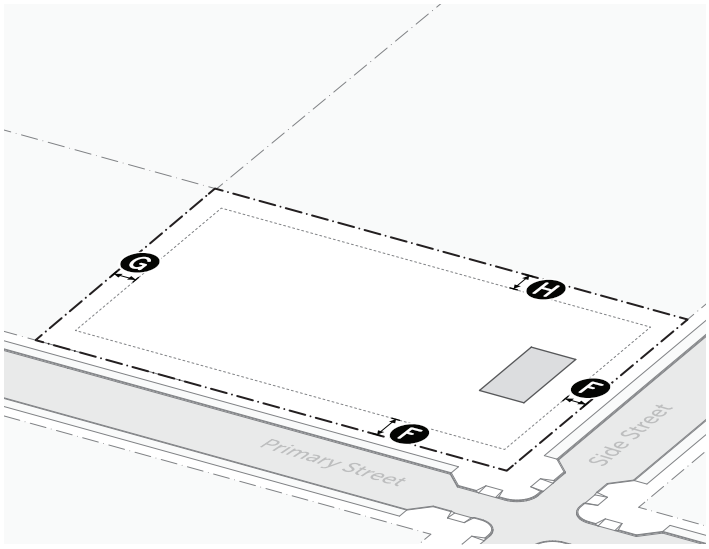
When the lot is in an eligible Form District and the use is allowed by the Use District, Civic Institution is allowed for the following uses:

1. General parks and open space; and
2. Cemetery.

PARK

D. Lot Standards



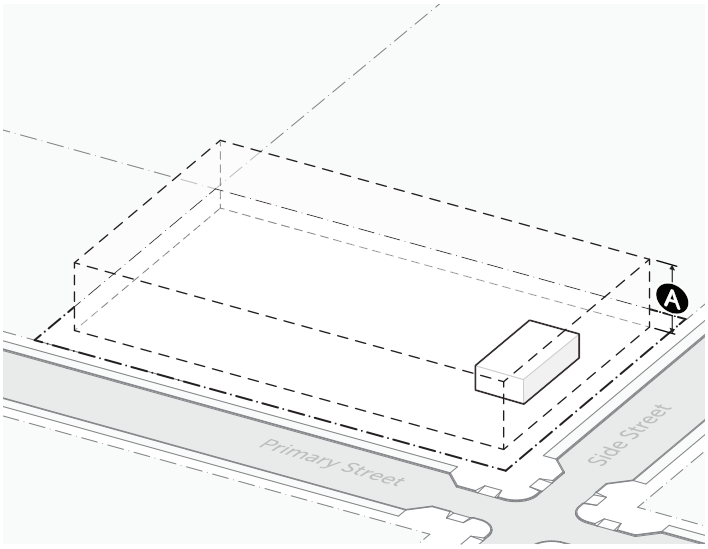


1. Lot Size	*Sec. XX.XX.*
Ⓐ Lot area (min)	Set by Form District
Ⓑ Lot width (min)	Set by Form District
2. Density	*Sec. XX.XX.*
Dwelling units per lot (max)	Set by Form District
3. Coverage	*Sec. XX.XX.*
Ⓒ Building coverage (max)	15%
4. Streetscape	*Sec. XX.XX.*
Ⓓ Amenity zone	Required
Ⓔ Pedestrian zone	Required

5. Building Setbacks	*Sec. XX.XX.*
Ⓕ Street setback (min)	
Primary / storefront street	10′
Side street	10′
Ⓖ Side setback (min)	10′
Ⓗ Rear setback (min)	5′
6. Parking Location	*Sec. XX.XX.*
Front yard	Allowed
Side street yard	Allowed
Side / rear yard	Allowed

PARK

A. Building Standards



1. Massing	*Sec. XX.XX.*
A Building height (max)	35'
Building width (max)	None
2. Fences and Walls	*Sec. XX.XX.*
Front yard	Type A4
Side street yard	Type A4
Side / rear yard	Type C1

CHAPTER 3.

RULES FOR ZONING DISTRICTS

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DIVISION 3.1. **GENERAL PROVISIONS**

Sec. 3.1.1. **Applicability**

A. Rules for Zoning District standards apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, an expansion of an existing use may include both an addition and a facade modification).

		PROJECT ACTIVITY						
ZONING DISTRICT STANDARDS		**New Construction**	**Addition**	**Site Modification**	**Facade Modification**	**Change of Use**	**Renovation**	**Maintenance and Repair**
Lot Size	*Div. XX.*	001 ○	○	○	○	○	○	○
Density	*Div. XX.*	●	●	○	○	●	●	○
Coverage								
Building coverage	*Sec. XX.*	●	●	●	○	○	○	○
Lot coverage	*Sec. XX.*	●	●	●	○	○	○	○
Outdoor amenity space	*Sec. XX.*	●	○	○	○	○	○	○
Streetscapes	*Div. XX.*	●	●	●	○	○	○	○
Building Setbacks	*Div. XX.*	●	●	○	○	○	○	○
Build-To	*Div. XX.*	●	●	○	○	○	○	○
Transition	*Div. XX.*	●	●	●	○	●	○	○
Parking Location	*Div. XX.*	●	●	●	○	○	●	○
Massing	*Div. XX.*	●	●	○	○	○	○	○
Activation	*Div. XX.*	●	●	○	○	○	●	○
Ground Story	*Div. XX.*	●	●	○	○	○	○	○
Windows and Doors	*Div. XX.*	●	●	○	●	○	○	○
Fences and Walls	*Div. XX.*	●	●	●	○	●	○	○

KEY: ● = Standards generally apply ○ = Standards do not apply

B. Where a standard is listed as applying, and the zoning district includes standards for that requirement, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each standard in this Chapter. For existing buildings and uses, applicability may also be modified by *Chapter 9. Nonconformities*.

#001

Posted by **Ben Valente** on **03/31/2026** at **9:07pm** [Comment ID: 2414] - Link
Question
Agree: 0, Disagree: 0
None apply - confused?

> Reply by **SiteAdmin** on **04/01/2026** at **2:59pm** [Comment ID: 2478] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Lot size is only used during the subdivision process.

C. Projects involving buildings listed on or eligible for the National Register of Historic Places, or qualifying for historic rehabilitation tax credits, may receive administrative relief (see *Sec. XX. Administrative Relief*) from applicable zoning district standards where strict compliance would compromise the structure's historic character or integrity.

D. Project activity is defined in *Chapter 10. General Standards and Definitions*.

#002

Posted by **Marie Acalin** on **04/04/2026** at **4:47pm** [Comment ID: 2511] - Link
Agree: 1, Disagree: 0
Protected residential districts should remain exempt from administrative relief as we have it now.

> Reply by **SiteAdmin** on **04/05/2026** at **1:08pm** [Comment ID: 2536] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Thank you for your suggestion.
>
> Please note that this provision is intended to ensure that projects that comply with (much stricter) State and Federal historic standards can be restored to their original historic condition, regardless of what the current zoning says, as required by State and Federal preservation requirements.

#003

Posted by **Marie Acalin** on **04/04/2026** at **4:49pm** [Comment ID: 2512] - Link
Agree: 1, Disagree: 0
Administrative relief should be approved by NPUs and potentially neighborhood zoning committees as well. Individual neighborhoods or small groups of neighborhoods (NPUs) should retain a say in how how neighborhoods are developed.

> Reply by **SiteAdmin** on **04/05/2026** at **1:10pm** [Comment ID: 2537] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please note that, other than the existing R-4 and R-5 conversions, all districts that convert to Neighborhood-Scale districts allow unlimited administrative relief.
>
> > Reply by **Jennifer 8** on **04/08/2026** at **8:17am** [Comment ID: 2659] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > The R4 and R5 converted districts should remain exempt from any Administrative Relief. Relief should continue to come through the Variance process based on hardship of the lot.
> >
> > > Reply by **SiteAdmin** on **04/08/2026** at **8:49am** [Comment ID: 2666] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your suggestion.

#004

Posted by **Jennifer 8** on **04/08/2026** at **8:14am** [Comment ID: 2658] - Link
Suggestion
Agree: 0, Disagree: 0
Please add: or Contributing in a NRHP District,

#005

Posted by **GLORIA** on **04/01/2026** at **7:20pm** [Comment ID: 2488] - Link
Suggestion
Agree: 1, Disagree: 0
Thank you for your answer. Could you please clarify the language to include both individual NRHP-listed structures and contributing structures in NRHP-listed neighborhoods? And could you also provide for administrative relief for protection of things like historic lot design and historic neighborhood layout and pattern?

> Reply by **SiteAdmin** on **04/03/2026** at **1:10pm** [Comment ID: 2495] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Yes. We plan on making this clarification.
>
> Thanks, again, for bringing it to our attention.
>
> > Reply by **GLORIA** on **04/07/2026** at **10:13pm** [Comment ID: 2644] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > One further suggestion in this regard: The historic boundaries set out in National Register listings are rarely congruent with the neighborhood boundaries laid out on City maps. For example, the boundaries of "Historic Tuxedo Park" in its NRHP listing include several streets (or portions of streets) in what the City calls "Chastain Park," as well as most, if not all, of what the City calls "South Tuxedo Park." (The historic boundaries also EXCLUDE part of what the City calls "Tuxedo Park.") Could you please be sure that the provisions of this section as rewritten apply to "contributing properties" and historic lot design, neighborhood layout and the like for all properties within the actual NRHP listing (or as eligible for such listing) regardless of "neighborhood" designation by the City?
> >
> > > Reply by **Jennifer 8** on **04/08/2026** at **8:21am** [Comment ID: 2662] - Link
> > > *Suggestion*
> > > *Agree: 0, Disagree: 0*
> > > Agree
>
> Reply by **SiteAdmin** on **04/08/2026** at **8:41am** [Comment ID: 2663] - Link
> *Answer*

Agree: 0, Disagree: 0

This provision is intended to provide relief only for projects seeking historic tax credits, which, by law, must involve properties that are either individually listed or designated as contributing structures within a National Register historic district. Official neighborhood boundaries do not apply to this provision.

We acknowledge that the term “qualifying” may suggest that properties do not need to actually pursue the tax credits to use this provision. This is not the intent and will be clarified.

#006

Posted by **GLORIA** on **04/01/2026** at **2:20am** [Comment ID: 2439] - Link

Suggestion

Agree: 0, Disagree: 0

There are only a small handful of individual "structures" in Atlanta that are listed on the National Register, but as we have commented previously, there are quite a few NRHP-listed neighborhoods in Atlanta that not also named under the City's historic preservation ordinance. Those include Ansley Park, Candler Park, the Midtown Garden District (and/or perhaps other areas of Midtown), Peachtree Heights West, Tuxedo Park and likely others. Given Atlanta City Design's policy that development be balanced with "preservation of what we value"--expressly including our City's "historic assets"--we would urge that this section be enlarged to include both neighborhoods and "neighborhood areas" that are either listed on the National Register or are eligible for such listing. (The inclusion of "neighborhood areas" is necessary because historic boundaries are rarely congruent with the City's "neighborhood designations." E.g., the area delineated in the National Register's listing of historic Tuxedo Park does not include all of what the City designates as "Tuxedo Park," although it does include portions of what the City designates as "Chastain Park," as well as all or virtually all of what the City designates as "South Tuxedo Park.")

Reply by **SiteAdmin** on **04/01/2026** at **1:57pm** [Comment ID: 2457] - Link

Answer

Agree: 1, Disagree: 0

Thank you for your comment.

This is intended to include every contributing structure in a historic district. When a property owner is restoring a building in accordance with SHPO-required standards, they should not be prevented by zoning standards.

Reply by **Jennifer 8** on **04/08/2026** at **8:19am** [Comment ID: 2661] - Link

Suggestion

Agree: 0, Disagree: 0

Thank you!!!

DIVISION 3.2. **LOT SIZE**

Sec. 3.2.1. **Lot Area**

The total square footage within the boundaries of a lot.

A. Intent

To ensure newly established lots are generally consistent with the desired development patterns in the surrounding area and other lots in the same zoning district.

B. Applicability

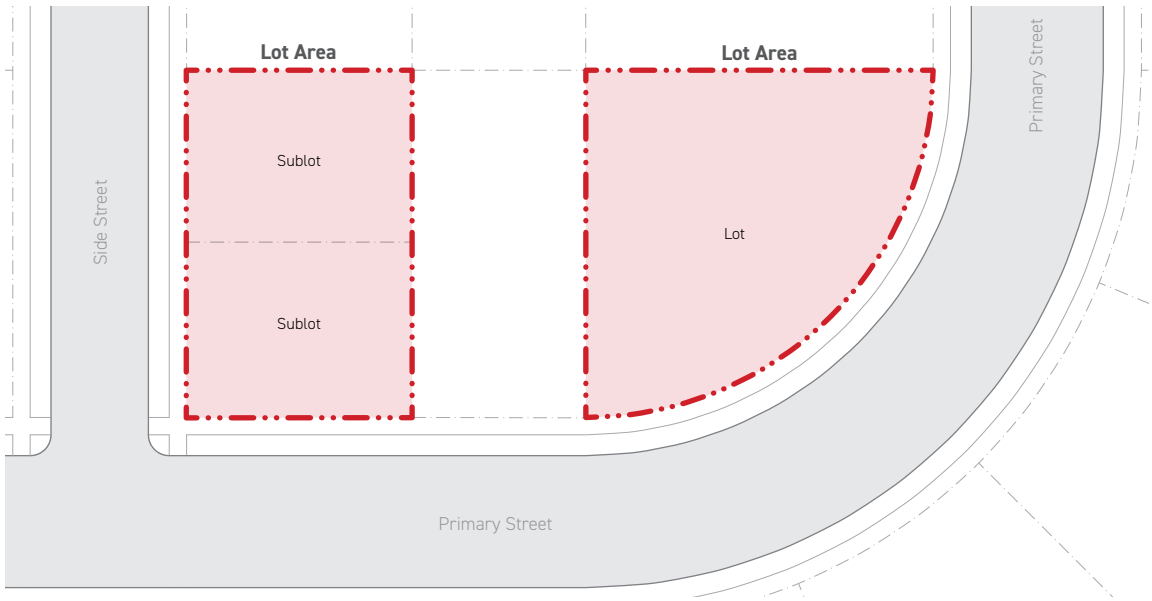
1. Lot area standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, lot area is calculated for each lot, not individual sublots.
3. Lot area only applies to lots approved and recorded on or after the effective date of the Zoning Ordinance. Existing lots of record that do not meet current minimum lot size standards are permitted and may be developed, provided, that other standards of the Zoning Ordinance are met.

C. Standards

All lots created and recorded after the effective date of the Zoning Ordinance must have an area no less than the minimum lot area specified by the zoning district.

D. Measurement

1. Lot area is equivalent to net lot area (NLA).
2. Lot area is measured horizontally as the total land area within the boundaries of a lot.



#007

Posted by **GLORIA** on **04/01/2026** at **1:35am** [Comment ID: 2438] - Link

Question

Agree: 0, Disagree: 0

Does this proviso mean what it says--that less-than-full-size lots may be developed only when all other zoning standards are met as written? Or are the otherwise applicable zoning standards subject to reduction/change by variance?

> Reply by **SiteAdmin** on **04/01/2026** at **1:59pm** [Comment ID: 2458] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> They may be developed with or without a variance.

3. Lot area includes any portion of a lot allocated for required easements.
4. Lot area does not include any portion of a lot dedicated to and accepted for public use by a government agency.
5. Lot area does not include legacy alleys adjacent to, but not part of, the site.

E. Relief

A reduction to the lot area standards is not permitted.

Sec. 3.2.2. **Lot Width**

The length of primary street lot lines bounding a lot.

A. Intent

1. To ensure newly established lots are generally consistent with the desired development patterns of the surrounding area and other lots in the same zoning district.
2. To ensure safe and adequate vehicular access to and from a lot, when provided.

B. Applicability

1. Lot width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, lot width is calculated for each lot, not individual sublots.
3. Lot width only applies to lots approved and recorded on or after the effective date of the Zoning Ordinance. Existing lots of record that do not meet current minimum lot size standards are permitted and may be developed, provided, that all other standards of the Zoning Ordinance are met.

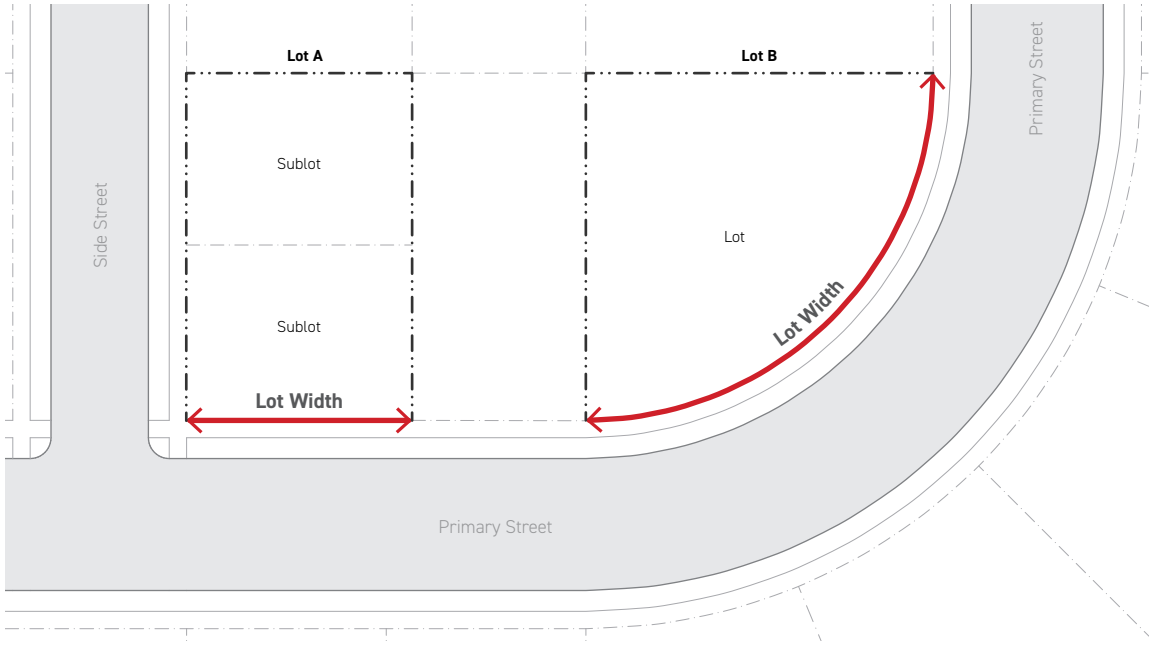
C. Standards

1. All lots created and recorded after the effective date of the Zoning Ordinance must have a width no less than the minimum lot width specified by the zoning district.
2. In some zoning districts, the required minimum lot width varies based on where vehicular access is provided on the lot. In these zoning districts, the following standards apply:
    a. Lots providing vehicular access from a primary street must meet the minimum width requirement designated as “front access” by the zoning district.
    b. Lots providing vehicular access from any other street than a primary street, or with no vehicular access to any street, must meet the minimum width requirement designated as “side or rear access” by the zoning district.

D. Measurement

1. Lot width is measured following the geometry of all primary street lot lines that bound the lot.

2. Where a lot has 2 or more primary street lot lines facing different streets, all primary street lot lines must meet the minimum width standard.



E. Relief

1. A reduction of up to 10% from the lot width standards may be granted in accordance with *Sec. XX. Administrative Modification*.

2. A reduction beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

#008

Posted by **Kathryn** on **02/18/2026** at **10:25am** [Comment ID: 1993] - Link

Suggestion

Agree: 2, Disagree: 0

This sections linked to ability for staff to make significant modifications to lot coverage for no reason and no criteria. It tempts staff to abuse their power to grant exceptions to benefit certain builders or developers. Remove 10% lot width standards.

> Reply by **SiteAdmin** on **02/19/2026** at **12:09pm** [Comment ID: 2012] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Thank you for your comment.
>
> Note that this only applies to lot width, not lot area. As specified on page 3-6, staff could not change the minimum lot size.
>
> This provision has been added because historic surveying equipment was less precise than modern equipment. As a result, many older neighborhoods with nominally “50-foot” lots actually contain lots that measure 48 or 49 feet in width. This condition is common in nearly all pre–World War II neighborhoods.
>
> Under the current code, applicants who wish to recreate historic lot patterns must often seek a rezoning to reconstitute a lot configuration that existed a century ago. This provision is intended to make it easier to restore and reflect historic lot patterns without requiring that additional step.
>
> This said, we understand your concern and will consider revising the standard to reflect this intent better.

DIVISION 3.3. **DENSITY**

Sec. 3.3.1. **Dwelling Units Per Lot**

The maximum number of dwelling units allowed on a lot.

A. Intent

To ensure the number of dwelling units permitted on a lot is aligned with the zoning district intentions and is physically compatible with the lot itself.

B. Applicability

1. Dwelling units per lot standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, dwelling units per lot standards are calculated for each lot, not individual sublots.
3. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, where a building was constructed and contained multiple dwelling units before 1946, the number of dwelling units existing before 1946 will be considered conforming, even when the number of dwelling units exceeds what is allowed by the zoning district. See *Sec. XX. Residential (R-) Use Districts* for additional criteria and standards.

C. Standards

1. A lot may not exceed the maximum number of dwelling units allowed by the zoning district. 009
2. Dwelling units per lot determines the number of principal dwelling units allowed on each lot. The number of accessory dwelling units allowed on each lot, if any, is determined by the Use District (*Div. XX. Use District Permissions*) . Accessory dwelling units do not count toward the maximum number of dwelling units allowed per lot.
3. Where more than one dwelling unit is allowed per lot, dwelling units may be attached or detached.

D. Relief

An increase to the dwelling units per lot standards is not permitted. .

Sec. 3.3.2. **Floor Area Ratio (FAR)**

Floor area ratio (FAR) is the total floor area of all buildings on a lot in relation to the area of the lot.

A. Intent

To regulate the bulk and massing of buildings on a lot.

B. Applicability

1. FAR standards apply based on the requirements of the applicable zoning district and the proposed project activity.

#009

Posted by **Matthew 1** on **04/07/2026** at **12:24am** [Comment ID: 2573] - Link

Suggestion

Agree: 0, Disagree: 0

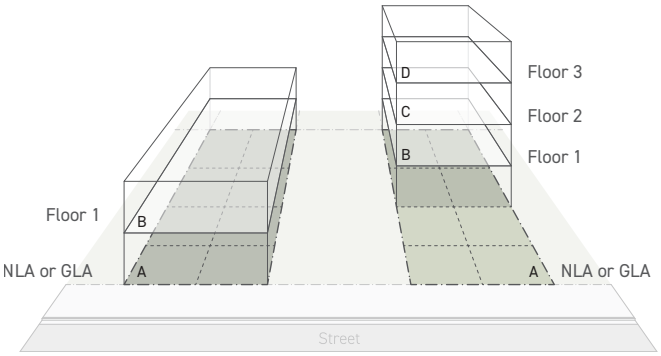
Saying dwelling-units-per-lot standards cannot be increased and lot area reductions are not permitted is too rigid. I recommend allowing more flexibility for additional homes in transit-served and walkable areas when projects still meet form and public-realm standards.

> Reply by **SiteAdmin** on **04/07/2026** at **11:18am** [Comment ID: 2596] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This would violate state law. Density must comply with the zoning code and may only be increased through a rezoning approved by the legislative body.
>
> It would, theoretically, be possible to structure Form Districts to allow different standards near transit; however, this would need to be explicitly defined within the district regulations.
>
> At this time, the recently-adopted Comprehensive Plan—which serves as the legal basis for the zoning code—does not recommend increasing density beyond what is currently specified in the Plan.

2. FAR standards apply to all lots in zoning districts that specify an FAR standard.
3. Where sublots are permitted, FAR standards are calculated for each lot, not individual sublots.
4. Where a lot is part of a Unified Development Plan (UDP), FAR may be calculated for each individual lot or across all lots in the UDP within the same zoning district.

C. Standards

1. The total floor area built on a lot is not permitted to exceed the maximum FAR specified by the zoning district.
2. In zoning districts with a base and bonus FAR allowance, the following standards apply:
   a. A lot may not exceed the maximum base FAR unless the project meets the requirements of a program outlined in *Sec. XX. Development Bonuses* or *Sec. XX. Transfer of Development Rights*.
   b. If a project is determined by the Director to meet the requirements of a bonus program outlined in *Sec. XX. Development Bonuses*, the lot may exceed the base FAR up to the maximum bonus FAR.
   c. If a project is determined by the Director to meet the requirements of the Transfer of Development Rights program outlined in *Sec. XX. Transfer of Development Rights*, the lot may exceed the base FAR.



SINGLE-STORY

Floor Area		[B]
NLA or GLA	÷	[A]
		Floor Area Ratio

MULTI-STORY

Floor Area		[B+C+D]
NLA or GLA	÷	[A]
		Floor Area Ratio

D. Measurement

1. FAR is calculated by dividing the total floor area on a lot by the lot area. See *Sec. XX. Floor Area* for calculating total floor area.
2. For the purposes of calculating FAR, lot area is calculated using either net lot area (NLA) or gross lot area (GLA), as determined by the zoning district. See *Sec. XX. Net and Gross Lot Area* for calculating net and gross lot area.

E. Relief

An increase to the FAR standards is not permitted.

#010

Posted by **Kathryn** on **02/18/2026** at **10:39am** [Comment ID: 1997] - Link
Question
Agree: 0, Disagree: 0
Floor area ratio, a critical part of building codes that impacts the size of structures, impact to trees, financial equation for builders - is not defined. It is impossible to understand the impacts of the zoning cade without this essential definition. Previous definitions of FAR effectively allowed finished space to be counted as unfinished space, allowing for very large houses to inappropriately on small lots. Very large houses built on small lots does not benefit the City because it further drives up the cost of housing and taxes for legacy residents, deters building affordable housing, and allows for further unnecessary loss of trees.

> Reply by **SiteAdmin** on **02/19/2026** at **11:55am** [Comment ID: 2008] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Floor area ratio (FAR) is calculated as “total floor area” divided by “lot area,” both of which are defined terms in the draft code.
>
> The proposed revision to “total floor area” would count all space within the interior face of the exterior walls, regardless of whether the space is finished or unfinished. Under the current code, several types of interior space are exempt from the calculation. Please see page 10-6 for reference.

#011

Posted by **Kathryn** on **02/18/2026** at **10:29am** [Comment ID: 1996] - Link
Question
Agree: 0, Disagree: 0
C.2.a -- important criteria for exceeding FAR are not listed as existing but not included, what are these criteria?

> Reply by **SiteAdmin** on **02/19/2026** at **11:59am** [Comment ID: 2009] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> The applicable standards are outlined in subsections (a) through (c) below.
>
> Please see pages 8-4 and 9-14 for additional details, including the associated procedures.

#012

Posted by **Howard Katzman** on **02/18/2026** at **10:28am** [Comment ID: 1994] - Link
Question
Agree: 0, Disagree: 0
No definition included in this draft - this definition depending on how written could have a significant affect on lot coverage and tree loss. We must be provided definition ASAP.

> Reply by **SiteAdmin** on **02/19/2026** at **12:02pm** [Comment ID: 2011] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> The applicable standards are outlined in subsections (a) through (b) below.
>
> Please see pages 8-4 for additional details, including the associated procedures.

#013

Posted by **Howard Katzman** on **02/18/2026** at **10:29am** [Comment ID: 1995] - Link
Question
Agree: 0, Disagree: 0
No definition included in this draft - this definition depending on how written could have a significant affect on lot coverage and tree loss. We must be provided definition ASAP.

> Reply by **SiteAdmin** on **02/19/2026** at **12:01pm** [Comment ID: 2010] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please see page 9-14 for existing transfer of development right standards, which require approval of City Council to use. Atlanta has allowed these transfers for many decades.

DIVISION 3.4. **COVERAGE**

Sec. 3.4.1. **Building Coverage**

The percentage of lot area that is covered by buildings or permanent covered structures.

A. Intent

To preserve the open area and reduce the bulk of buildings on a lot by limiting the amount of buildings or permanent structures on the lot.

B. Applicability

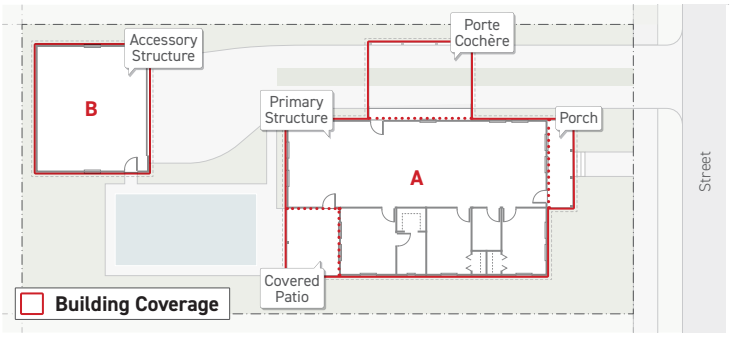
1. Building coverage standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, building coverage standards are calculated for each lot, not individual sublots.
3. Where a lot is part of a Unified Development Plan (UDP), building coverage may be calculated for each individual lot or across all lots in the UDP.

C. Standards

Buildings or covered structures on a lot are not permitted to have a cumulative area in excess of the maximum building coverage allowed by the zoning district.

D. Measurement

1. Building coverage is measured cumulatively for the lot.
2. Building coverage is measured by adding together the cumulative footprints of all buildings and permanent covered structures on a lot, then dividing by the total lot area.

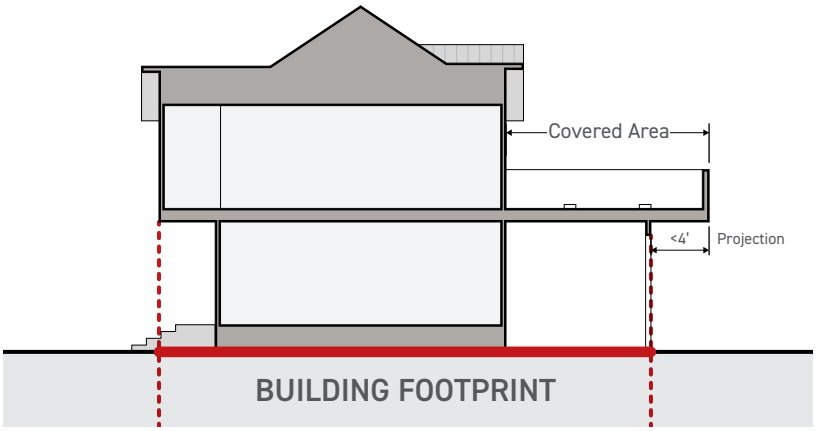


+ Building **A**	(Cumulative Building Footprint)
+ Building **B**	÷
	(Total Lot Area)
Cumulative Building Footprints	**Building Coverage**

3. See *Sec. XX. Lot Area* for the calculation of lot area.

E. Exceptions

1. Architectural details and roof projections, such as roof overhangs and balconies, that are less than 4 feet from the nearest wall, column, spanning beam, or other structural element carrying gravity loads, are not included in the calculation of building footprint.



2. Structures or portions of a structure 4 or less feet in height, measured from adjacent finished grade, and flatwork are not included in the calculation of building footprint.

3. Below-grade improvements, including basements, underground parking, and other fully subterranean structures, will not be counted toward building coverage.

F. Relief

1. An increase of up to 10% from the building coverage standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. An increase beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 3.4.2. **Lot Coverage**

The percentage of lot area that is covered by buildings, structures, and impervious area.

A. Intent

To ensure the amount of development, including all paved surfaces, on a lot is limited to manage stormwater runoff, mitigate the impact of extreme flooding events and improve the overall environmental health of residents.

B. Applicability

1. Lot coverage standards apply based on the requirements of the applicable zoning district and the proposed project activity.

2. Where sublots are permitted, lot coverage standards are calculated for each lot, not individual sublots.

3. Where a lot is part of a Unified Development Plan (UDP), lot coverage may be calculated for each individual lot or across all lots in the UDP.

#014

Posted by **Howard Katzman** on **02/18/2026** at **10:42am** [Comment ID: 1998] - Link
Question
Agree: 0, Disagree: 0
This looks like another loophole that could allow arbitrary changes to the zoning ordinance. Sec 9.5 provides no specificity on when and how this would be allowed.

> Reply by **SiteAdmin** on **02/19/2026** at **11:51am** [Comment ID: 2007] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Please see the response to your previous question about Sec. 9.5.

#015

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:53am** [Comment ID: 2178] - Link
Suggestion
Agree: 0, Disagree: 0
I don't agree that 10% change in Building Coverage should be allowed with an Administrative Modification in House and Neighborhood Scale properties (old R1-R5, RG etc.) It is not permitted in the current code and could really have a negative impact in these neighborhoods. Relief should continue to be granted through Variances.

> Reply by **SiteAdmin** on **03/09/2026** at **10:53am** [Comment ID: 2190] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please note that there is no building coverage requirement in the current code, except in commercial and mixed-use districts. Lot coverage is used instead.

#016

Posted by **Marie Acalin** on **04/04/2026** at **4:52pm** [Comment ID: 2514] - Link
Agree: 2, Disagree: 0
Relief should continue to be granted via variances throughout the individual neighborhood's zoning committee/NPU. Neighbors should continue to have a say in how their neighborhoods are developed. We already have a huge issue with overdeveloped lots and water runoff.

> Reply by **SiteAdmin** on **04/05/2026** at **1:11pm** [Comment ID: 2539] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

#017

Posted by **Jennifer Friese** on **01/10/2026** at **3:07pm** [Comment ID: 1828] - Link

Question

Agree: 0, Disagree: 0

What's a Unified Development Plan? Is it explained elsewhere in the code? Are there examples existing in Atlanta?

> Reply by **SiteAdmin** on **01/10/2026** at **8:28pm** [Comment ID: 1832] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This is an existing provision that calculates zoning compliance based on the overall site, not each individual lot within it. Examples would be Glenwood Park, Atlantic Station, Ponce City Market, or most other developments with more than one new building or lot.

C. Standards

A lot must have no more than the maximum lot coverage specified by the zoning district.

D. Measurement

1. Lot coverage is calculated by adding together the cumulative impervious area on a lot and dividing by the lot area.

2. For the purpose of calculating the cumulative impervious area, any portion of the lot covered by anything other than planted ground cover will be considered impervious. This includes, but is not limited to, the following:

   a. All buildings and structures;

   b. Artificial turf;

   c. Driveways roads and all parking areas;

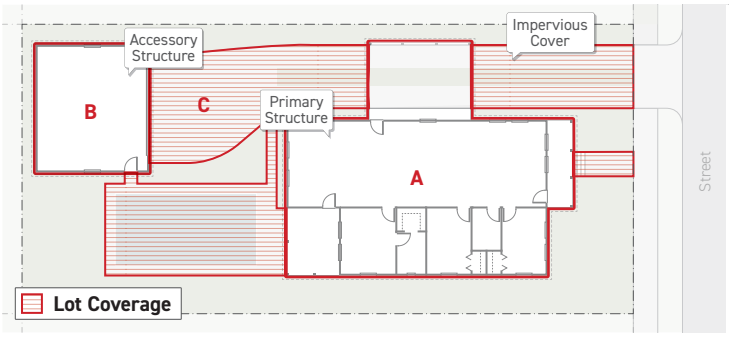
   d. Flatwork, including any kind of paver;

   Gravel;

   f. Mechanical equipment;

   g. Pools; and

   h. Impermeable materials covering natural land surfaces.



+ Building **A**
+ Building **B**
+ Impervious Cover **C**

Cumulative Impervious Area

(Cumulative Impervious Area)
÷
(Total Lot Area)

Lot Coverage

3. See *Sec. XX. Lot Area* for the calculation of lot area.

E. Relief

1. An increase of up to 10% from the lot coverage standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. An increase beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

#018

Posted by **Ben Valente** on **03/31/2026** at **9:32pm** [Comment ID: 2415] - Link

Question

Agree: 0, Disagree: 0

Seems weird to define the intent as focusing on stormwater but then include no nuance on things such as pervious pavement or gravel. Someone could install a gravel walkway through their backyard and then technically be foisted into non-conformity. Not to mention that we are in an age of increasing interest in blue/green infrastructure such as rain gardens, which can offset increased impervious area. What benefit is gained by the extremely rudimentary calculations conducted for this standard without any incentives for progressive stormwater management?

> Reply by **SiteAdmin** on **04/01/2026** at **2:59pm** [Comment ID: 2477] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Lot coverage is used for zoning compliance purposes and is intended to establish the percentage of a lot that must remain vegetated.
>
> Additionally, the City has not allowed partial lot coverage credit for several decades because it is difficult to enforce, particularly when property owners frequently pave over gravel and crushed stone driveways without permits.

#019

Posted by **Kathryn** on **02/18/2026** at **10:54am** [Comment ID: 2001] - Link

Suggestion

Agree: 2, Disagree: 0

More loopholes on lot coverage - there should be no criteria-less granting of increases in lot coverage. There should be no granting of increases in lot coverage, period. City of Atlanta already allows for lot coverage so high for R4 and smaller lot sizes that building out even to the existing lot coverage allowance creates a major impervious/stormwater crisis for the City, requiring millions of taxpayers dollars spent on stormwater mitigation, effectively transferring the cost of excessive impervious area/excessive stormwater from the builders/developers who increase impervious areas to taxpayers. This effectively creates a subsidy for those building un-affordable housing, and forces all taxpayers including legacy residents to pay to fix the problems of excessive impervious surface.

> Reply by **SiteAdmin** on **02/19/2026** at **11:38am** [Comment ID: 2004] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your feedback.

#020

Posted by **Kathryn** on **02/18/2026** at **11:02am** [Comment ID: 2002] - Link
Suggestion
Agree: 0, Disagree: 0
Section D.2.b and c: Not including gravel and artificial turf in pervious surface calculations is an excellent improvement to this section. Keep these clauses. Did you know? -- even lawn areas with short cropped grass without tree canopy allow 70% of stormwater to run off site - that's much closer to pavement than natural urban forest. Stormwater and associated costs to taxpayers is increasing public infrastructure crisis. Reducing impervious surface is critical to urban sustainability.

> Reply by **SiteAdmin** on **02/19/2026** at **11:37am** [Comment ID: 2003] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your feedback.

#021

Posted by **apstillman** on **12/30/2025** at **12:37pm** [Comment ID: 1785] - Link
Question
Agree: 1, Disagree: 0
Gravel used as a landscaping material (i.e. in lieu of mulch or pine straw) does not become compacted and remains pervious, unlike when it is used for a walkway or driveway. This can be very useful for landcaping on a steep slope. Could their be a clarificaiton/distinction added?

> Reply by **SiteAdmin** on **12/31/2025** at **8:16am** [Comment ID: 1806] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. We will clarify this.

#022

Posted by **Marie Acalin** on **04/04/2026** at **4:53pm** [Comment ID: 2515] - Link
Agree: 0, Disagree: 0
Relief should be done at the individual neighborhood level via variances

#023

Posted by **Michael Barnett** on **04/07/2026** at **7:20pm** [Comment ID: 2622] - Link
Question
Agree: 1, Disagree: 0
I'm not really sure I understand the logic of making a pool impervious. They are essentially basins that capture and hold water, limiting the amount of water run-off coming from a site. They also absorb heat and then release it slowly. That feels like it would be helpful for a heat island effect.

#024

Posted by **Glenda Krouse 1** on **03/17/2026** at **1:24pm** [Comment ID: 2271] - Link
Suggestion
Agree: 0, Disagree: 0
Gravel is sometimes used as a pervious surface for parking and should not count towards lot coverage.

> Reply by **SiteAdmin** on **03/18/2026** at **9:03am** [Comment ID: 2276] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Parking areas always count toward lot coverage, consistent with current practice.
>
> There are several reasons for this. First, lot coverage effectively defines the portion of a site that is not landscaped or natural open space. Even well-designed parking areas do not function as landscaped or natural areas.
>
> Second, the City's experience over the past 40 years has shown that "pervious" parking surfaces are often later paved; frequently without permits. For this reason as well, parking areas are consistently counted toward lot coverage..

#025

Posted by **CW** on **04/08/2026** at **5:25pm** [Comment ID: 2733] - Link
Suggestion
Agree: 0, Disagree: 0
I agree - pools are not currently counted as pervious and are self-containing. There is no reason to make the pool itself impervious when the patio surrounding it is.

> Reply by **SiteAdmin** on **04/09/2026** at **12:12pm** [Comment ID: 2782] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

#026

Posted by **Howard Katzman** on **02/18/2026** at **10:45am** [Comment ID: 1999] - Link
Question
Agree: 0, Disagree: 0
The devil is in the details here but there are no definitions in Sec 9.5. When will we see them?

> Reply by **SiteAdmin** on **02/19/2026** at **11:49am** [Comment ID: 2006] - Link
> *Answer*
> *Agree: 0, Disagree: 0*

Section 9.5 has been drafted and posted.

These update the current administrative variation criteria, which read:
(a) A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
(b) In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.

The link to the existing code is below. Whie it says SPI, the provisions have been expanded since this text was written in 1978 to apply to almost the entire city, except R1-R5, some C, and some RG, and some I distrits:
https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT16ZO_CH18SPSPPUINDIGEPR_S16-18.007PRVAREAPGESPDI

#027

Posted by **Kim 3** on **03/09/2026** at **6:48pm** [Comment ID: 2209] - Link
Suggestion
Agree: 2, Disagree: 0
I think that we do ourselves a disservice by redefining impervious area like this. Impervious area is a calculation done by Site Development for stormwater. Lot Coverage is a zoning decision. While there is confusion between the two terms, relabeling lot coverage to be impervious is going to add to the confusion. I recommend using a consistent term of lot coverage.

> Reply by **SiteAdmin** on **03/10/2026** at **10:21am** [Comment ID: 2224] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#028

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:54am** [Comment ID: 2179] - Link
Suggestion
Agree: 0, Disagree: 0
I don't agree that 10% change in Lot Coverage should be allowed with an Administrative Modification in House and Neighborhood Scale properties (old R1-R5, RG etc.) It is not permitted in the current code and could really have a negative impact in these neighborhoods. Relief should continue to be granted through Variances.

> Reply by **SiteAdmin** on **03/09/2026** at **10:51am** [Comment ID: 2189] - Link
> *Answer*

Agree: 0, Disagree: 0

Thank you for your suggestion.

Sec. 3.4.3. **Outdoor Amenity Space**

An area on a lot designated to be used for active or passive recreation and open space, calculated as a percentage of a total lot area.

A. Intent

1. To ensure adequate recreation and open space areas for occupants or the public, and to ensure such spaces are accessible, usable and safe.
2. To encourage projects to preserve trees and provide high-quality, pedestrian-oriented, and publicly accessible gathering spaces along streetscapes.

B. Applicability

1. Outdoor amenity space standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, outdoor amenity space standards are calculated for each lot, not individual sublots.
3. Where a lot is part of a Unified Development Plan (UDP), outdoor amenity space may be calculated for each individual lot or across all lots in the UDP.
4. No outdoor amenity space is required for the site if the outdoor amenity space calculation requires less than 300 square feet.

C. Standards

1. General

a. A lot must provide outdoor amenity space with a cumulative area of no less than the minimum percentage of outdoor amenity space specified by the zoning district.

b. Some zoning districts provide different requirements based on the size of the site. In these zoning districts, the size of the entire site, not individual lots, determines which standard must be met.

c. The outdoor amenity space requirement can be met through any of the following types of outdoor amenity spaces: 029

i. Common Amenity Space;

ii. Pedestrian Amenity Space;

iii. Tree Preservation Amenity Space; or

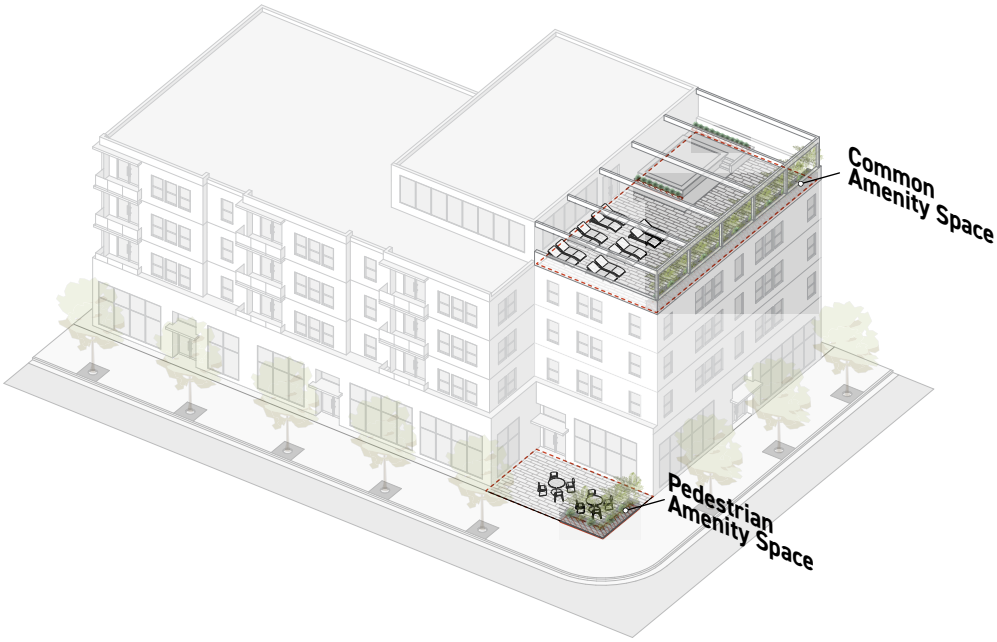
iv. Green Roof Amenity Space.

d. The outdoor amenity spaces must meet all general standards and the specific standards according to the type.

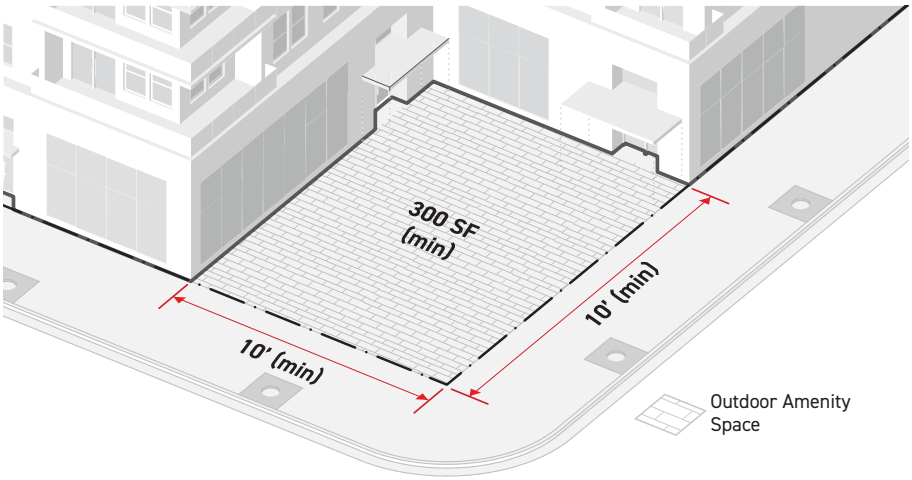
#029

Posted by **Elizabeth Hollister** on **04/08/2026** at **9:29pm** [Comment ID: 2753] - Link
Suggestion
Agree: 0, Disagree: 0
Please clarify whether required streetscapes count towards meeting outdoor amenity space.

> Reply by **SiteAdmin** on **04/09/2026** at **11:38am** [Comment ID: 2763] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> They do not. We will clarify this.



e. Each outdoor amenity space must have a minimum area of 300 square feet, and n 030 horizontal dimension of less than 10 feet, measured perpendicular to any boundary of the space.



f. No portion of an outdoor amenity space can have a clear height of less than 7.5 feet.

#030

Posted by **Elizabeth Hollister** on **04/08/2026** at **9:27pm** [Comment ID: 2752] - Link

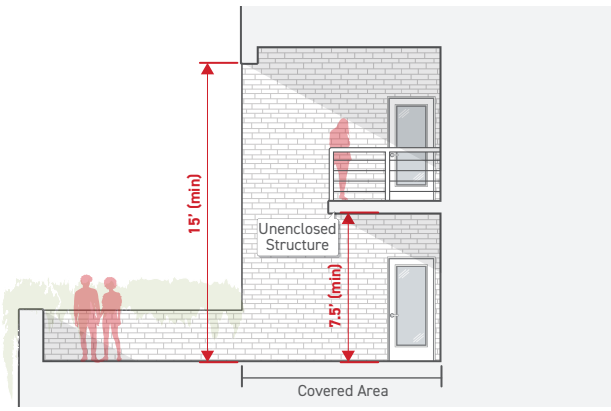
Suggestion

Agree: 0, Disagree: 0

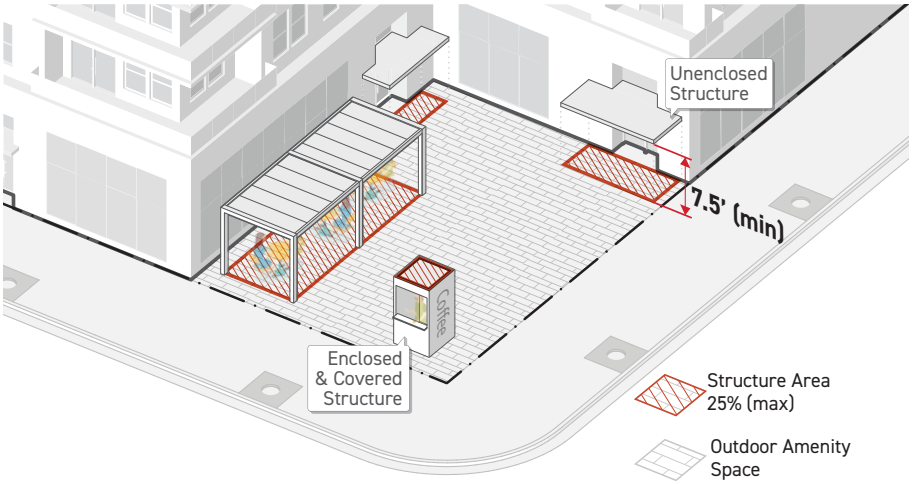
We would request that pedestrian oriented improvements within the net lot area, regardless of width and dimension, count towards meeting outdoor amenity space.

> Reply by **SiteAdmin** on **04/09/2026** at **11:41am** [Comment ID: 2764] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> The ability of a space to function as a meaningful amenity is severely limited when it is less than 10 feet in width.
>
> Please note that most existing zoning districts currently require significantly more open space and public space than what is proposed. While the overall quantity required has been reduced, the standards for what qualifies toward this requirement have been strengthened to ensure that these spaces are truly usable.

g. An outdoor amenity space that is fully covered must have a minimum clear height of 15 feet.



h. Fully enclosed or covered accessory structures are permitted within an outdoor amenity space provided they cover a cumulative area no greater than 25% of the outdoor amenity space in which they are located.



i. Any area with above grade mechanical and utility equipment may not be counted towards outdoor amenity space.

j. Pools, ponds, amenitized stormwater facilities, and other water features, in whole or in part, may count toward the outdoor amenity space requirement, however, these features may only be used to satisfy a maximum of 20% of the total outdoor amenity space required.

2. Common Amenity Space

Type of Outdoor Amenity Space generally reserved for use by building occupants and may not be accessible to the public. Examples include roof decks, pool amenity areas, pet walks, and private courtyards.

In addition to the general standards for outdoor amenity space, common amenity spaces must meet the following requirements:

a. Each square foot of common amenity space provided counts as 1 square foot of required outdoor amenity space.

b. Common amenity space must be made available to all occupants of a building, at no additional cost, during the hours of operation of the building. The space may not be permanently reserved or in any way exclude any tenant or their guests during normal operating hours for the building.

c. Building facades that directly abut a common amenity space must provide a minimum of 15% glazing on each abutting story.

d. Common amenity space may not be located in a required transition setback based on the requirements of *Sec. XX. Transitions*.

e. A minimum of 20% of the total area of an at-grade common amenity space must be planted with trees, shrubs, or other approved plant materials meeting the requirements of *Sec. XX. Plants and Plant Material*.

f. Vegetation must be properly maintained in accordance with *Sec. XX. Plants and Plant Materials*, including irrigation and replacement of dead or dying plants as needed.

3. Pedestrian Amenity Space

Type of Outdoor Amenity Space that is publicly accessible and located in close proximity to the sidewalk. Examples include patios and plazas.

In addition to the general standards for outdoor amenity space, pedestrian amenity spaces must meet the following requirements:

a. Each square foot of pedestrian amenity space provided counts as 2 square feet of required outdoor amenity space.

b. Pedestrian amenity space must abut and be directly accessible from the sidewalk along the street. Pedestrian amenity space may not be separated from the sidewalk by any structure for more than 50% of the width of the pedestrian amenity space, with the exception of a wall or fence 42 inches in height or the maximum height specified by the zoning district, whichever is less. The allowed wall or fence must provide openings for pedestrian access at least once every 35 feet.

c. A minimum of 25% of the total area of a pedestrian amenity space must be planted with trees, shrubs, or other approved plant materials meeting the requirements of *Sec. XX. Plants and Plant Material*.

d. Vegetation must be properly maintained in accordance with *Sec. XX. Plants and Plant Materials*, including irrigation and replacement of dead or dying plants as needed.

e. The finished floor or ground surface of a pedestrian amenity space must be located either at the same grade as the pedestrian zone (see *Sec. XX. Streetscape*), or within the ground story elevation minimums and maximums specified by the zoning district (see *Sec. XX. Ground Story Elevation*).

f. Where a pedestrian amenity space is connected to a primary or side street, all building facades facing the pedestrian amenity space must meet the windows and doors (*Sec. XX. Windows and Doors*) standards required by the zoning district for primary streets.

#031

Posted by **Ben Valente** on **03/31/2026** at **9:48pm** [Comment ID: 2420] - Link
Suggestion
Agree: 0, Disagree: 0
Recommendation to include a planting requirement for common amenity spaces not at grade, obviously lesser than the green roof requirement. A pool deck or elevated amenity space should provide greenery. Alternatively, a general shading requirement could be included if the intent is to ameliorate heat stress. UHI in amenity areas will grow as a problem as climate change worsens.

> Reply by **SiteAdmin** on **04/01/2026** at **2:35pm** [Comment ID: 2473] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#032

Posted by **Ben Valente** on **03/31/2026** at **9:42pm** [Comment ID: 2418] - Link
Question
Agree: 0, Disagree: 0
Why only specified for this type of amenity space?

> Reply by **SiteAdmin** on **04/01/2026** at **2:39pm** [Comment ID: 2474] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Because some types, including tree preservation, are appropriate there.

> > Reply by **Ben Valente** on **04/02/2026** at **1:10pm** [Comment ID: 2491] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > Could green space within a transition setback not help meet the vegetation requirement of common amenity space?

> > > Reply by **SiteAdmin** on **04/03/2026** at **1:04pm** [Comment ID: 2492] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Common amenity space is generally not exclusively "green space." Green space would fall into the category of Pedestrian Amenity Space or Tree Protection Amenity Space and could be in the transition, provide it was used to meet a landscaping requirement. Transitions are intended to provide a visual and noise screen and are not generally intended for active uses.

#033

Posted by **Ben Valente** on **03/31/2026** at **9:40pm** [Comment ID: 2417] - Link
Suggestion
Agree: 0, Disagree: 0
Recommend requirement for pedestrian amenity space to be ADA-accessible - this may not be fully met through other requirements.

> Reply by **SiteAdmin** on **04/01/2026** at **2:40pm** [Comment ID: 2475] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for the suggestion.

#034

Posted by **Ben Valente** on **03/31/2026** at **9:36pm** [Comment ID: 2416] - Link
Suggestion
Agree: 0, Disagree: 0
Occupant or tenant? Request to clarify - if I walk into a random building, am I considered an occupant?

> Reply by **SiteAdmin** on **04/01/2026** at **2:42pm** [Comment ID: 2476] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The City cannot require private property owners to permit public access. As such, this would be limited to any legally authorized building uses, be it a resident, tenant, customer, guest, etc.

g. Where a pedestrian amenity space is connected to a storefront street, all building facades facing the pedestrian amenity space must meet the windows and doors (*Sec. XX. Windows and Doors*) standards required by the zoning district for storefront streets.

4. Tree Preservation Amenity Space

Type of Outdoor Amenity Space for the preservation of healthy, significant trees and is publicly accessible.

In addition to the general standards for outdoor amenity space, tree preservation amenity spaces must meet the following requirements:

a. Each square foot of tree preservation amenity space provided counts as 2.5 square feet of required outdoor amenity space.

b. To qualify for tree preservation amenity space, a significant tree in fair or better condition at least 20 inches DBH in size, as determined by the Arborist, and the existing soils must be preserved.

c. A pedestrian walkway between the sidewalk and the tree preservation amenity space must be provided.

d. A pedestrian walkway between the tree preservation amenity space and a building entry must be provided.

e. Building facades abutting tree preservation amenity space must have a minimum transparency of 15% for each story.

5. Green Roof Amenity Space

Type of Outdoor Amenity Space located on the roof of a building, where the roof is partially or entirely covered with vegetation.

In addition to the general standards for outdoor amenity spaces, green roof amenity spaces must comply with the following requirements:

035

a. The green roof must be accessible to building occupants at no additional cost during the building's hours of operation.

b. The space may not be permanently reserved, restricted, or otherwise made unavailable to building occupants or their guests during the required access period.

c. A minimum of 50% of the total roof area designated as green roof amenity space must be planted with trees, shrubs, or other approved plant materials.

d. Vegetation must be properly maintained in accordance with *Sec. XX. Plants and Plant Materials*, including irrigation and replacement of dead or dying plants as needed.

e. The green roof must include functional amenities such as seating, shade structures, or pedestrian paths to encourage regular use.

#035

Posted by **Ben Valente** on **03/31/2026** at **9:44pm** [Comment ID: 2419] - Link

Suggestion

Agree: 1, Disagree: 0

Specify the SF multiplier, e.g., 1 square foot equals 1 square foot, as given for the other types

D. Measurement

1. The minimum required outdoor amenity space is calculated by multiplying the total lot area by the minimum outdoor amenity space percentage specified by the zoning district.

2. See *Sec. XX. Lot Area* for the calculation of lot area.

E. Relief

1. A reduction of up to 10% from the outdoor amenity space standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

036 A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

#036

Posted by **Ben Valente** on **03/31/2026** at **9:50pm** [Comment ID: 2421] - Link

Question

Agree: 0, Disagree: 0

Why so lenient? What types of hardships do you predict this section to impose that you would need to allow a 30% reduction via administrative variation?

> Reply by **SiteAdmin** on **04/01/2026** at **2:33pm** [Comment ID: 2472] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Today, 100% relief is possible in many cases, so 30% is a reduction.
>
> A typical example would be where requiring the full width (which is almost all on private property) would result in a loss of mature trees, or where there is steep topography, or where there are water/sewer utilities that cannot be moved.

DIVISION 3.5. **STREETSCAPE**

Sec. 3.5.1. **Amenity Zone and Pedestrian Zone**

Portion of the public realm that includes sidewalks, street furniture, and street trees.

A. Intent

To improve the safety of all transportation users, and to create a connective network that promotes an active public realm and the use of various modes of transportation by creating safe and convenient facilities.

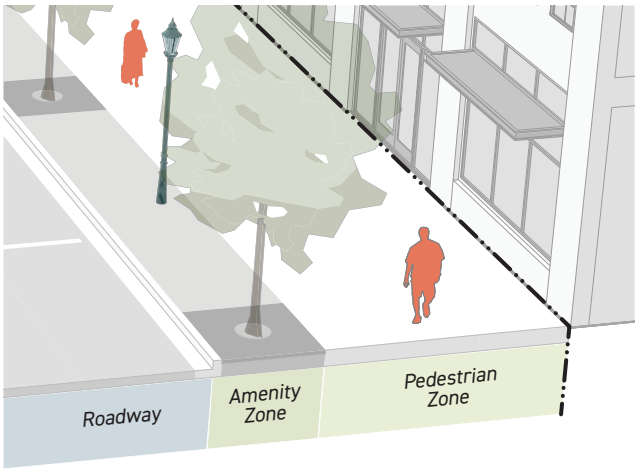
B. Applicability

1. Amenity and pedestrian zone standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. For additions, amenity and pedestrian zone standards apply only when more than 50% of the existing floor area is added or when the addition exceeds 5,000 square feet.
3. For site modifications, amenity and pedestrian zone standards apply only when the project adds or alters the streetscape.

C. Standards

1. General

a. Streetscapes consist of an amenity zone and pedestrian zone.



b. Continuous streetscapes must be provided along all existing and future streets abutting the lot.

c. The minimum streetscape requirement is determined by the street type according to the Street Type Map (*Appendix X*), in accordance with the following table. For streets classified as Major or Local, the minimum requirement is v037s based on the zoning district of the abutting lot. For streets classified as any Special street, the minimum requirement is the same regardless of the zoning district.

#037

Posted by **Redowan Kaushik** on **03/03/2026** at **9:53am** [Comment ID: 2127] - Link

Agree: 0, Disagree: 0

Minimum requirement varies*

Street Type	Width (min) Amenity Zone	Pedestrian Zone	Total
Major			
House-Scale (H-) districts	None	None	None
Neighborhood-Scale (N-) districts, except N6A and N6B	039	5′	8′
All other districts	5′	10′	15′
Local			
038 House-Scale (H-) districts	None	None	None
Neighborhood-Scale (N-) districts, except N6A and N6B	3′	5′	8′
All other districts	5′	6′	11′
Special			
Special A	3′	5′	8′
Special B	5′	6′	11′
Special C	5′	10′	15′
Special D	7′	10′	17′
Special E	7′	13′	20′
Special F	5′	15′	20′
Special G	Match existing	Match existing	Match existing

d. Where an official City project uses an alternative streetscape design, the streetscape must conform to the design found in the official City project instead of the standards of this Section, subject to the approval of the Atlanta Department of Transportation. Any standards in this Section that do not conflict with the official City project will apply.

e. Where the existing right-of-way is wider than the width needed to accommodate the roadway and required streetscape, the Director may determine a wider amenity zone or pedestrian zone is required.

f. Where the existing right-of-way is too narrow to accommodate the roadway and required streetscape, the Director may determine that additional right-of-way must be dedicated or put into an easement to facilitate the required streetscape improvements.

g. Streetscapes must comply with applicable engineering and construction details in the *Streets Atlanta: A Design Manual for Multimodal Streets*, *City of Atlanta Public Right-of-Way Manual*, and *Article II - Tree Protection*.

2. Amenity Zone

The area between the street curb and the pedestrian zone that generally includes street trees, landscaping, street furniture, and utilities.

In addition to the general standards for streetscapes, amenity zones must meet the following requirements:

a. A continuous amenity zone must be provided along all existing and future streets.

b. The amenity zone must be located between the back of curb and the pedestrian zone.

#038

Posted by **Matthew 1** on **04/07/2026** at **12:21am** [Comment ID: 2572] - Link
Suggestion
Agree: 0, Disagree: 0
The streetscape standards are too weak where House-Scale districts allow no amenity zone or pedestrian zone on major and local streets. I recommend requiring at least a basic sidewalk and street-tree zone citywide so safe walking access is treated as baseline infrastructure, not optional.

> Reply by **SiteAdmin** on **04/07/2026** at **11:21am** [Comment ID: 2597] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will take this into consideration.
>
> A previous proposal to require sidewalks in R1 through R3 districts (e.g., House-Scale) was met with strong opposition due to topography, landscaping, and right-of-way constraints in these areas.
>
> > Reply by **Matthew** on **04/07/2026** at **4:46pm** [Comment ID: 2611] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > Site constraints are a reason for case-by-case relief, not a reason to exempt entire districts from sidewalks. The draft already has flexibility tools for narrow right-of-way, tree preservation, and existing conditions, so it should require a basic pedestrian zone in R1-R3 rather than making no sidewalk the default.
> >
> > > Reply by **SiteAdmin** on **04/08/2026** at **9:03am** [Comment ID: 2672] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your suggestion and for taking the time to review the draft. It is appreciated.

#039

Posted by **Ben Valente** on **03/31/2026** at **9:53pm** [Comment ID: 2422] - Link
Question
Agree: 0, Disagree: 0
Do 3' wide tree pits allow for the desired mature growth of the street trees required/desired on these streets? Wider, connected planting areas will increase the size and health of trees.

> Reply by **SiteAdmin** on **04/01/2026** at **2:31pm** [Comment ID: 2471] - Link
> *Answer*
> *Agree: 0, Disagree: 0*

Generally, yes. We have coordinated this increase (from 2' to 3') with the Arborist Division and the Tree Protection Ordinance.

c. The width of the amenity zone must, at a minimum, meet the width specified by the street classification on the Street Type Map.

d. Street trees are required in the amenity zone and must meet the following standards:

   i. Street trees must be canopy trees. When street trees conflict with overhead utility lines, the Director may determine understory trees are permitted.

   ii. When buried utility vaults, viaduct streets, or similar site conditions make street tree planting impractical or unreasonable, the Director may modify the requirement.

   iii. Street trees must be planted in the amenity zone every 30 feet on center, on average. Tree spacing may vary to accommodate driveways, utilities, and other potential conflicts, provided no street tree is planted closer than 15 feet from another street tree.

   iv. All required street trees and their planting areas must comply with *Sec. XX. Plants and Plant Material* and *City of Atlanta Code of Ordinances, Article II - Tree Protection*, including allowed species and minimum planting size.

   v. All street trees along a block face must be of the same genus, though different species or varieties are allowed.

   vi. Street tree planting areas must have a minimum length of 8 feet and a minimum soil depth of 3 feet. Soils may not be compacted and the surface area must be 043 vious.

e. Pedestrian and street lights, where installed, must be placed a maximum of 60 feet on center and spaced equal distance between required trees along all streets.

f. For sites 1 acre or greater in area, a bus shelter must be provided in the amenity zone or front yard for any existing bus stop adjacent to the site. The design and location of the bus shelter must be approved by the Director.

g. A reasonable e 042 t must be made to place utilities underground or to the rear of structures where they are least visible from streets and pedestrian zones.

h. 041 following encroachments are permitted in the amenity zone subject to City approval:

   i. Bus shelters, benches, trash receptacles, bicycle racks, newspaper boxes, and residential mailboxes.

   ii. Utility boxes, meters, manhole covers, regulatory signs, and fire suppression equipment.

   iii. Pedestrian lighting.

   iv. Landscaping, sidewalks, trees, and planters.

   v. Outdoor dining, in accordance with *Sec. XX. Existing Streetscapes.*

040

#040

Posted by **Ben Valente** on **03/31/2026** at **9:57pm** [Comment ID: 2425] - Link
Suggestion
Agree: 0, Disagree: 0
Parking meters, EV charging kiosks?

> Reply by **SiteAdmin** on **04/01/2026** at **2:24pm** [Comment ID: 2469] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

#041

Posted by **Ben Valente** on **03/31/2026** at **9:57pm** [Comment ID: 2424] - Link
Suggestion
Agree: 0, Disagree: 0
Water fountains?

#042

Posted by **Redowan Kaushik** on **03/03/2026** at **9:59am** [Comment ID: 2128] - Link
Agree: 1, Disagree: 0
What would fall under reasonable effort? DRCs have a lot of disagreement with applicants on burying utility lines (power poles) on sidewalk level. Is there a way to specify this?

> Reply by **SiteAdmin** on **03/03/2026** at **6:14pm** [Comment ID: 2152] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Great question. We will discuss this with legal counsel.

#043

Posted by **Ben Valente** on **03/31/2026** at **9:55pm** [Comment ID: 2423] - Link
Question
Agree: 0, Disagree: 0
Is this using the same definition of pervious as for lot coverage calculations?

> Reply by **SiteAdmin** on **04/01/2026** at **2:30pm** [Comment ID: 2470] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes, along with the stormwater ordinance.

3. Pedestrian Zone

The area between the amenity zone and front or side street yard that generally includes sidewalks.

In addition to the general standards for streetscapes, pedestrian zones must meet the following requirements:

a. A clear, direct, continuous, and paved pedestrian zone consisting of a sidewalk must be provided along all existing and future streets.

b. Pedestrian zones must be separated from automobile travel lanes and street parking by an amenity zone.

c. The width of the pedestrian zone must, at a minimum, meet the width specified by the street classification on the Street Type Map.

d. The pedestrian zone must be continuous across any alley or driveway providing vehicle access to a lot.

e. The pedestrian zone must remain clear of obstacles for the minimum specified width at all times and must be constructed to comply with all City and ADA specifications.

f. Utility poles, street lights, and above-ground utilities may not be located in a pedestrian zone unless an alternative location is not feasible, as determined by the Director.

D. Existing Streetscapes

1. All Zoning Districts

Where existing streetscapes are determined to be in good condition by the Director, they may be used to comply with amenity zone and pedestrian zone requirements provided they comply with the streetscape standards of this Section.

2. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

a. Where the predominant patterns of existing streetscapes conflict with the requirements of this Section, the Director may allow for streetscapes to be constructed to match existing amenity zone and pedestrian zones configurations found on adjacent lots, provided the existing streetscape patterns meet or exceed the intent of the specified design standards.

b. Where the lot abuts an existing street and the adjacent lots on either side of the project does not have an existing streetscape, the Director may allow the project developer to contribute to a streetscape fund, maintained and administered by the City, in an amount equivalent to the cost of construction of the streetscape.

3. Urban Core (UC-) Form Districts and Legacy Districts

In Urban Core (UC) Form Districts and where allowed in Legacy Districts, the Director may authorize outdoor dining areas to encroach into the pedestrian zone, provided a minimum clear pedestrian pathway of 6 feet is maintained at all times, in accordance with the fencing and public right-of-way requirements in *Chapter 138, Article VIII*.

E. Measurement

1. Amenity Zone

The required amenity zone width is measured parallel from the back of curb toward the street lot line.

2. Pedestrian Zone

The required amenity zone width is measured parallel from the amenity space toward the street lot line.

F. Relief

1. A reduction of up to 10% from streetscape standards may be granted in accordance with *Sec. 9.5. Administrative Modification*. 045
2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*. 044
3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

#044

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:57am** [Comment ID: 2181] - Link
Suggestion
Agree: 0, Disagree: 0
Maybe a 10% could be allowed with a Admin Mod and everything over that should be a Variance.

#045

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:56am** [Comment ID: 2180] - Link
Suggestion
Agree: 0, Disagree: 0
I don't agree that a 10% Admin Mod should be allowed with streetscape standards - this could negate those standards all together.

> Reply by **SiteAdmin** on **03/09/2026** at **10:51am** [Comment ID: 2188] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> Today, streetscape requirements in all districts (including R districts) may be completely waived by the Director. This is why many new houses are built without replacing the streetscape. The proposed code limits this relief but maintains the ability to grant some flexibility because streetscape installation is often affected by conditions beyond the applicant’s control, such as utilities, existing trees, topography, and existing structures.

Sec. 3.5.2. Front and Side Street Yard Landscaping

Landscaping in the area between a street-facing facade and the pedestrian zone for certain development types.

A. Intent

To provide open areas on a lot and help reduce the impact of certain uses along pedestrian zones.

B. Applicability

1. Front and side yard street landscaping standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where the zoning district regulates front and side street yard landscaping differently based on use, the following standards apply:
    a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.
    b. For nonresidential uses or any use abutting storefront streets, the nonresidential / storefront standards apply.

C. Standards

1. Where required by the zoning district, the front yard or side street yard must be landscaped with plantings meeting the requirements of *Sec. XX. Plants and Plant Material*.
2. Where landscaping is required, street-facing entries (*Sec. XX. Street-Facing Entry*), pedestrian walkways (*Sec. XX. Pedestrian Access*), and small patios are allowed in front and side street yards.

D. Relief

1. Relief for existing conditions along the same block face, may be granted in accordance with *Sec. 9.5. Administrative Variation*.

DIVISION 3.6. **BUILDING SETBACKS**

Sec. 3.6.1. **Setbacks**

The area on a lot not intended for buildings and other permanent structures.

A. Intent

To provide open areas on a lot and help reduce the impact of buildings or permanent structures on abutting sidewalks and neighboring development and to reflect the character of the prevailing setback pattern.

B. Applicability

1. The building setback standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, setback standards are apply to the perimeter of each lot, not individual sublots.
3. Where a lot is part of a Unified Development Plan (UDP), building setbacks may be calculated for each individual lot or across all lots in the UDP.
4. Where a building setback is required according to *Sec. XX. Transitions*, the most stringent building setback applies.
5. In House-Scale (H-) and Neighborhood-Scale (N-) districts, for through lots, the Director may determine which setback applies to each street lot line. The Director will consider the following criteria to decide whether the requirement applies:
   a. The proposed number and arrangement of buildings on the lot to determine if meeting the build-to width requirement is practical for all street lot lines; and
   b. The prevailing pattern of development on the surrounding parcels to determine where the requirement does not apply.

C. Standards

1. General

a. Building setbacks include the following types:
   i. Primary street setback;
   ii. Storefront street setback;
   iii. Side street setback;
   iv. Side setback; and
   v. Rear setback.

b. All buildings and permanent structures on a lot must be located at or behind the minimum building setbacks specified by the zoning district, unless listed as an exception below.

#046

Posted by **Kim 4** on **03/13/2026** at **7:21pm** [Comment ID: 2252] - Link

Question

Agree: 0, Disagree: 0

Can you please clarify what this means? I thought that the Comprehensive Development Plan was also referred to as the Unified Development Plan.

> Reply by **SiteAdmin** on **03/14/2026** at **9:20am** [Comment ID: 2255] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> A Unified Development Plan is an existing zoning provision that allows larger developments that will be eventually subdivided into multiple lots to calculate density, setbacks, open space, use, parking, etc. based on the overall development site - not each lot within it. Examples include Atlantic Station, Glenwood Park, and Ponce City Market.

#047

Posted by **GLORIA** on **04/01/2026** at **8:35am** [Comment ID: 2440] - Link

Suggestion

Agree: 0, Disagree: 0

There have been a number of situations where homes on corner lots have been redesigned to put the front entry on the side street--a practice that reduces the front setback to no more than half the setback that would otherwise be required and sometimes considerably less, depending on the historic setback line of the homes on the side street. We would suggest 1) that homeowners not be allowed to change the front entry to the side street unless they comply with the front setback rules applicable to the street where the new entry fronts, and 2) that corner properties where the front entry as been repositioned to the side street not be used for calculating front setback ranges.

c. Some zoning districts have maximum street setbacks in addition to minimum setbacks. In these districts, for a certain portion of the lot, buildings must be located in the area between the required minimum and maximum setbacks, also known as the build-to zone. For requirements related to build-to zones, see *Sec. XX. Build-To Width*.

d. Where both individual and cumulative side setback requirements apply, each side yard must comply with the minimum individual setback, and the sum of both side yards must equal or exceed the required cumulative side setback.

Example. If a district requires a minimum side setback of 3 feet and a minimum cumulative side setback of 10 feet, one side yard may be 3 feet and the other 7 feet, as long as the total equals at least 10 feet.

2. Established Setback Range

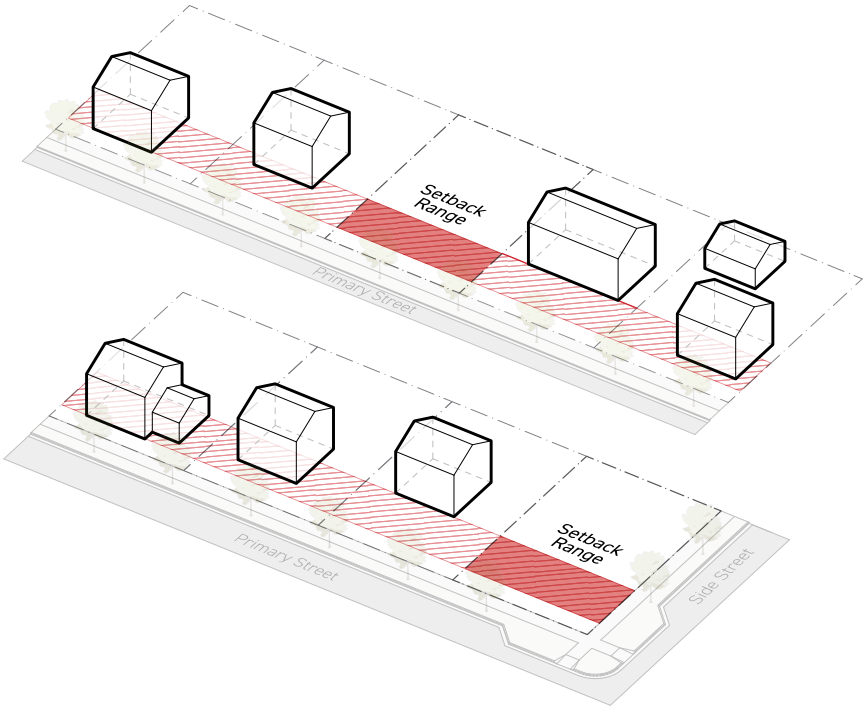
a. Required Setback Range

When the zoning district specifies a street setback as "Existing Range," the minimum and maximum primary street setbacks must be modified as follows:

i. The required primary street setback must be met within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.

ii. On an interior lot, the setback range is determined by the 2 closest existing lots in either direction along the block face.

iii. On a corner lot, the setback range is determined by the 3 closest existing lots along the block face.



#048

Posted by **Kim 3** on **03/09/2026** at **6:56pm** [Comment ID: 2210] - Link
Question
Agree: 0, Disagree: 0
Please confirm that for corner lots will only influence the front yard setback range for their primary street. The side street will be someone else's primary street and shouldn't influence the setback range, right?

#049

Posted by **GLORIA** on **04/01/2026** at **10:29am** [Comment ID: 2445] - Link
Suggestion
Agree: 0, Disagree: 0
We would urge that a provision be added to exclude corner lots from "existing range" calculations in cases where the homes have been redesigned to move the front door to what was originally the side street. Such half-depth side yards masquerading as front yards are not appropriately included in such calculations and will produce anomalous results.

> Reply by **SiteAdmin** on **04/01/2026** at **1:37pm** [Comment ID: 2451] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your thoughtful suggestion.
>
> We will likely be updating the definition of "primary street" for this and other reasons in the next version.
>
> > Reply by **GLORIA** on **04/07/2026** at **9:29pm** [Comment ID: 2633] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > Thank you for that. Please also consider prohibiting the practice of moving the front door to the side street where the front setback would be nonconforming. It not only trashes the historic setback line on the side street, it also establishes a precedent for setback variances for nearby properties.
> >
> > > Reply by **SiteAdmin** on **04/08/2026** at **8:45am** [Comment ID: 2664] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your comment.
> > >
> > > The relocation of a door does not change the designation of "front" or "side."

#050

Posted by **GLORIA** on **04/01/2026** at **10:21am** [Comment ID: 2444] - Link
Suggestion
Agree: 0, Disagree: 0
The house-scale tables in Chapter 2 actually allow a developer to choose between existing range and the current minimum standard--which, to my mind, defeats the purpose of establishing a setback range. Again, we ask that the default to the existing standard be removed.

> Reply by **SiteAdmin** on **04/01/2026** at **1:41pm** [Comment ID: 2453] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The intent is that the "existing range" must be used unless the block is new or completely vacant today.

> > Reply by **GLORIA** on **04/07/2026** at **9:32pm** [Comment ID: 2635] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > Could you please spell that out clearly? As written, it appears to give an applicant the choice. It's not in anybody's interest to have to litigate that intent.

> > > Reply by **SiteAdmin** on **04/08/2026** at **8:52am** [Comment ID: 2668] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > We agree.
> > >
> > > The text reads, "must be modified," which suggestions that it is no optional, but we will add further clarification.

#051

Posted by **GLORIA** on **04/01/2026** at **10:36am** [Comment ID: 2446] - Link
Suggestion
Agree: 0, Disagree: 0
We would also urge you to exclude other clearly anomalous setbacks, such as those on nonconforming lots, regardless if subject to variance, and any other setbacks that for whatever reason are less than the minimum standard or are significantly different from the other homes on the block.

> Reply by **SiteAdmin** on **04/01/2026** at **1:40pm** [Comment ID: 2452] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

> > Reply by **GLORIA** on **04/07/2026** at **9:51pm** [Comment ID: 2643] - Link
> > *Suggestion*

Agree: 0, Disagree: 0

I would specifically urge that setbacks that have been reduced by variance be excluded from calculation of the existing range. By definition such reduced setbacks are set because of "unnecessary hardship"--which is, by definition, unique to that particular lot. Such unique conditions for one lot should not be used to lower the setback standards for the rest of the street.

Reply by **SiteAdmin** on **04/08/2026** at **9:02am** [Comment ID: 2671] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#052

Posted by **GLORIA** on **04/01/2026** at **10:42am** [Comment ID: 2447] - Link

Suggestion

Agree: 0, Disagree: 0

Please consider a provision for preservation of the original setback line (or something close to it) where a historic home or a contributing structure in a National Register-listed neighborhood is destroyed for any reason.

Reply by **SiteAdmin** on **04/01/2026** at **1:35pm** [Comment ID: 2450] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

Many of the Neighborhood-Scale districts require setback averaging, which we expect will achieve this outcome. These districts reference the “existing range,” which applies in both designated National Register districts and non-designated areas.

iv. If any lot included in the setback range calculation is vacant or does not contain a dwelling unit on the 053 nt half of the lot, that lot ca 054 e excluded from the calculation, and the next adjacent lot with an existing building may be used to determine the setback range.

v. If the Director determines the existing setback range cannot be adequately determined, the setbacks specified for the zoning district must be met.

b. Urban General Form Districts

In Urban General Form Districts, if a lot is on a street with an established setback range that results in a deeper front setback, the applicant may choose to conform to that range rather than the minimum and maximum building setbacks specified for the zoning district.

3. Tree Preservation

a. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, minimum and maximum setbacks may be increased or decreased by up to 50% with the approval of the Director where the City Arborist determines the adjustment is necessary to preserve trees in fair or better condition and their existing soils.

b. The Director may apply conditions to this adjustment to ensure the continued health of the trees, including mandatory replacement requirements if the tree health were to fail.

c. If a required tree is removed, it must be replaced within 9 months in the same location or within 10 feet of the original location, using a tree of the same or larger species and size.

D. Measurement

1. All building setbacks are measured perpendicular to the applicable lot line. Where a street lot line abuts an access easement, such as a streetscape, the setback may be measured from the interior edge of the access easement rather than the lot line.

2. All building setbacks are measured perpendicular to the applicable lot line. For street setbacks, the Director may determine whether the setback is measured from the lot line or from the interior edge of an access easement, such as a streetscape, when such an easement abuts the street lot line.

#053

Posted by **GLORIA** on **04/01/2026** at **9:12am** [Comment ID: 2442] - Link

Suggestion

Agree: 0, Disagree: 0

In neighborhoods such as Tuxedo Park--where the historic lot design is for exceptionally deep lots--many (if not most) homes will be set back halfway or more. Requiring that lots with such deeply set homes
be excluded from range calculations would destroy historic setback lines in such neighborhoods. We would suggest that this provision be deleted, and that homes with deep setbacks be removed from range calculations only where they are clearly anomalous.

> Reply by **SiteAdmin** on **04/01/2026** at **1:44pm** [Comment ID: 2455] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Hi. Great point. Thanks!

#054

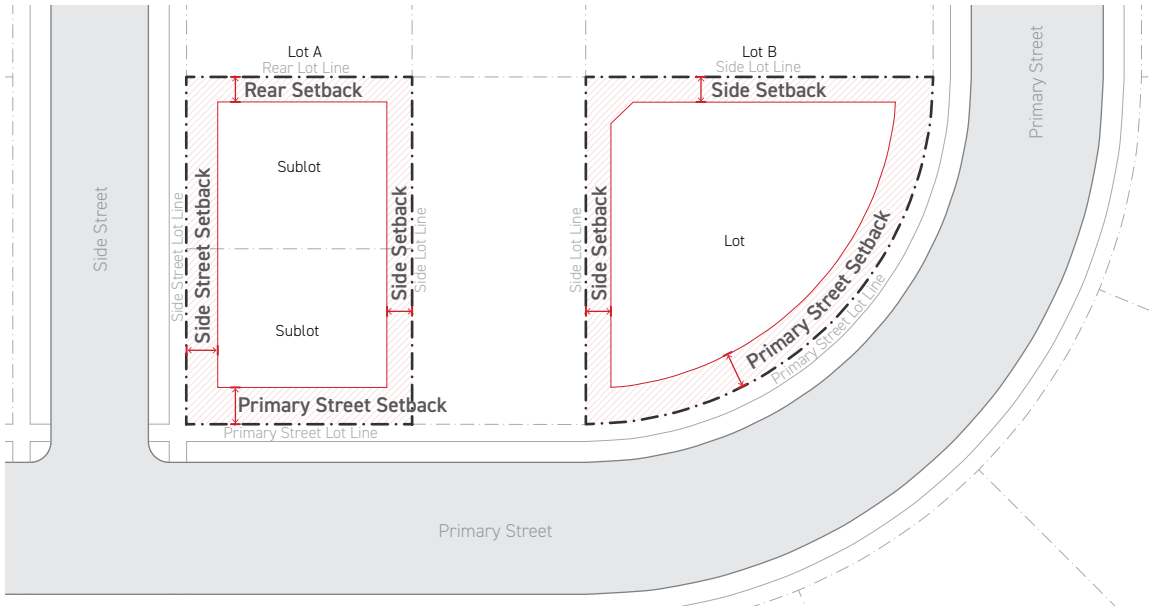
Posted by **GLORIA** on **04/01/2026** at **8:41am** [Comment ID: 2441] - Link

Question

Agree: 0, Disagree: 0

Why should whether a home is temporarily vacant or not impact whether or not its setback should be used in the determination of the range of setbacks on the street?

> Reply by **SiteAdmin** on **04/01/2026** at **1:48pm** [Comment ID: 2456] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> We will change to "undeveloped."



3. Primary street setback is measured inward from the primary street lot line.

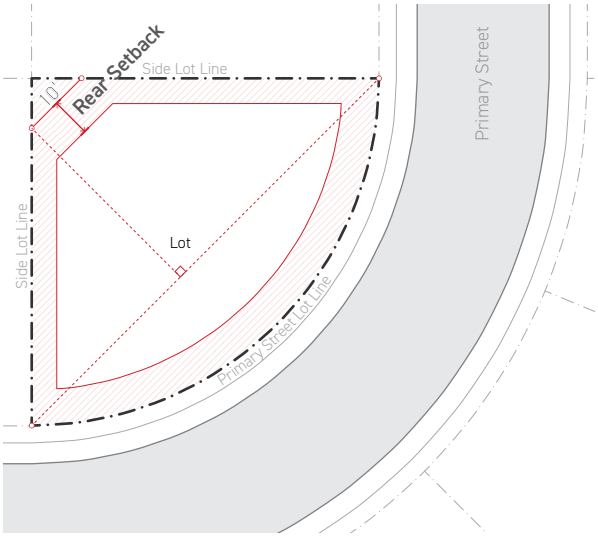
4. Storefront street setback is measured inward from any primary street lot line where the street is designated as a storefront street.

5. Side street setback is measured inward from the side street lot line.

6. Side setback is measured inward from the side lot line. When a legacy alley abuts the side of a lot, the side setback is measured from the centerline of the legacy alley.

7. Rear setback is measured inward from the rear lot line. When a legacy alley abuts the rear of a lot, the rear setback is measured from the centerline of the legacy alley.

    a. For determining the rear setback for a triangular or gore-shaped lot, the rear lot line is measured from a 10-foot wide line, parallel to the primary street lot line that intersects two side lots lines at its endpoints.



b. For instances where the primary street lot line is not straight, the rear setback line must be parallel to a line connecting the end points of the primary street lot line.

E. Exceptions

1. Limited Encroachments

a. The following may encroach into a required setback to a limited extent. The encroachment limits only apply when the setbacks specified by the zoning district are equal to or larger than the encroachments allowed below.

	Primary, Storefront, or Side Street Setback	Side or Rear Setback
Architectural Details (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	2′	2′
Distance from lot line (min)	0′	2′
Roof Projections (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	3′	2′
Distance from lot line (min)	0′	2′
Unenclosed Structures, Ground Story (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	10′	2′
Distance from lot line (min)	0′	3′
Unenclosed Structures, Upper Story (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	5′	2′
Distance from lot line (min)	0′	3′
Enclosed Structures (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	2′	2′
Distance from lot line (min)	0′	3′
Mechanical Equipment (see *Sec. 10.1.5***)**		
Allowed encroachment (max)	not allowed	Unlimited
Distance from lot line (min)	same as zoning district	0′
Waste Receptacle Enclosure	see *Sec. 8.4.4. Site Element Screens*	
Signs	see *Div. 8.6. Signs*	

055

b. In side setbacks, enclosed structures, may encroach into the required setback, provided the encroachment does not exceed 25% of the length of the adjoining building wall. Enclosed structures must not include any additional projections from the building facade. 056

c. In street setbacks, up to 4 gas meters are allowed.

d. Allowed encroachment is measured outward from the required setback.

e. Distance from lot line is measured inward from the applicable lot line.

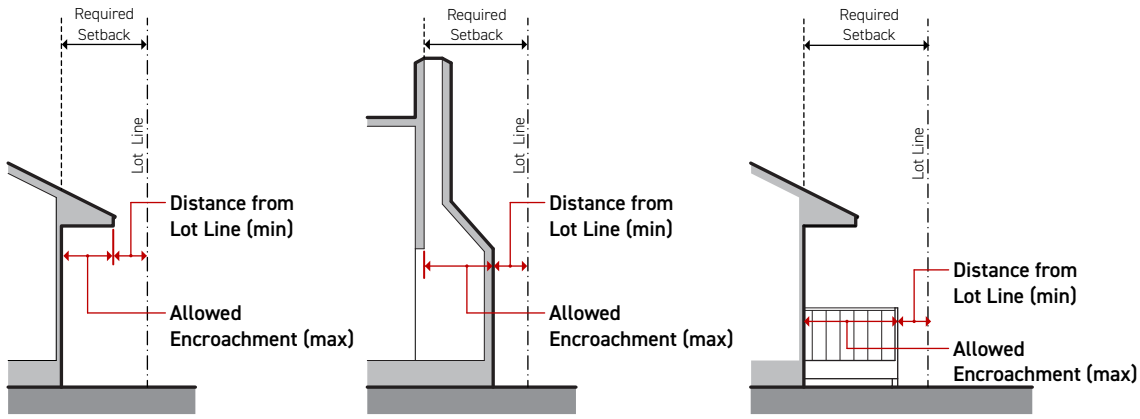
#055

Posted by **apstillman** on **12/30/2025** at **11:55am** [Comment ID: 1772] - Link
Question
Agree: 0, Disagree: 0
Are the Roof Projection and Unenclosed Structures encroachments cumulative?
Example: Can a 10' deep front porch have a 3' eave?

> Reply by **SiteAdmin** on **12/31/2025** at **8:47am** [Comment ID: 1810] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> We will clarify this.

#056

Posted by **apstillman** on **12/30/2025** at **11:49am** [Comment ID: 1769] - Link
Suggestion
Agree: 0, Disagree: 0
I suggest changing the last sentence of E.1.b. to "Additional projections from the building facade of an enclosed structure must not exceed the allowable encroachment."
Example: as currently worded, a 12" deep bay window with an 8" roof projection would be prohibited, even though the total 20" is less than the 2' allowable encroachment



2. Unlimited Encroachments

The following are allowed to encroach into a required setback to the extent necessary to perform their proper function:

a. Accessibility ramps and lifts, and fire escapes;

b. Covered structures located entirely below grade. Examples include basements, cellars, cisterns, and footings;

c. Equipment related to public or utility operating systems, including related wires, conduits, and pipes. Examples include hydrants, transformers, utility cabinets, water utility devices, cable television, or phone boxes;

d. Fences and walls, in accordance with *Sec. XX. Fences and Walls*;

e. Outdoor amenity features. Examples include gardens and po058 but not including pools;

f. Permanent or movable furniture. Examples include benches, tables, and bike and scooter parking racks;

g. Plants. Examples include trees, shrubs, flowers, herbs, vegetables, grasses, ferns, mosses, and associated planters and raised planting beds, if applicable;

h. Sidewalks, multi-use paths, pedestrian walkways, stairs, ramps, driveways, patios, and decks 2.5 feet in height or less, measured from finished grade; and

i. Stormwater devices including underground detention and low impact development (LID) stormwater devices approved by the Director.

F. Relief

1. A change of up to 10% from the building setback standards may be granted in accordance with 059 *Sec. 9.5. Adm057rative Modification*, provided the resulting minimum setback is at least 1.5 feet.

2. A change beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

#057

Posted by **Howard Katzman** on **02/18/2026** at **10:52am** [Comment ID: 2000] - Link
Question
Agree: 0, Disagree: 0
Without specific criteria this is potentially a dangerous clause. When will the details be filled out on Sec 9.5

> Reply by **SiteAdmin** on **02/19/2026** at **11:43am** [Comment ID: 2005] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your feedback.
>
> Section 9.5 has been drafted and posted.
>
> You may not be aware that, under the current code, the Director has the authority to grant up to 100 percent relief from setback requirements in most zoning districts (except R1 through R5 and some RG locations). The proposed provision would instead limit administrative relief to 10 percent and apply this standard consistently citywide, which is more in line with common practice in other jurisdictions in the region. Please also note, relief could not be granted retroactively.

#058

Posted by **CW** on **04/08/2026** at **5:27pm** [Comment ID: 2735] - Link
Suggestion
Agree: 0, Disagree: 0
A pool, if at finished grade, should be allowed either full or limited encroachment. Many older homes in Morningside and Buckhead with older pools - 1970s - would be forced into a non-conforming use.

> Reply by **SiteAdmin** on **04/09/2026** at **12:10pm** [Comment ID: 2781] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#059

Posted by **Jennifer Friese 3** on **03/09/2026** at **9:05am** [Comment ID: 2182] - Link
Suggestion
Agree: 0, Disagree: 0
I really think the existing standard should be upheld that R1-R5, RG etc (House and Neighborhood Scale) should not be allowed the 10% Admin Modification for set-backs. These districts represent Atlanta's traditional neighborhoods where setbacks and lot coverage are what keeps new development from having negative impact on surrounding properties and it protects our tree canopy (Trees Atlanta's

sites that 84% of Atlanta's tree canopy is on residential property). All setback relief for House and Neighborhood Scale should come from Variances so it can be truly determined if the lot itself has a hardship.

DIVISION 3.7. **TRANSITION**

Additional landscape buffer, setback, and height requirements for buildings on lots in higher-intensity zoning districts that abut lower-intensity zoning districts. For requirements, see *Div. XX. Transitions and Screening*060

#060

Posted by **Ben Valente** on **03/31/2026** at **4:36pm** [Comment ID: 2413] - Link
Suggestion
Agree: 0, Disagree: 0
Div. 8.4 is titled 'Transitions and Landscaping' - should reconcile

> Reply by **SiteAdmin** on **04/01/2026** at **3:53pm** [Comment ID: 2479] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Thanks.
>
> All greyed text is an uncoded hyperlink. It will be updatd in the final version.

DIVISION 3.8. **BUILD-TO**

Sec. 3.8.1. **Build-To Width**

The cumulative building width that occupies the build-to zone relative to the width of the site or lot at the street lot line.

A. Intent

To regulate the placement of buildings along the public realm so that buildings frame the public realm with a consistent pattern of development.

B. Applicability

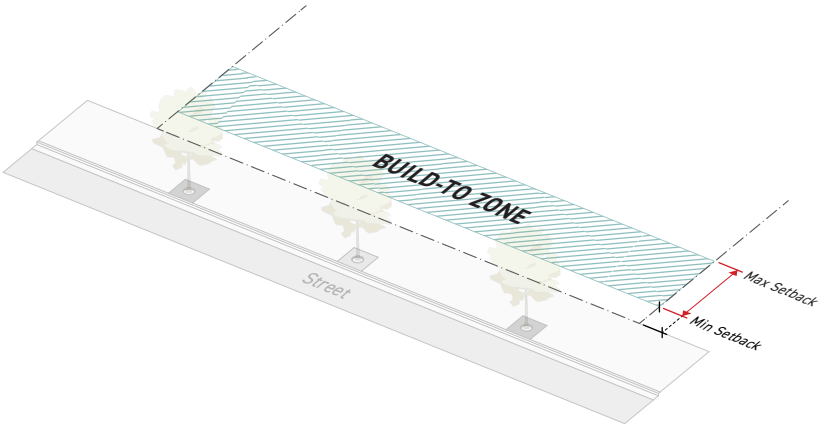
1. The build-to width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where sublots are permitted, build-to width standards are calculated for each lot, not individual sublots.
3. The build-to width requirement applies to the first 2 stories or 30 feet, whichever is less, o 061 primary and storefront streets.
4. The build-to width requirement only applies to the ground story on side streets.

C. Standards

1. General

a. No building or portion of a building may be located outside of the build-to zone until the build-to width requirement, as specified by the zoning district, has been met for all street lot lines.

b. The build-to zone is the area on the lot between the minimum and maximum building setbacks, for the full width of the site.



c. Portions of a building providing vehicle access to a vehicle use area through the ground story of a building, such as an entrance into a parking structure or loading areas, do not qualify as building width and are not permitted to count toward the required build-to width.

#061

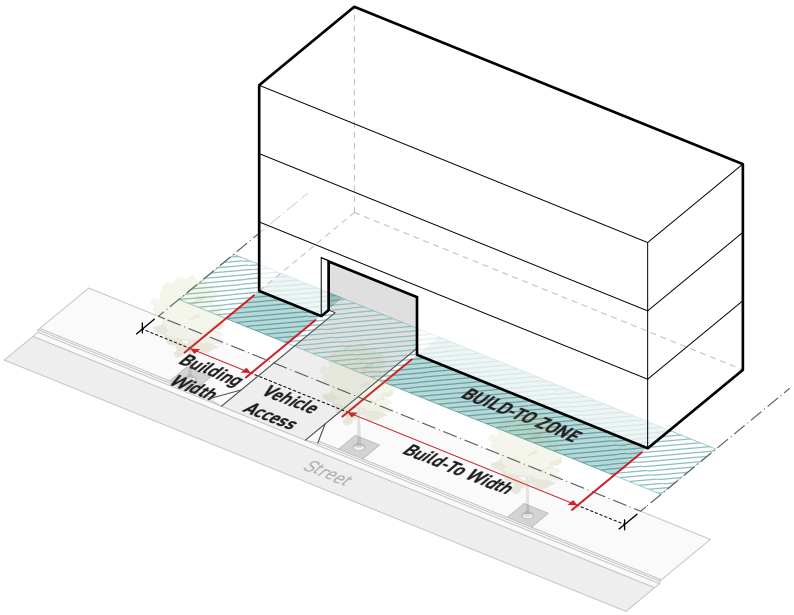
Posted by **Elizabeth Hollister** on **04/08/2026** at **8:14pm** [Comment ID: 2748] - Link

Suggestion

Agree: 0, Disagree: 0

We have heard concerns about whether this requirement of build to width applying to 2 stories or 30 feet works in practice. UWCID owners will try to test fit this and reach back out with additional suggestions.

> Reply by **SiteAdmin** on **04/09/2026** at **11:48am** [Comment ID: 2767] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you.
>
> Please note that there is not a minimum two-story or 30-foot height requirement unless specifically established by the Form District. Rather, this standard provides that if a multi-story building is constructed, the first two stories, or up to 30 feet, must be located at the street.
>
> Please also note that if this standard proves challenging, an applicant may provide conforming outdoor amenity space between the building and the street to achieve a more efficient building layout.



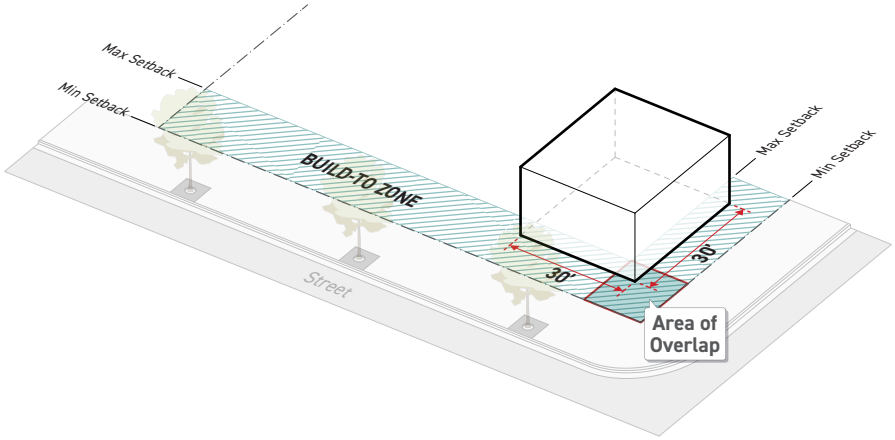
d. Buildings and structures may occupy the area behind the maximum building setback once the minimum build-to width requirement has been satisfied.

e. To meet the build-to width requirement on lots with existing buildings, see requirements in *Div. 5.3. Nonconformities*.

2. Corner Lots

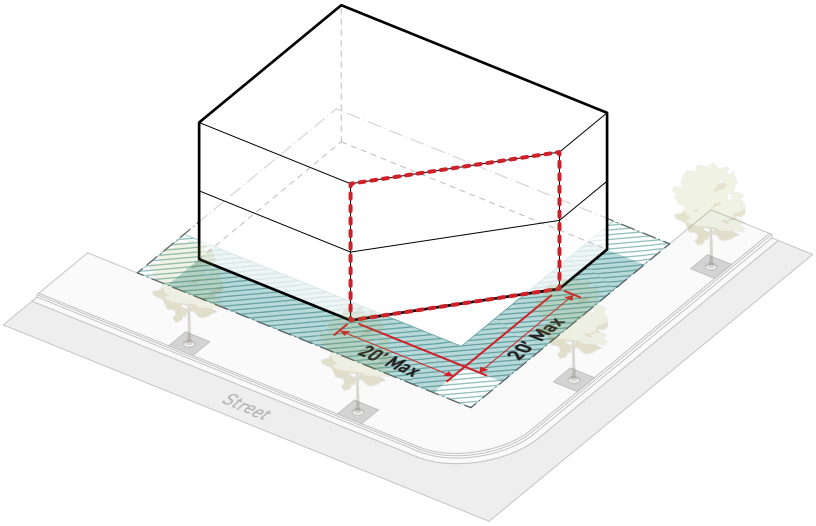
In addition to the general standards for build-to width, corner lots where both streets have a build-to width requirement must meet the following requirements:

a. A building must occupy the portion of the area where the two intersecting build-to zones overlap. The building must occupy the build-to zones for both streets lot lines for a minimum of 30 feet from the corner. The minimum requirement is measured starting at the edge of the building occupying the area of overlap and moving away from the corner, parallel to the street lot line. This building width counts toward the required build-to width for both street lot lines.



b. Pedestrian amenity space meeting the requirements of Pedestrian Amenity Space Allowance qualifies as building width in the area of overlap on corner lots.

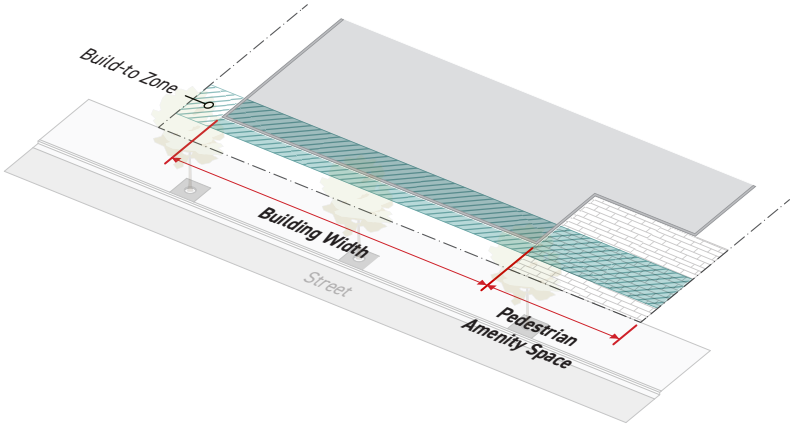
c. A chamfered corner no more than 20 feet in width along both street lot lines qualifies as a building width in the build-to zone even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the street lot line.



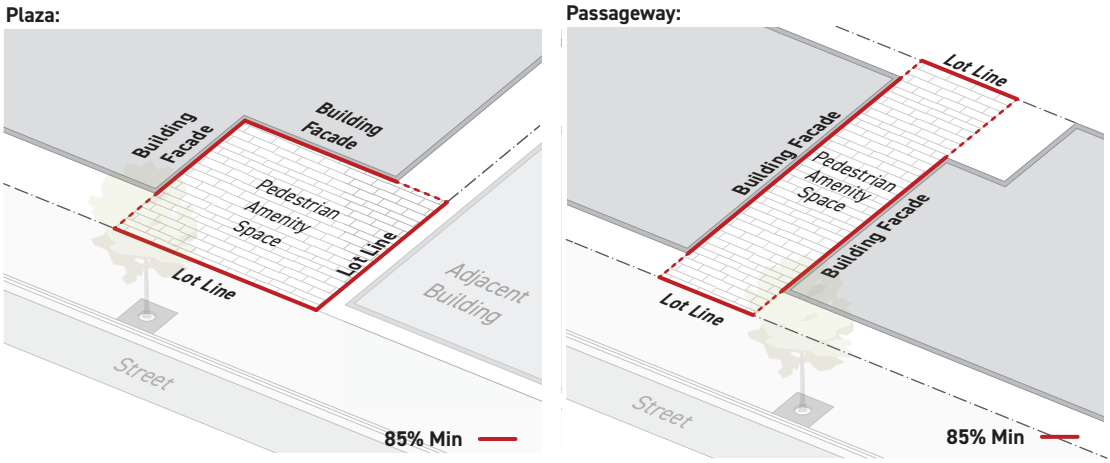
d. Corner lot standards do not apply if a pedestrian outdoor amenity space occupies the same portion of the area of overlap and is being used to count toward the build-to requirement.

3. Pedestrian Amenity Space Allowance

Open space meeting the requirements for pedestrian amenity space (*Sec. XX. Outdoor Amenity Space*) may be provided as a substitute for building width, provided the following standards are met:



a. A minimum of 75% of the pedestrian outdoor amenity space perimeter must abut either a lot line or a building facade meeting the standards for a street-facing facade on a primary street, as specified by the zoning district.

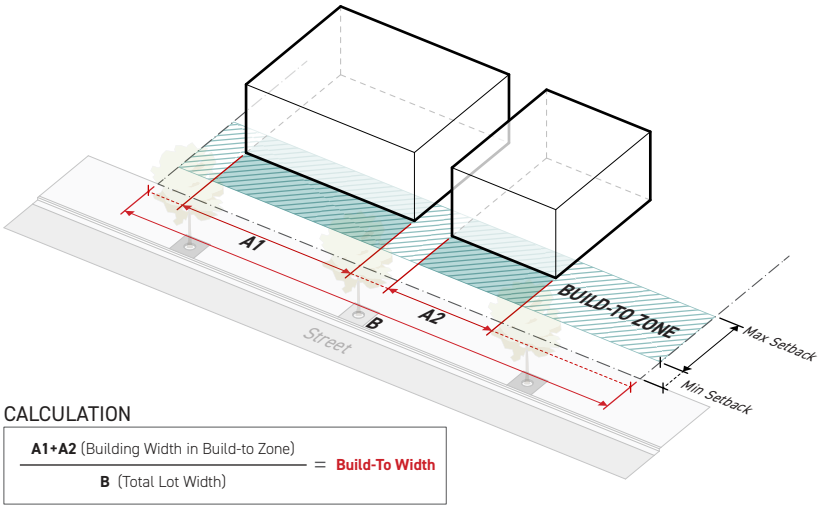


b. Where pedestrian amenity space abuts multiple street lot lines, the standards specified for the street lot line that abuts the pedestrian amenity space for the greatest length applies.

D. Measurement

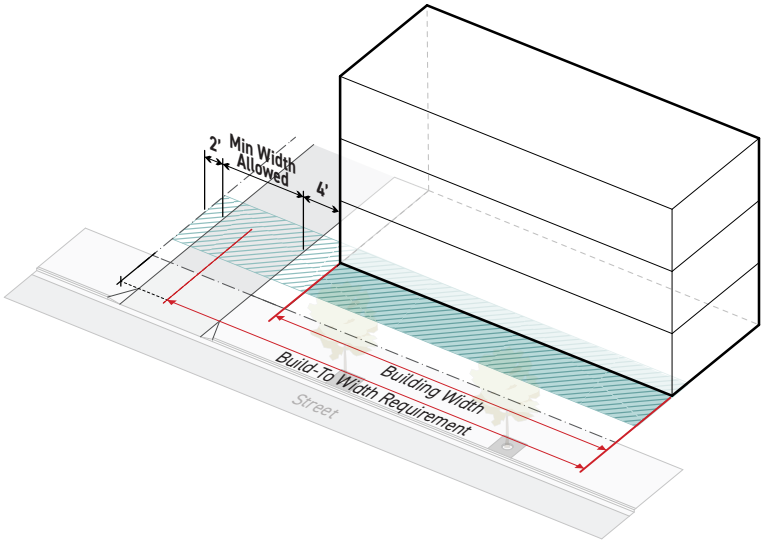
1. Build-to width is calculated separately along each street lot line where a build-to width is required.

2. Build-to width is a percentage measured as the sum of all building widths occupying the build-to zone, divided by the total lot width.



E. Exceptions

1. Where vehicle access or loading areas prevent a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Director, provided the vehicle access is no wider than the minimum required driveway width plus an additional 6 feet of width, including 4 feet for a pedestrian zone and 2 feet for clearance. *See Sec. XX. Vehicle Access*.



2. Where the preservation of a significant tree in fair or better condition at least 20 inches DBH in size, as determined by the Arborist, prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Director. The build-to width can be reduced to the extent necessary to preserve the tree and existing soils and prevent damage from construction, according to the standards in *City of Atlanta Code of Ordinances, Article II - Tree Protection*.

F. Relief

1. A reduction of up to 10% from the build-to width standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 3.9. **PARKING LOCATION**

Sec. 3.9.1. **Parking In Required Setbacks**

A. Intent

To minimize the visual impact of parked motor vehicles from the public realm in lower-intensity zoning districts.

B. Applicability

1. Parking in required setback standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Parking in required setbacks standards apply to all lots providing on-site parking where the zoning district limits parking locations based on the required setbacks.

C. Standards

1. When provided, on-site parking is only allowed in a setback as specified by the zoning district.
2. Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be inaccessible by the Director.
3. When parking is allowed in a primary street, side street, or storefront street setback, the following standard apply:
    a. Parking is only permitted on a driveway that is 10 feet wide or less. The driveway must meet the requirements of *Sec. XX. Vehicle Access*.
    b. No portion of a designated on-site parking space is allowed within 6 feet of any street lot line or pedestrian zone (*Sec. XX. Streetscape*).
4. In the side setback, a driveway is only allowed in one side setback and the continuation of that setback into the primary street setback or rear setback.
5. Paved areas, including driveways and parking areas, are not permitted to exceed 30% of any required primary, storefront, or side street setback.

D. Measurement

For the determination of setbacks, see *Sec. XX. Setbacks*.

Sec. 3.9.2. **Parking In Required Yards**

A. Intent

To minimize the visual impact of parked motor vehicles from the public realm.

B. Applicability

1. Parking in required yards standards apply in accordance with the standards of the applicable zoning district and the proposed project activity.
2. Parking in required yards standards apply to all lots providing on-site parking where the zoning district limits parking locations based on the required yards.

C. Standards

1. When provided, on-site parking is only allowed in a yard as specified by the zoning district.
2. Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be inaccessible by the Director.
3. When parking is allowed in a primary street, side street, or storefront street yard, the following standard apply:
    a. Parking is only permitted on a driveway that is 10 feet wide or less. The driveway must meet the requirements of *Sec. XX. Vehicle Access*.
4. In the side setback, a driveway is only allowed in one side yard and the continuation of that yard into the front yard or rear yard.
5. Paved areas, including driveways and parking areas, are not permitted to exceed 30% of any required front or side street yard.

D. Measurement

For the determination of yards, see *Sec. XX. Yard*.

Sec. 3.9.3. **Between the Building and Street**

A. Intent

To minimize the impact of parked motor vehicles on the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

B. Applicability

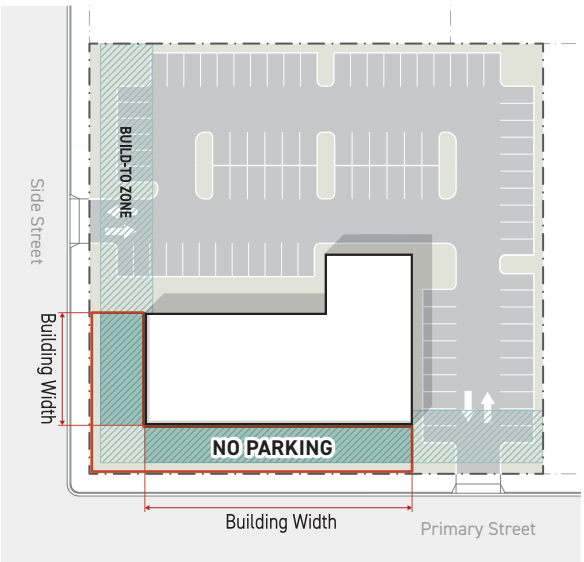
1. Parking between the building and street standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Parking between the building and street standards apply to all lots providing on-site parking where the zoning district limits parking between buildings and the street.

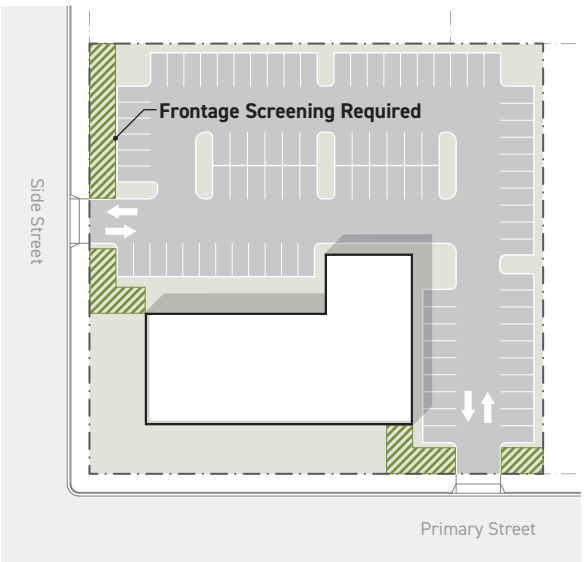
C. Standards

1. No parking or area for use by a motor vehicle may be located between the portion of a building used to meet the build-to width requirement and the street.

2. Where a lot abuts an alley, vehicle access to any on-site parking must be provided from the alley. Vehicle access may be provided in another location if the alley is determined to be infeasible by the Director. 062 063

3. All parking lots and other vehicle areas that abut a street lot line must be screened in accordance with *Sec. XX. Frontage Screens*.





4. See *Div. XX. Vehicle Access and Parking* for additional driveway and parking area requirements.

D. Measurement

For the determination of build-to width, see *Sec. XX. Build-To Width*.

Sec. 3.9.4. Garage Design

A. Intent

To minimize the impact of motor vehicle areas on the public realm and to promote a comfortable, safe, engaging, and attractive streetscape with active spaces and landscaping along the public realm.

B. Applicability

064

1. Garage design standards apply based on the requirements of the applicable zoning district and the proposed project activity.

2. Garage design standards do not apply to lots in House-Scale (H-) districts.

3. Garage design standards apply to all lots providing on-site parking in a covered structure, including garages and carports.

4. Garage design standards do not apply to lots with parking structures. Parking structures must follow the standards in *Sec. XX. Parking Design*.

#062

Posted by **Jennifer Friese 1** on **02/06/2026** at **1:29pm** [Comment ID: 1926] - Link
Suggestion
Agree: 1, Disagree: 0
This requirement could prove problematic in the alleys that are shared with single family homes. Could the last sentence include something like: ...infeasible or have adverse consequences by the director.

> Reply by **SiteAdmin** on **02/08/2026** at **1:27pm** [Comment ID: 1936] - Link
> *Agree: 0, Disagree: 0*
> Thank you for comment. We will explore updating the language.

#063

Posted by **steele145@comcast.net** on **04/08/2026** at **5:31pm** [Comment ID: 2736] - Link
Suggestion
Agree: 0, Disagree: 0
The alley between Peachtree and Peachtree Circle should be an exception to this rule, as it is where single family homes back up to high-rises. Really where any single family homes back up to high-rises is should be an exception to this rule. Ansley Park has long established agreements with the development on Peachtree that abuts the Peachtree Circle alley that egress is from the primary and secondary streets and not the alley.
PLEASE mark this alley exception in the Midtown Legacy district.

> Reply by **SiteAdmin** on **04/09/2026** at **12:09pm** [Comment ID: 2780] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Please see the previous response to your comment on this matter in the Midtown Legacy District.
>
> Thank you.

#064

Posted by **Sue Olszewski** on **04/04/2026** at **3:41pm** [Comment ID: 2500] - Link
Agree: 0, Disagree: 0
I live in Ansley Park. The alley between Peachtree and Peachtree Circle should be an exception in that single family homes back up to high-rises. The neighborhood has long established agreements with the development on Peachtree that abuts the Peachtree Circle alley that egress is from the primary and secondary streets and not the alley. Please mark this alley exception in the Midtown Legacy district.

> Reply by **SiteAdmin** on **04/05/2026** at **12:55pm** [Comment ID: 2527] - Link
> *Answer*
> *Agree: 0, Disagree: 0*

Thank you for your comments.

We will review this in the context of SPI 16 conversions.

C. Standards

1. General

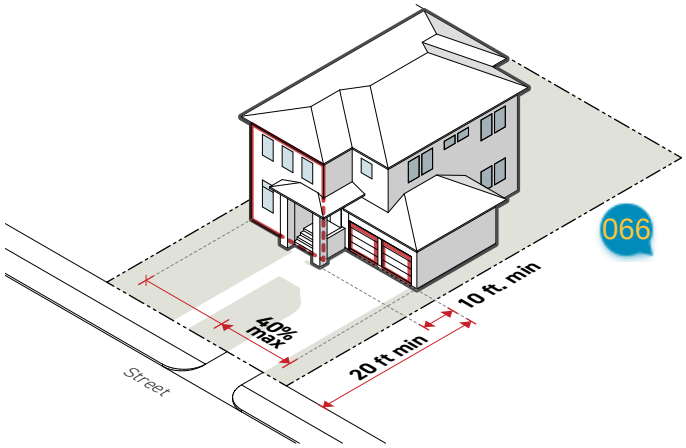
a. Garages may be attached to or detached from the primary structure.

b. For lots providing vehicle access from a primary or side street lot line, the following standards apply:

i. Garages must be positioned at least 10 feet behind the primary street-facing facade, unless the Director determines that topographic constraints make this requirement impractical.

ii. Garages are limited in width to no more than 40% of any street-facing facade.

iii. Garage doors must be at least 20 feet from the edge of a sidewalk.



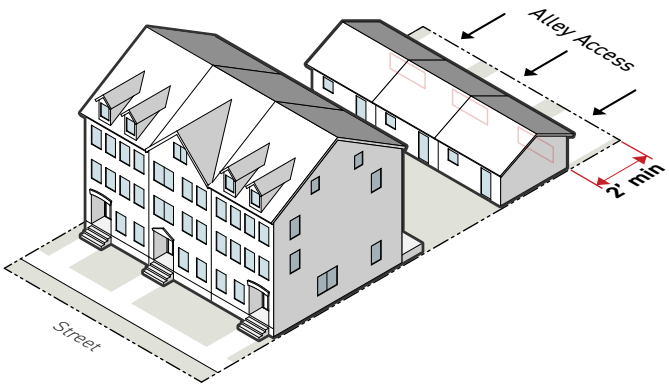
c. For lots providing vehicle access from an alley or rear lot line, the following standards apply:

i. Garages must be placed entirely to the rear of the primary building and must be rear- or side-accessed.

065

ii. Garage doors may not face the primary or side street lot line.

iii. The garage door must be at least 2 feet from the edge of the alley.



#065

Posted by **apstillman** on **12/30/2025** at **12:03pm** [Comment ID: 1776] - Link
Suggestion
Agree: 0, Disagree: -1
C.1.c.i. should only apply to detached garages. Attached garages should be allowed to be inset within the footprint of the primary building

> Reply by **SiteAdmin** on **12/31/2025** at **8:51am** [Comment ID: 1811] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> > Reply by **Jennifer Friese** on **01/19/2026** at **12:04pm** [Comment ID: 1852] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > ...so long as it's still 10' back from front facade with fenestration standards for primary street facing facade...
> >
> > > Reply by **SiteAdmin** on **01/20/2026** at **12:15pm** [Comment ID: 1859] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Correct. The primary structure must meet all glazing requirements.

#066

Posted by **apstillman** on **12/30/2025** at **12:55pm** [Comment ID: 1791] - Link
Suggestion
Agree: 0, Disagree: 0
This illustration implies the 10' requirement is measured from the front of the porch rather than the facade, which could cause confusion

> Reply by **SiteAdmin** on **12/31/2025** at **8:11am** [Comment ID: 1804] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Great point. We will fix this!

DIVISION 3.10. **MASSING**

Sec. 3.10.1. **Building Height**

The vertical dimension of a building or structure measured in feet and stories.

A. Intent

To provide adequate light, air, safety, and to protect the character of an area.

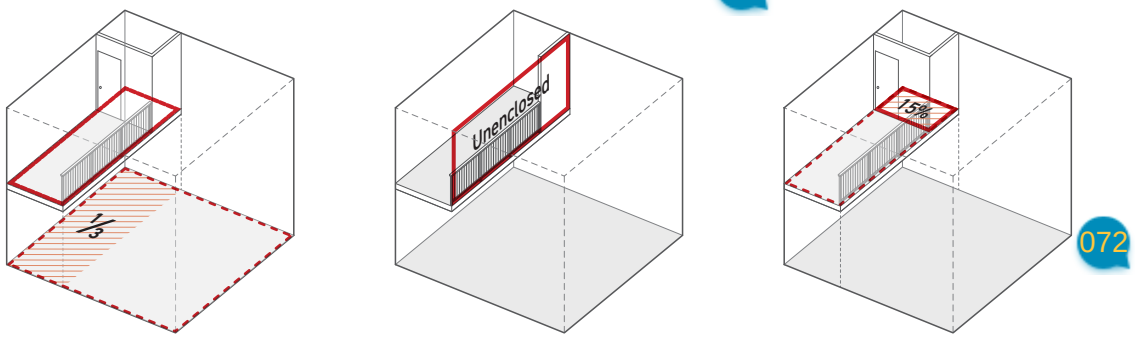
B. Applicability

Building height standards apply based on the requirements of the applicable zoning district and the proposed project activity.

C. Standards

1. No building, portion of a building, or structure may exceed the maximum number of feet or stories allowed in the zoning district, unless:
    a. The building, portion of a building, or structure is listed as an allowed encroachment below; or
    b. The development site meets the criteria for the height bonus in accordance with *Div. XX. Development Bonuses.*
2. Where the zoning district specifies a minimum building height, all primary buildings must meet the minimum building height in feet and stories.
3. Basements are not included in the calculation of maximum height in stories.
4. Mezzanines are not included in the calculation of maximum height in stories, provided they meet the following standards:
    a. The mezzanine floor area is not more than 1/3 of the floor area of the room or enclosed space it is within.
    b. The perimeter of the mezzanine is unenclosed, with the following exceptions:
        i. The portions of the mezzanine perimeter that are formed by the walls enclosing the larger room or space the mezzanine is located within;
        ii. Required safety barriers along the perimeter of the mezzanine; or
        iii. Mezzanines are not permitted on street-facing building facades.
    c. A maximum of 15% of the floor area in the mezzanine may be enclosed.

071



072

5. Rooftop patios are not permitted within Architectural Design Overlay Districts, as specified in *Sec. XX. Architectural Design Overlay Districts*.

D. Measurement

070

1. Height in Storie069

a. Height in stories is measured along street-facing facades as the number of stories above finished grade. The ground story and all upper stories are included in the calculation of maximum height in stories. See *Sec. XX. Story* for determining the ground story of a building.

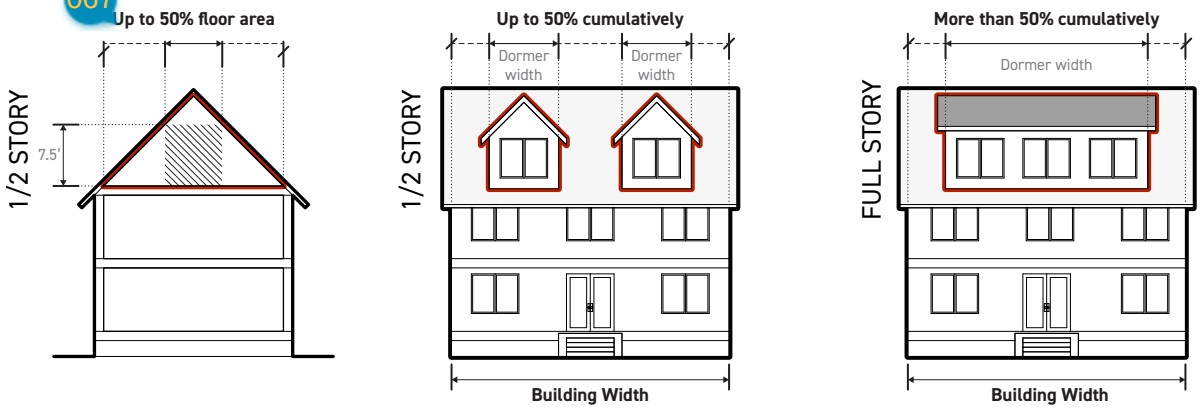
b. Height in stories may be measured for a full building or for each building module. See *Sec. XX. Story* for determining building modules and *Sec. XX. Average Grade* for measuring average grade.

c. The topmost story of a building is not counted as a full story and is counted as a half story when the following standards are met:

i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finish ceiling; and

ii. Dorme068ay not exceed more than 50% of any front, rear, or side building width.

067



2. Height in Feet

a. Height in feet is measured for the perimeter of the building as the distance from average existing grade to one of the following:

#067

Posted by **J Winer** on **03/30/2026** at **8:11am** [Comment ID: 2389] - Link
Suggestion
Agree: 0, Disagree: 0
Consider adding: Gables with wall surfaces either in the same plane as, or projecting from, the exterior wall of the floor below are permitted, provided all other half-story criteria are met.

> Reply by **SiteAdmin** on **03/30/2026** at **1:20pm** [Comment ID: 2394] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#068

Posted by **J Winer** on **03/30/2026** at **8:07am** [Comment ID: 2388] - Link
Question
Agree: 0, Disagree: 0
isthere a definition of a dormer? How does the midpoint of the dormer roof factor into height?

> Reply by **SiteAdmin** on **03/30/2026** at **1:25pm** [Comment ID: 2395] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your question.
>
> As specified in Chapter 10, all terms that are not defined defer to their usual and customary meaning as established in Merriam-Websters Dictionary.
>
> For the purposes of height, the pitched roof defaults to the midpoint of the overall roof, as is current practice.
>
> > Reply by **J Winer** on **04/08/2026** at **10:46am** [Comment ID: 2704] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > MW definition: "a window set vertically in a structure projecting through a sloping roof; also : the roofed structure containing such a window." By this definition, the dormer could break through the sloped roof and be coplaner with the wall below without the eave line separating the dormer from the floor below. Correct?
> >
> > > Reply by **SiteAdmin** on **04/08/2026** at **2:33pm** [Comment ID: 2726] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Conceptually, yes, but is must be completely within the roof

form, as shown in the graphic. The term is currently used in historic districts (and has been for decades). Without the intervening eave, it is a gable.

#069

Posted by **dimmickph** on **02/04/2026** at **11:36am** [Comment ID: 1905] - Link

Question

Agree: 0, Disagree: 0

I thought I had posted an inquiry here about illustrating a 2 and i/2 story flat roof building. I can't find either my question or its reply. I'll ask again but a bit differently. There is no such concept as a 2 and 1/2 story flat roof building. You can have however as many floors you like as long as the height of the tallest roof deck measured in feet does not exceed the maximum stipulated for that zoning district. So in a NI residential district, you could have a three story flat-roof building as long as it conforms to the 35 foot height limitation. The authors believe that the streetscape, air and light standards for a 35 ft. flat-roof building is equivalent to a 2 and 1/2 story pitched roof building. Correct?

Reply by **SiteAdmin** on **02/04/2026** at **4:52pm** [Comment ID: 1906] - Link

Answer

Agree: 0, Disagree: 0

Your question and the response were posted on page 2-33 of Chapter 2.

Reply by **dimmickph** on **02/05/2026** at **7:58am** [Comment ID: 1909] - Link

Question

Agree: 0, Disagree: 0

I'm sorry but I am still a bit confused. 16.d.1 Height in stories never mentions flat roof buildings. I presume therefore that there is no such concept as a 2 1/2 story flat roof building. 16.D.2. Height in Feet specifically illustrates a flat roof building. I conclude that the new code will permit a flat roof building in a N1-R2 zone to be three stories as long as the total building height is 35 feet. Is that correct? Ergo, the authors of this code see a 2 1/2 story building with a slant roof and dormers complying with D.1 as being equivalent to a three story flat roof building of 35 feet in terms of street scale. Correct?

Reply by **SiteAdmin** on **02/05/2026** at **3:37pm** [Comment ID: 1916] - Link

Answer

Agree: 0, Disagree: 0

Below is a copy of the remark to your previous comment on page 2-33. I hope this clarifies things:

"This is a great question. ATL Zoning 2.0 is set up so the rules related to interpretation and methods of measurement are found in the indicated cross-reference, which will be clickable in the

adopted code.

With regard to half-story, the standards are found on page 3-42, which read:

The topmost story of a building is not counted as a full story and is counted as a half story when the following standards are met:
i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finish ceiling;
and
ii. Dormers may not exceed more than 50% of any front, rear, or side building width.

The intention is to allow a half-story to have a flat roof, but the standard is not clear. In other words, if the second story is 2,000 SF, the half story above could have a flat roof and not exceed 1,000 SF.

Reply by **dimmickph** on **02/05/2026** at **4:19pm** [Comment ID: 1917]

- Link

Question

Agree: 0, Disagree: 0

Thank you. You again missed my question. Can you have a 3 story flat roof building as long as the height does not exceed 35 feet in a NI-R2 zone?

Reply by **SiteAdmin** on **02/05/2026** at **6:36pm** [Comment ID: 1918]

- Link

Answer

Agree: 0, Disagree: 0

As specified on page 2-33, the maximum permitted building height is 2.5 stories. For purposes of this standard, full floors count as one story, and half floors count as 0.5 story.

For buildings with flat roofs, this allows a structure with two full stories, plus an additional upper level that qualifies as a half-story. To count as a half-story, the upper level must be limited in size and may not exceed 50 percent of the floor area of the story below (to be further clarified).

Accordingly, a flat-roof building may include what appears to be a third level, but that level is restricted in area and does not constitute a full third story under the ordinance.

If you look at the bottom left graphic, the hashed area on the third level is allowed a 1/2 story, with or without the gabled

(sloped) roof.

Reply by **dimmickph** on **02/06/2026** at **7:09am** [Comment ID: 1919] - Link

Suggestion
Agree: 0, Disagree: 0
Sorry for seeming to be so obtuse on this matter but neither Chapter 2 nor 3.10.1 here makes it clear that 2.5 stories/35 feet is an "and" statement and not an "or" statement. I suggest adding a corollary statement to 3.10.1C.2 above that says, "Where the zoning district specifies a maximum building height and a measurement in stories, all primary buildings must meet both the maximum building height in feet and stories."

Again, thank you for your patience.

Reply by **SiteAdmin** on **02/06/2026** at **3:42pm** [Comment ID: 1932] - Link

Answer
Agree: 0, Disagree: 0
It's no trouble at all.

Page 3-41 establishes how building height standards apply. It reads, "No building, portion of a building, or structure may exceed the maximum number of feet or
stories allowed in the zoning district." This means that both the feet limits and the story limit apply.

Thus, a 1-story house that was 40 feet tall would not be allowed, nor would a 4-story house that was 30 feet.

#070

Posted by **steele145@comcast.net** on **04/08/2026** at **5:32pm** [Comment ID: 2737] - Link
Suggestion
Agree: 0, Disagree: 0
Please consider a step-back formula that mimics a Transitional Height Plane.

Reply by **SiteAdmin** on **04/09/2026** at **12:09pm** [Comment ID: 2779] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your suggestion.

We will explore updates to these standards for districts that do not specify maximum wall plate heights.

#071

Posted by **dimmickph** on **02/07/2026** at **7:12am** [Comment ID: 1933] - Link

Suggestion

Agree: 1, Disagree: 0

There it is 3.10.1c1. Sorry, I read the exceptions but never took in the rule. Back to another issue in this string. Seems one could put all the half story on a flat roof building facing the street thus giving the appearance of a three story building. There is no limitation on the width of the half story of a flat roof building relative to the width of building as there is with dormers in 3.10.1D1cii? How about parity with the sloped roof buildings at least for the street facing facade. The width of the half story on a flat roof building should not exceed more than 50% of the building width on the street facing side. Or you could force a setback. If the width of the half story exceeds 50% of the street facing facade, it must be set back 15 feet. You could do some creative combo of the two. You need something here to soften the massing towards the public street.

> Reply by **Jennifer Friese 1** on **02/07/2026** at **8:55am** [Comment ID: 1934] - Link
>
> *Suggestion*
>
> *Agree: 0, Disagree: 0*
>
> Agree. I think the 1/2 story limitation and the measuring height at existing grade go a long way to help with the issue of the flat roof massing but Paul is right - if the 1/2 story is pushed to the edge of the building, and spans the length of a building the perception of massing remains the same as if it were a full story on that side. A step back formula could solve the problem.
>
> > Reply by **SiteAdmin** on **02/08/2026** at **1:21pm** [Comment ID: 1935] - Link
> >
> > *Answer*
> >
> > *Agree: 3, Disagree: 0*
> >
> > Thank you, both of you. We will look into developing step back standards for the third story, if provided.
> >
> > > Reply by **Jennifer Friese 3** on **03/09/2026** at **9:12am** [Comment ID: 2183] - Link
> > >
> > > *Question*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Something our architects have been looking at for sometime is a step-back formula that mimics a THP 45% angle or 1:1 roof pitch. ie. The step-back would begin at max 27' (high enough for two stories) and step back 8' (to get 8' to roof or 7'2" interior livable ceiling height) on front and two sides and should not occupy more that 50% of the floor below. Would you look into this as a viable massing solution?
> > >
> > > Reply by **SiteAdmin** on **03/09/2026** at **10:46am** [Comment ID: 2186] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Thank you for your suggestion.

After discussing the proposal, we believe that the “side wall height” limit in Sec. 3.10.2 is sufficient to require a stepback. Effectively, the standard limits how high a wall plane may extend.

#072

Posted by **Sue Olszewski** on **04/04/2026** at **3:47pm** [Comment ID: 2501] - Link

Agree: 0, Disagree: 0

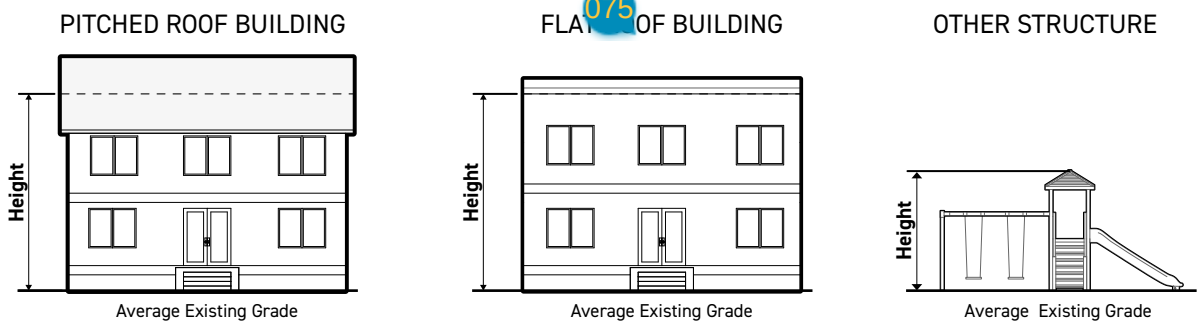
There should be a step-back formula so massing isn't pushed to front and sides of the building. A step-back formula would keep the new flat roofed buildings in scale with the traditional pitched roofed buildings. Please consider a step-back formula that mimics a Traditional Height Plane.

> Reply by **SiteAdmin** on **04/05/2026** at **12:57pm** [Comment ID: 2528] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The draft actually goes a step further and limits wall plage height along a side rear lot line. Please see Sec. 3.10.2.

i. The mid-point of the roof, for a building with a roof having a pitch greater than 4:12;

ii. The top of the roof deck, for a building with a roof having a pitch of 4:12 or less; and

iii. The topmost point of the structure, for all other structures.



b. Height in feet may be measured for a full building or for each building module. See *Sec. XX. Story* for determining building modules and *Sec. XX. Average Grade* for measuring average grade.

E. Exceptions

The following encroachments are allowed to extend beyond the maximum height limit to the extent necessary to perform their proper function:

1. Architectural details including chimneys, cupolas, flagpoles, spires, and lighting;
2. Safety barriers including fences, walls, parapets, and railings;
3. Vertical circulation including elevators and stairway access to the roof;
4. Unenclosed structures including shade structures, and sports courts;
5. Mechanical equipment including HVAC equipment, cisterns, wind turbines, solar panels, vent stacks, and satellite dishes;
6. Flatwork including decks, walkways, and patios; and
7. Vegetation including plants and trees.

F. Relief

1. A change from the building height standards may be granted in accordance with *Sec. 9.6. Variance*.

#073

Posted by **J Winer** on **03/29/2026** at **6:15pm** [Comment ID: 2387] - Link
Suggestion
Agree: 0, Disagree: 0
Add a second section for excpetions that apply to neighborhood distrcicts as follows: The following encroachments are allowed in neighborhood scale districts to extend beyond the maximum height limit to the extent necessary to perform their proper function:
1.Architectural details including chimneys and flagpoles;
2.Safety barriers limited to the code minimum height that are a minimum of 8 feet from any face of the front or side elevations or no higher than 32 feet from average grade;
3.stairway access that is a minimum of 8 feet from any face of the front or side elevations;
4.Unenclosed structures that are a minimum of 8 feet from any face of the front or side elevations;;
5.Mechanical equipment including HVAC equipment, cisterns, wind turbines, solar panels, vent stacks, and satellite dishes that are a minimum of 8 feet from any face of the front or side elevations;; ;
6.Flatwork including decks, walkways, and patios; and
7.Vegetation including plants and trees.

> Reply by **SiteAdmin** on **03/30/2026** at **1:33pm** [Comment ID: 2397] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Other elements may already exceed the applicable height limits and, in many cases, have been permitted for decades. In fact, most places of worship with towers are located in Neighborhood Scale districts and have historically been entitled to include towers and cupolas for well over a century.
>
> > Reply by **J Winer** on **04/08/2026** at **10:25am** [Comment ID: 2702] - Link
> > *Agree: 0, Disagree: 0*
> > Then I recommend applying the above list to dwelling units.

#074

Posted by **J Winer** on **03/29/2026** at **6:14pm** [Comment ID: 2386] - Link
Suggestion
Agree: 0, Disagree: 0
Change to: The following encroachments are allowed in districts other than neoighborhood scale districts ....

> Reply by **SiteAdmin** on **03/30/2026** at **1:30pm** [Comment ID: 2396] - Link
> *Answer*

Agree: 0, Disagree: 0
Thank you for your comment.

These elements may already exceed the applicable height limits and, in many cases, have been permitted for decades. In fact, most places of worship with towers are located in Neighborhood Scale districts and have historically been entitled to include towers and cupolas for well over a century.

Reply by **J Winer** on **04/08/2026** at **10:57am** [Comment ID: 2705] - Link
Agree: 0, Disagree: 0
I understand that these have been permitted for decades. If the intent is simply to rephrase what already exists in the ordinance, then it is unclear why undertaking Zoning 2.0 is necessary. The issue is that, in residential districts, there are cases that are widely viewed as aggravating: flat roofs reaching 35 feet in height, plusparapets for guardrails, stairs, and elevators, as well as roof trellises, all added on top of the allowable height. The result is a scale problem that is broadly disliked. The 1/2 story is a step in the right direction. Offering some kind of additonal height relief to the sides and street front in the fomr of a 1/2 story setback for dwelling units would also be desirable.

Reply by **SiteAdmin** on **04/08/2026** at **2:40pm** [Comment ID: 2729] - Link

Answer
Agree: 0, Disagree: 0
Thank you for your comment. We will consider updating the half-story provisions based on the concerns you've raised.

#075

Posted by **Marie Acalin** on **04/04/2026** at **4:57pm** [Comment ID: 2516] - Link
Agree: 0, Disagree: 0
Flat roof buildings with a third floor should be required to be step back from the street to retain/mimic the massing of adjacent houses and not overwhelm and impose upon the streetscape.

Reply by **SiteAdmin** on **04/05/2026** at **1:13pm** [Comment ID: 2540] - Link
Answer
Agree: 0, Disagree: 0
This is accomplished through the use of wall plate height, as specified in each district and Sec. 3.10.2.

Reply by **J Winer** on **04/08/2026** at **11:05am** [Comment ID: 2707] - Link
Agree: 0, Disagree: 0
How does this apply to N1 for example? There is no wall plate height limit in 3.10.2. There is no side wall height limit in the N1 form district sheets. There is nothing to prevent the 1/2 story on a flat roofed house

to align with the front facade and side facades with the roof at 35 feet plus parapets. in fact. there is no height limit for parapets. One could extend the parapets 10 feet or more to create an international style roof terrace enclosure. The objective is to find a simple way to adddress the common complaint about flat roofed houses in residential areas.

Reply by **SiteAdmin** on **04/08/2026** at **2:36pm** [Comment ID: 2728] - Link

Answer
Agree: 0, Disagree: 0
Thank you for pointing this out. We will discuss this internally. Without a "wall plate" height, the 1/2 story isn't enforceable.

Thanks again!

#076

Posted by **J Winer** on **04/08/2026** at **11:05am** [Comment ID: 2708] - Link
Suggestion
Agree: 0, Disagree: 0
add..."not to exceed the height required for a guard rail.

Reply by **SiteAdmin** on **04/09/2026** at **12:47pm** [Comment ID: 2798] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

#077

Posted by **J Winer** on **03/30/2026** at **8:17am** [Comment ID: 2390] - Link
Suggestion
Agree: 1, Disagree: 0
add, and the half story of any building with a roof pitch of 4:12 or less shall be set back a minimum of 8 feet from all front and side façades.

Reply by **SiteAdmin** on **03/30/2026** at **1:19pm** [Comment ID: 2393] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

The maximum wall plate provisions contained within each Neighborhood-Scale district already accomplishes this but will be consider clarifying it.

Sec. 3.10.2. **Side Wall Height**

The vertical dimension of the wall of a building or structure, supporting the roof structure.

A. Intent

To protect the scale and character of development in lower-intensity zoning districts.

B. Applicability

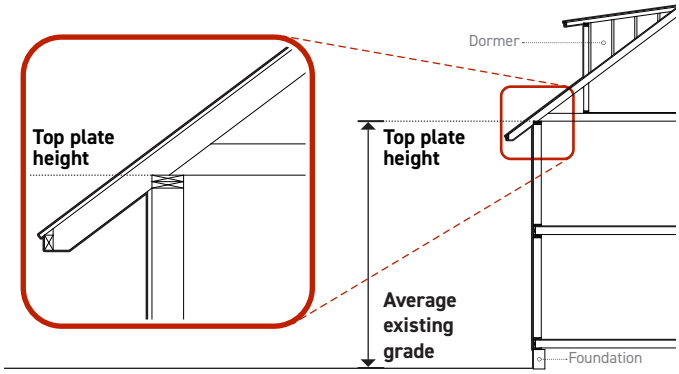
1. Side wall height standards apply based on the requirements of the applicable zoning district and the proposed project activity. 078

C. Standards

Side wall height may not exceed the maximum height specified by the zoning district.

D. Measurement

Side wall height is measured from average existing grade to the top plate of the building.



When dormers occupy no more than 50% of the front, rear, or side building width, see Sec. 3.10.1D.1. Height in Stories, they are excluded from the side wall height measurement.

E. Relief

1. An increase of up to 10% from the side wall height standards may be granted in accordance with *Sec. 9.5. Administrative Modification*. 079
2. An increase of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. An increase beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 3.10.3. **Building Width**

The horizontal width of a building on a lot, parallel to the street lot line.

#078

Posted by **J Winer** on **04/08/2026** at **11:07am** [Comment ID: 2709] - Link
Question
Agree: 0, Disagree: 0
There is no side wall height standard in N1. Is there?

> Reply by **SiteAdmin** on **04/09/2026** at **12:46pm** [Comment ID: 2797] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. There is no side wall height in N1 as drafted.

#079

Posted by **Jennifer Friese 3** on **03/09/2026** at **9:16am** [Comment ID: 2184] - Link
Suggestion
Agree: 0, Disagree: 0
Again, House and Neighborhood Scale should only get Side-wall height relief through Variances - it's important that these are looked at in a case-by-case basis to determine lot hardship. Up to a 30% Admin Mod could have a negative impact on surrounding houses.

> Reply by **SiteAdmin** on **03/09/2026** at **10:40am** [Comment ID: 2185] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for feedback.
>
> Please note there is no side wall height standard today. A house may be built to the full 35 feet height with not sidewall height limit.

A. Intent

1. To promote fine-grained patterns of development and prevent larger buildings that are significantly out of context with traditional patterns by breaking wider buildings into multiple, clearly distinguished building widths.
2. To encourage larger buildings to provide open space for pedestrians and recreation.

B. Applicability

1. Building width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Below-grade improvements, including basements, underground parking, and other fully subterranean structures, will not be counted toward building width.
3. Building width standards along side streets only apply to lots with two or more dwelling units.

C. Standards

1. General

a. No building may be wider than the maximum building width allowed by the zoning district.

b. Two buildings may abut one another provided that they have no shared components and are structurally independent from one another. Examples of structurally independent buildings include detached buildings and structures, as well as townhouses.

2. Facade Design Allowance

A continuous structure may use facade design to achieve the appearance of separate buildings for the purpose of meeting the maximum building width requirement, provided the following standards are met:

a. The facade design allowance may only be used 2 times for each street-facing building facade.

b. The abutting facade designs must reflect unique and distinct architectural designs for the full height of the building to achieve the appearance of separate buildings. The design of all the following architectural details must vary for abutting facades:

i. Material;

ii. Window and door pattern;

iii. Roof or parapet height; and

iv. Color.

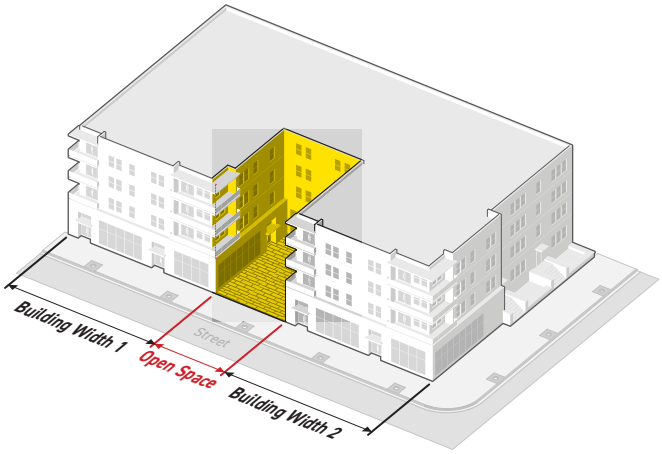
3. Pedestrian Amenity Space Allowance

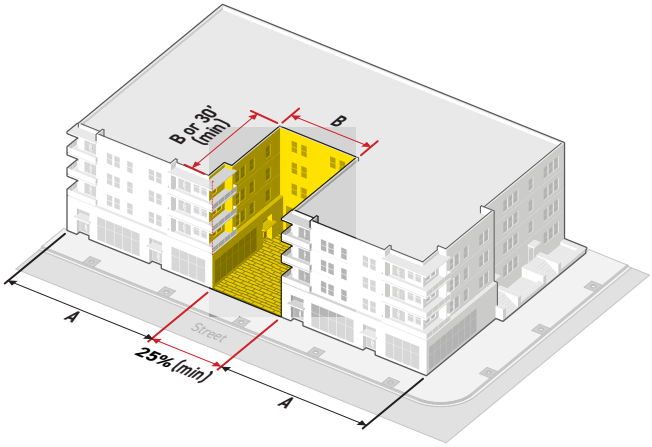
A continuous structure may provide an open space meeting the requirements for pedestrian amenity space (*Sec. XX. Outdoor Amenity Space*) to achieve the appearance of separate buildings for the purpose of meeting the maximum building width requirement, provided the following standards are met:

a. Pedestrian amenity space allowance may only be used 1 time for each street-facing facade.

b. The width of a building break must be at least 25% of the width of the widest adjacent building.

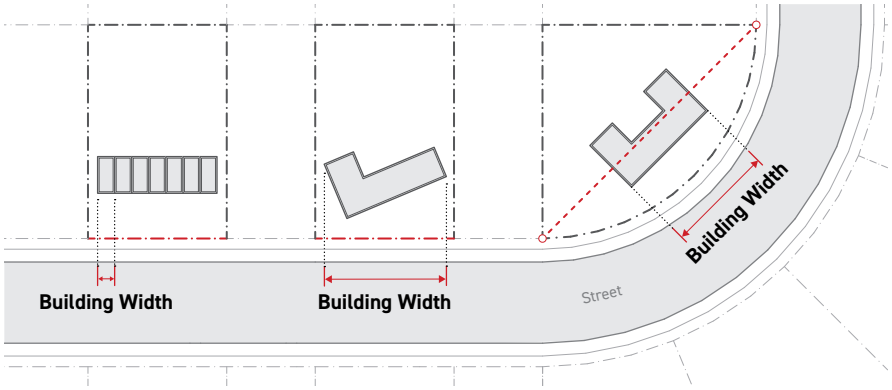
c. The depth of the building break must be at least equal to the width of the building break or 30 feet, whichever is less.





D. Measurement

Building width is measured horizontally and parallel to the street lot line, from one end of the building to the opposite end.



E. Relief

1. An increase of up to 10% from the building width standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. An increase of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. An increase beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 3.11. **ACTIVATION**

Sec. 3.11.1. **Active Depth**

The horizontal depth of a building that must contain habitable spaces.

A. Intent

To help minimize the impact of inactive spaces on the public realm and to promote a safe, comfortable, engaging, and attractive build environment.

B. Applicability

1. Active depth standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Active depth standards apply to al080rtions of a building used to meet the minimum build-to width requirement. See *Sec. XX. Build-To Width.*
3. Active depth standards apply to all stories on primary and storefront streets.081
4. Active depth standards only apply to the ground story on side streets.
5. Active depth standards do not apply to the following:
   a. Lots with 1 primary dwelling unit.
   b. Along the side streets for a townhouse or lots with 2 primary dwelling units.

C. Standards

1. Applicable portions of a building must provide the minimum active depth required by the zoning district.
2. No more than 10% of the floor area of the required active depth can be used for inactive uses such as storage, hallways, stairwells, elevators, utility rooms, and equipment rooms. This restriction does not apply to areas designated for bicycle parking.
3. Vehicle parking spaces and motor vehicle use areas are not allowed in any portion of the required active depth.

D. Measurement

Active depth is measured from the street-facing facade inward to the interior of the building.

#080

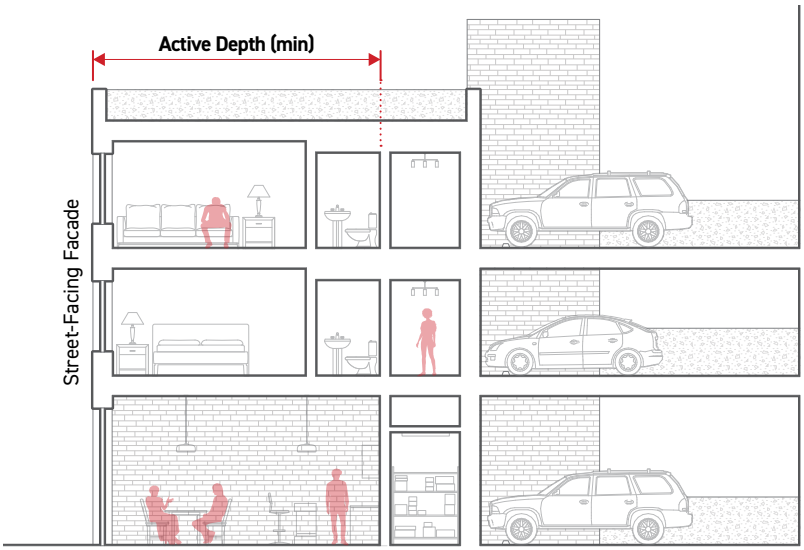
Posted by **jessicahilltroutman** on **02/20/2026** at **9:06am** [Comment ID: 2024] - Link
Agree: 0, Disagree: 0
Clarify that this does not negate the statement in B.4 which says the active depth only applies on the ground story on side streets. The concern is this would require activation on all stories.

> Reply by **SiteAdmin** on **02/20/2026** at **6:35pm** [Comment ID: 2034] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. We will clarify this.

#081

Posted by **Elizabeth Hollister** on **04/08/2026** at **8:06pm** [Comment ID: 2747] - Link
Suggestion
Agree: 0, Disagree: 0
We have heard growing concerns about the infeasibility of this active depth requirement applying to all stories. We are requesting that active depth requirements be limited to the ground story on primary and secondary streets and for rigorous parking deck screening to be an alternative to meeting this desire for active use on upper stories.

> Reply by **SiteAdmin** on **04/09/2026** at **11:55am** [Comment ID: 2769] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> As a bit of background, during the Focused Workshops that were conducted prior to drafting the code, a great deal of discussion went into whether parking podiums and parking decks adjacent to a street should be allowed along major streets anywhere in the city. The public input was a resounding "no."
>
> The idea of this standard is to require developments to place parking decks behind buildings, as opposed to along the street.
>
> This said, we will explore develop alternative compliance options for shallow lots.



E. Relief

1. A reduction of up to 10% from the active depth standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 3.12. **GROUND STORY**

Sec. 3.12.1. **Ground Story Height**

The floor-to-floor height of the ground story of a building.

A. Intent

To promote high-quality ground-story spaces that are adaptable and appropriate to their intended use and surrounding context.

B. Applicability

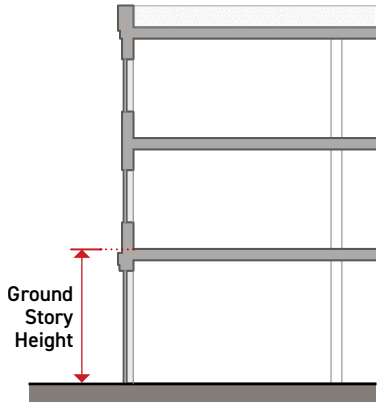
1. Ground story height standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Ground story height standards apply to all buildings that contain active depth on the ground story.
3. Where the zoning district regulates ground story height differently based on use, the following standards apply:
   a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.
   b. For nonresidential uses or any use abutting storefront streets, the nonresidential standards apply.

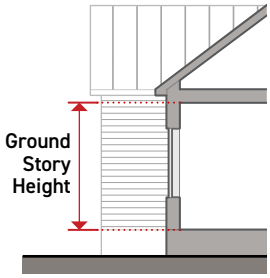
C. Standards

The ground story height can be no lower than the minimum ground story height required by the zoning district.

D. Measurement

1. Ground story height is measured from the top of the finished floor of the ground story to the top of the finished floor of the story above.
2. When there is no story above, ground story height is measured from the top of the finished floor of the ground story to the bottom of the roof structure above.





E. Relief

1. A reduction of up to 10% from the ground story height standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 3.12.2. Ground Story Elevation

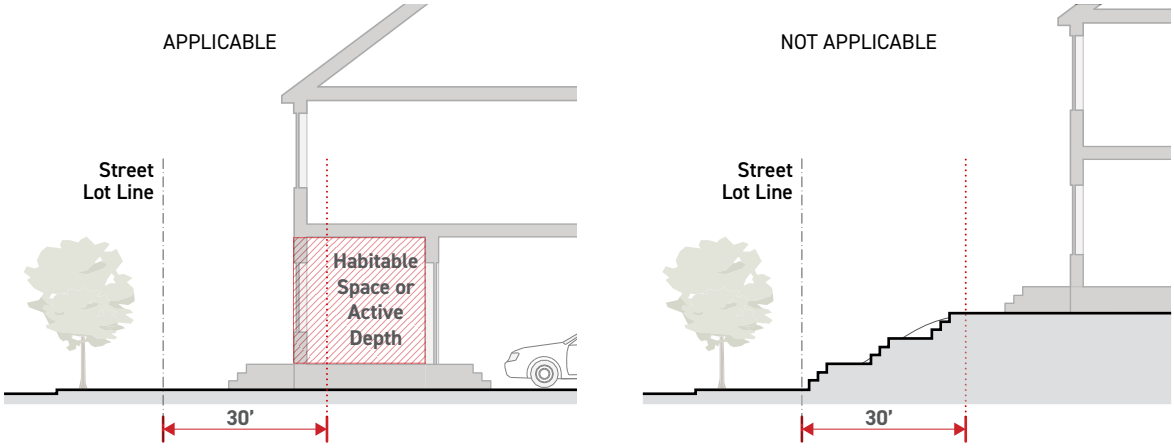
The height of the finished floor associated with the ground story of a building.

A. Intent

To promote "eyes on the street", increase the perception of safety, and encourage visual connections between the public realm and the exterior of the building.

B. Applicability

1. Ground story elevation standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Where the zoning district regulates active depth, the ground story elevation standards only apply to the required active depth on the ground story.
3. Where the zoning district does not regulate active depth, ground story elevation standards apply to primary buildings if any portion of the building is located within 30 feet of a primary street or side street lot line and the ground story contains habitable space.



4. Ground story elevation standards do not apply to accessory structures.
5. Where the zoning district regulates ground story elevation differently based on use, the following standards apply:
   a. For residential uses, except residential uses abutting storefront streets, the residential standards apply.

b. For nonresidential uses or any use abutting storefront streets, the nonresidential standards apply.

C. Standards

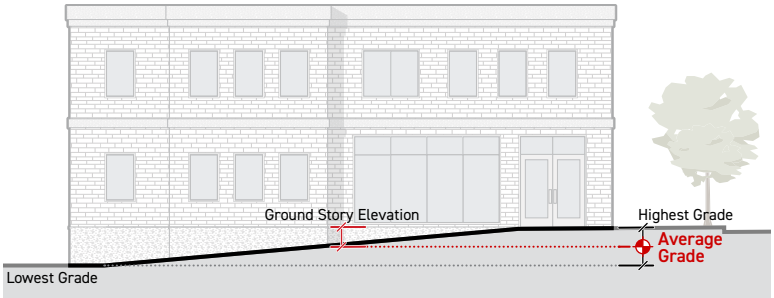
1. All applicable ground stories must have a finished floor surface meeting the following standards:

   a. An elevation no lower than the minimum ground story elevation required by the zoning district.

   b. An elevation no higher than the maximum ground story elevation required by the zoning district.

D. Measurement

1. Ground story elevation is measured from the average finished grade to the top of the finished floor of the ground story.



2. On corner lots, for the purpose of determining ground story elevation, average finished grade must be established independently for each street-facing facade.

3. The finished floor elevation of an entry feature must be within one foot of the ground-story finished floor elevation, as defined in *Sec. 3.12.2. Ground Story Elevation*.

E. Exception

1. If a property is located within a designated flood zone, the ground floor elevation may be measured from the base flood elevation instead of the average finished grade. The determination to use base flood elevation as a form of measurement is subject to approval by the Director.

2. For properties located within a designated flood zone, the ground floor elevation may be measured from 1 foot above the base flood elevation (BFE + 1 ft) rather than from the average finished grade, provided the design complies with applicable ADA and FHA accessibility requirements. The use of base flood elevation as the point of measurement is subject to approval by the Director.

F. Relief

1. A change of up to 30% from the ground story elevation standards, including adjustments necessary to accommodate existing topography, may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 3.13. **WINDOWS AND DOORS**

Sec. 3.13.1. **Glazing**

The amount of transparent area on a building facade.

A. Intent

To provide visual interest along the public realm by encouraging visual connections between the public realm and the interior of a building.

B. Applicability

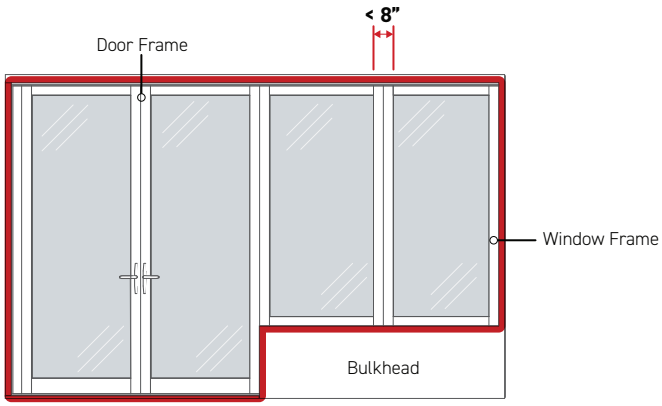
1. Glazing standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Glazing standards apply to all street-facing facades, and specifically:
   a. Ground story glazing standards apply to the ground story; and
   b. Upper story glazing standards apply to all stories above the ground story.
3. Where the zoning district regulates glazing differently based on use, the following standards apply:
   a. For residential uses, the residential standards apply.
   b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
   c. For all other uses in Workplace Flex (WX-), the other standards apply.
   d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.
4. Upper story glazing standards do not apply to half-stories or unoccupiable spaces such as towers or cupolas.

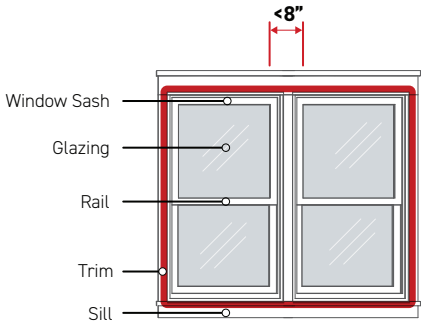
C. Standards

1. Applicable ground and upper story building facades must provide transparent area meeting the minimum glazing requirements of the zoning district.
2. To be considered a transparent area, window and door glazing must meet the following requirements:

	Glazing Specifications	
	Visible Light Transmittance	**External Reflectance**
Ground Story	More than 60%	Less than 20%
Upper Story	More than 30%	Less than 40%

3. Muntins, mullions, window sashes, window and door frames, or window and door trim that are integral to window and door assemblies that are less than 8 inches wide may be considered transparent when calculating required percentages.





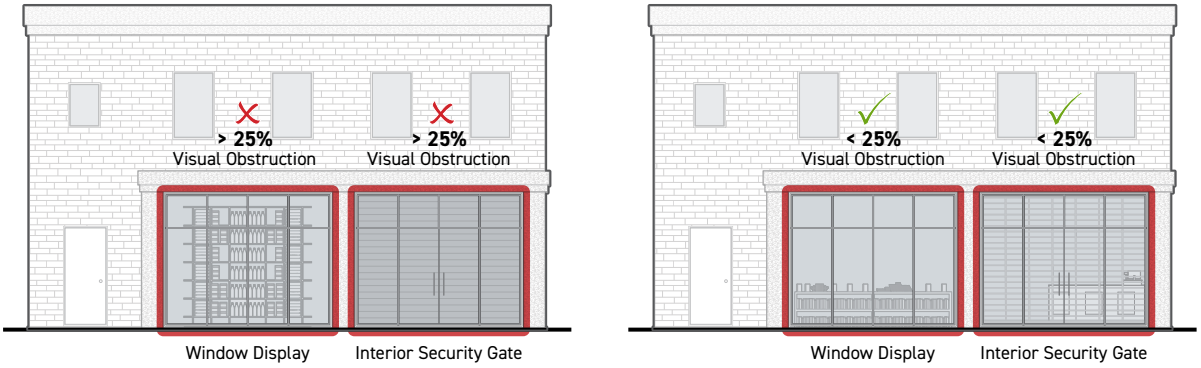
4. Windows and doors used to meet the glazing requirements may be temporarily covered by operable window treatments, such as curtains or blinds.

   a. Windows and doors obscured by fixed exterior facade screens may count toward the transparent area, provided the screen obscures no more than 25% of the transparent area.

   b. Interior walls and other permanent interior visual obstructions may not be located within 5 feet of the window or door opening used to meet the glazing requirement.

   c. Burglar bars, steel gates, and steel roll-down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street.

   d. However, ground-story windows and doors that are obscured by interior security gates or by window displays located less than 5 feet from the window opening may count toward the required transparent area, provided the grate or display obscures no more than 25% of the transparent area.



D. Measurement

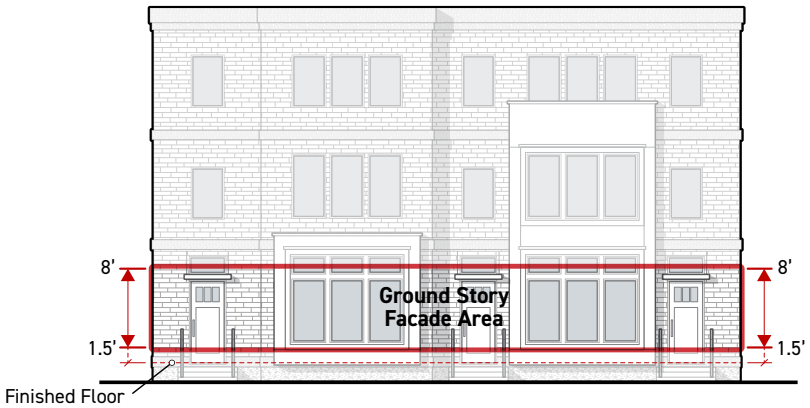
1. General

a. Ground story and upper story glazing is measured as a percentage calculated as the sum of all transparent area, divided by the total applicable facade area.

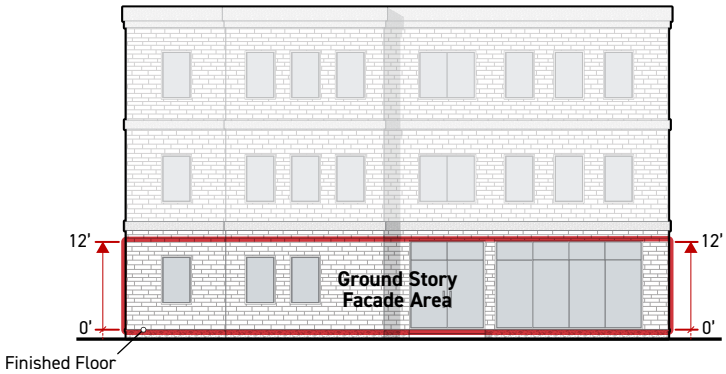
b. Glazing is measured separately for each story of a street-facing building facade.

2. Ground Story Facade Area

a. For residential and industrial uses, ground story facade area is measured between 1.5 and 8 feet from the finished floor of the ground story.

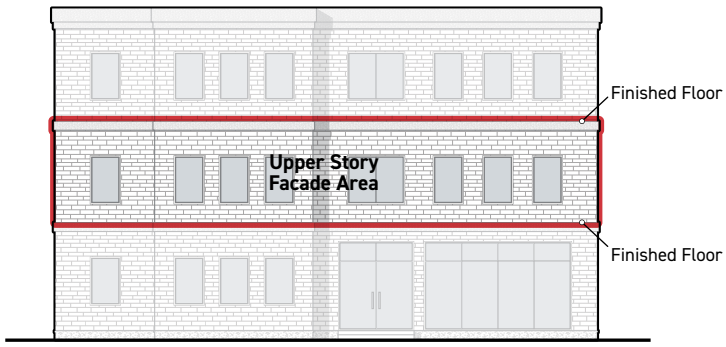


b. For all other uses, ground story facade area is measured between 0 and 12 feet from the finished floor of the ground story. If the ground story height is less than 12 feet, ground story facade area is measured between the top of the finished floor of the ground story and the top of the finished floor of the story above. When there is no story above, it is measured to the top of the wall plate.

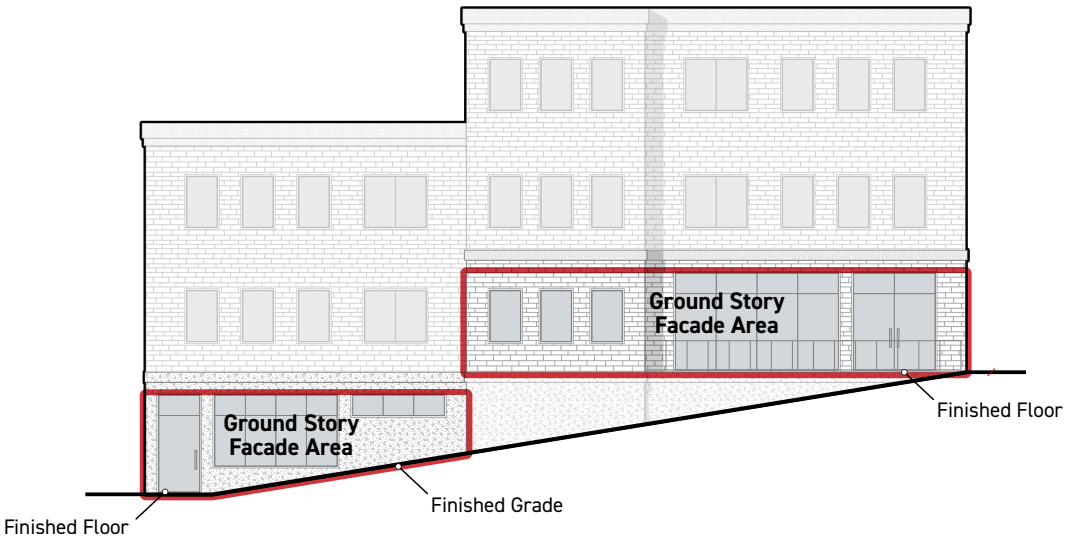


3. Upper Story Facade Area

a. Upper story facade area is measured as the portion of the facade area between the top of the finished floor for that story and the top of the finished floor above. When there is no story above, it is measured to the top of the wall plate.



b. No portion of a ground story located below existing grade is included in ground story facade area.



E. Relief

1. A reduction of up to 10% from the glazing standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 3.13.2. **Blank Wall Width**

The width of ground story facades and foundation walls without window or door openings.

A. Intent

To provide visual interest and activation along the public realm by limiting the area without visual or physical connections between the public realm and the interior of a building.

B. Applicability

1. Blank wall width standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Blank wall width standards only apply to the foundation wall and ground story of street-facing facades.
3. Where the zoning district regulates blank wall width differently based on use, the following standards apply:
   a. For residential uses, the residential standards apply.
   b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
   c. For all other uses in Workplace Flex (WX-), the other standards apply.
   d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.

C. Standards

1. General

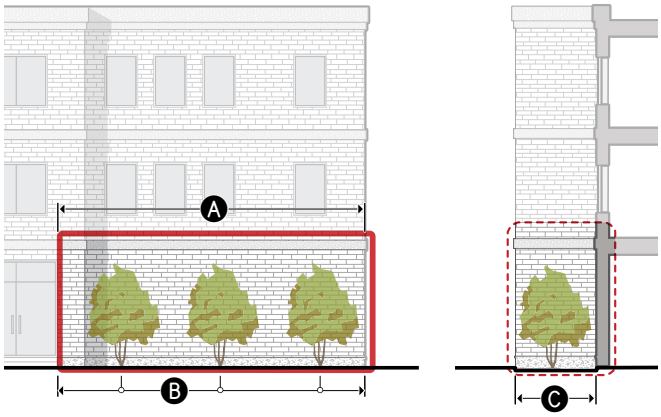
Windows and doors meeting the standards of *Sec. XX. Glazing* on applicable ground story facades or foundation walls can be separated by a distance no greater than the maximum blank wall width specified by the zoning district.

2. Blank Wall Treatments for Ground Story Facades

On side streets, ground story facades that exceed the maximum allowed blank wall width may apply one or more of the following blank wall treatments and increase the allowed blank wall width by 100%.

UNDERSTORY TREES

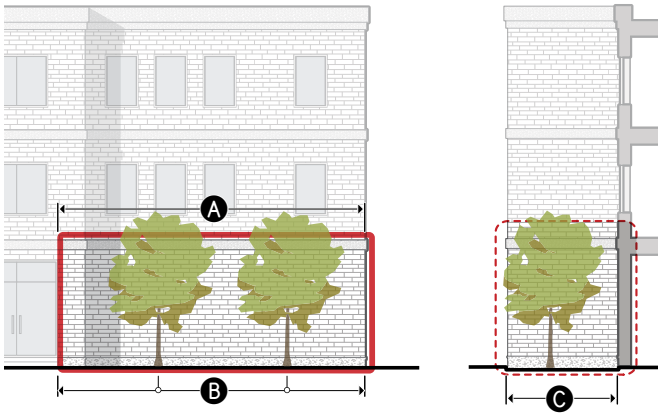
Understory trees planted between a blank wall on a ground story facade and the sidewalk.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	100%
Tree type	Understory
B Planting frequency (min avg.)	5 per 100'
C Planting area width (min)	7'

CANOPY TREES

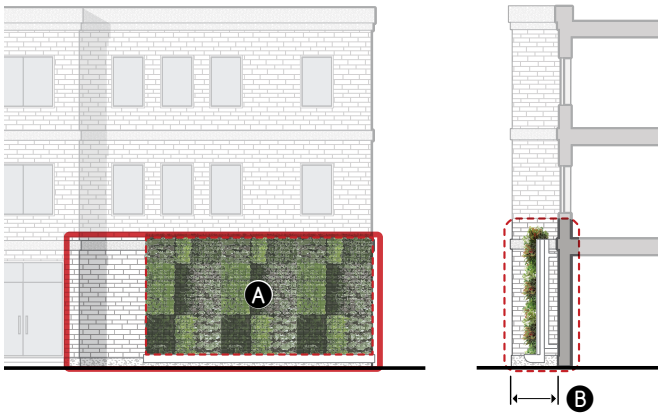
Canopy trees planted between a blank wall on a ground story facade and the sidewalk.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	100%
Tree type	Canopy
B Planting frequency (min avg.)	3 per 100'
C Planting area width (min)	15'

LIVING WALL

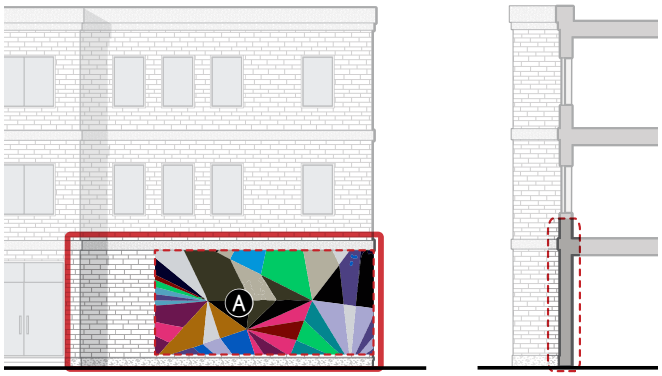
A structure permanently attached to a blank wall on a ground story that supports plants, their growing medium, and irrigation.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
B Planting area width (min)	1.5'

PUBLIC ART

A noncommercial image attached to a blank wall on the ground story that is deemed by the Director to be sufficiently different from the building facade.



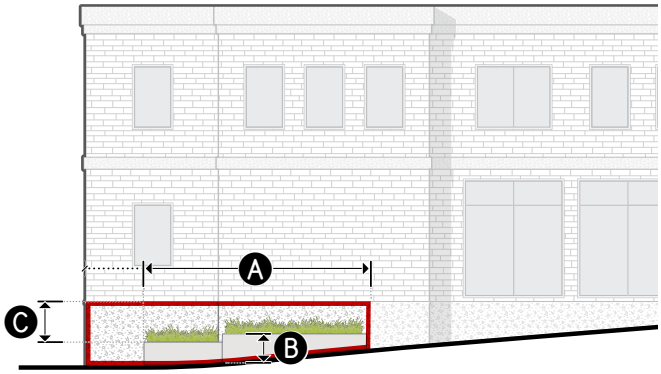
DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%

3. Blank Wall Treatments for Foundation Walls

Foundation walls that exceed the maximum allowed blank wall width may apply one or more of the following blank foundation wall treatments and increase the allowed blank wall width by 100%.

PLANTER

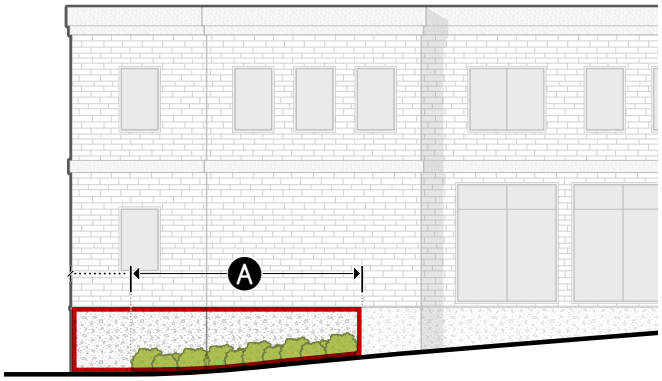
Screening plants located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Plant area width (min)	2.5′
B Height above sidewalk (max)	4′
C Foundation wall reveal (max)	2′

FOUNDATION PLANTING

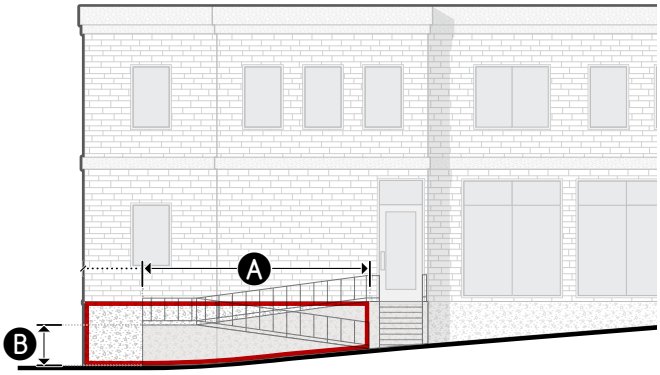
Screening plants located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Plant type	Screening
Planting frequency (min avg.)	3 per 10′
Planting area width (min)	3′

PEDESTRIAN ACCESS

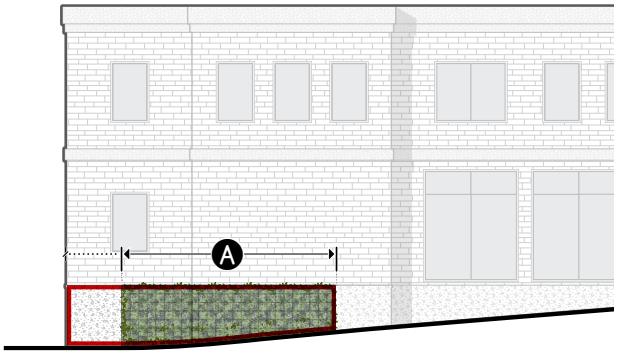
Stairs or ramps providing pedestrian access to a street-facing entry located between a blank foundation wall and the public realm.



DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
B Height above sidewalk (max)	4'

LIVING WALL

A structure permanently attached to a blank foundation wall that supports plants, their growing medium, and irrigation.

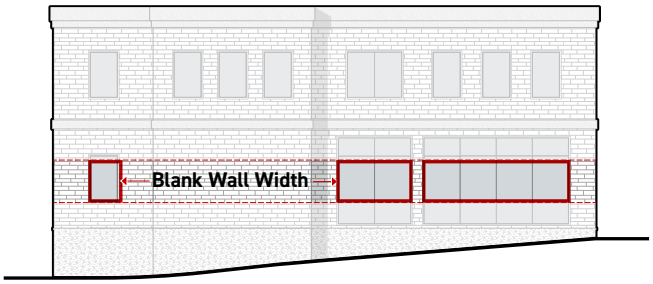


DIMENSIONAL STANDARDS	
A Treatment width (min % of blank wall width)	75%
Planting area width (min)	1.5'

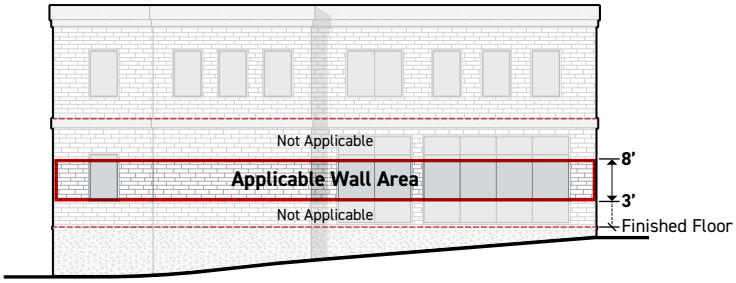
D. Measurement

1. General

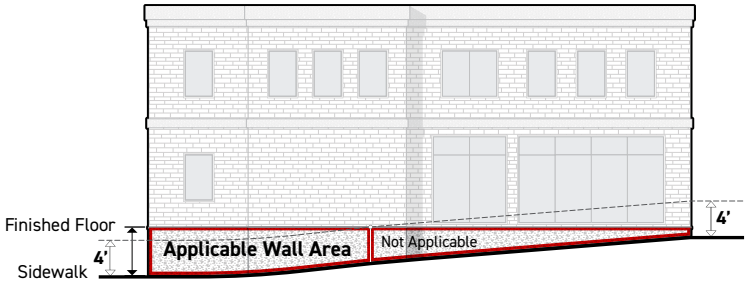
a. Blank wall width is measured horizontally and parallel to the street boundary line from the edge of a window or door to the edge of an adjacent window or door, or to the edge of the ground story facade.



b. For ground story street-facing facades, blank wall width is only measured on wall areas between 3 and 8 feet from the finished floor of the ground story.



c. For street-facing foundation walls, blank wall width is only measured for wall areas that are exposed 4 feet in height or more above existing grade.



2. Blank Wall Treatments

a. Treatment Width

Minimum treatment width is measured as a percentage, calculated as the cumulative width of blank wall treatments divided by the total width of blank wall.

b. Treatment Area

Minimum treatment area is measured as a percentage, calculated as the cumulative area of blank wall treatments divided by the total applicable facade area within the blank wall.

c. Tree Type

See Sec. XX. Plants and Plant Material. for understory and canopy tree planting requirements.

d. Plant Type

See Sec. XX. Plants and Plant Material. for screening plant planting requirements.

e. Planting Frequency

Planting frequency is measured as a ratio of the minimum number of plants required along the total width of the blank wall. A minimum of one plant of the required plant type must be provided regardless of the width of blank wall treatment.

f. Planting Area Width

Minimum planting area width is measured as the horizontal dimension of planting area, measured from the blank wall outward to the street lot line. The planting area must be uncovered.

g. Height Above Sidewalk

i. Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the blank wall treatment.

ii. For foundation walls located more than 10 feet from the sidewalk, maximum height above sidewalk is measured from the lowest elevation of existing grade to within 5 feet of the foundation wall, to the topmost point of the blank wall treatment.

h. Foundation Wall Reveal

Foundation wall reveal is measured vertically from the top of the blank wall treatment to the ground story finished floor elevation along the entire blank wall treatment.

E. Relief

1. A change of up to 10% from the blank wall width standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 3.13.3. **Street-Facing Entry**

A minimum number of street-facing building entrances providing access from the public realm to the interior of a building.

A. Intent

To provide visual interest along the public realm, orient buildings to the public realm, and promote greater use and activation of the public sidewalk by limiting distance without physical connections between the public realm and the interior of a building.

B. Applicability

1. Street-facing entry standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Street-facing entry standards apply to all ground story street-facing facades.
3. Accessory structures are not required to provide a street-facing entry.
4. Where the zoning district regulates street-facing entry differently based on use, the following standards apply:
   a. For residential uses, the residential standards apply.
   b. For industrial uses in Workplace Flex (WX-), the industrial standards apply.
   c. For all other uses in Workplace Flex (WX-), the other standards apply.
   d. For industrial and all other uses in any other zoning district, the nonresidential standards apply.
5. For facade modifications to existing buildings, the requirements for a recessed entrance and entrance overhang do not apply when there is insufficient space to install the required covered entry without encroaching into the public right-of-way. The Director determines whether adequate right-of-way exists.

C. Standards

1. General

a. A street-facing entry must be provided when required by the zoning district.

b. To qualify as a street-facing entry, building entries must meet the following standards:

   i. Located at the ground story;

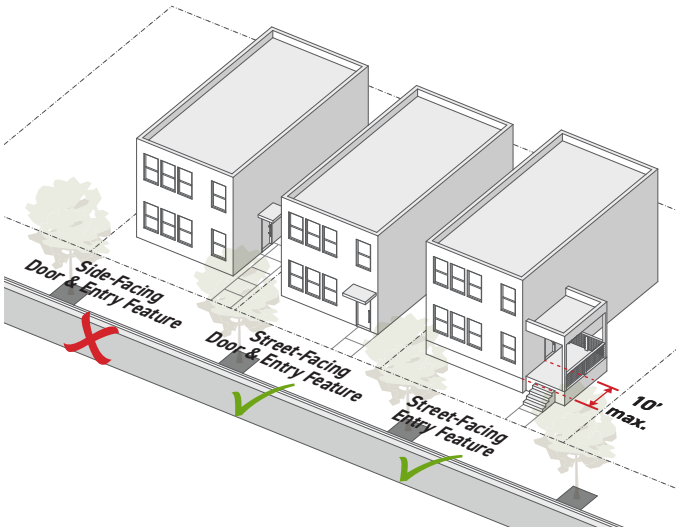
   ii. Provide direct pedestrian access to the ground story from a street or multi-use trail;

   iii. Remain operable at all times. Access may be controlled and limited to building occupants and during business hours;

   iv. Access an occupiable space. Street facing entries may not provide access directly to internal vehicle areas (such as garages), utility areas, or storage areas;

v. Include a door and an entry feature meeting the standards of one of the entry feature options; and

vi. The entry feature must be street-facing. The door may be on a side-facing facade if it located 10 feet or less behind a street-facing facade.



2. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

In addition to the general standards, House-Scale (H-) and Neighborhood-Scale (N-) Form Districts with a street-facing entry requirement must meet the following standards:

a. At least 1 street-facing entry must be provided for each primary building.

b. Where dwelling units or uses face multiple street lot lines, required street-facing entries must be provided along primary street lot lines.

c. Where there is more than 1 dwelling unit on a lot, each dwelling unit along a street must be accessed through a street-facing entry. Each dwelling unit may have its own street-facing entry or multiple dwelling units with a shared lobby or corridor may share a single street-facing entry.

d. Where 50% or more of the existing buildings on the block face have a raised entry or porch entry feature, all required street-facing entries must provide a raised entry or porch as the entry feature. However, a zero-step entrance may be provided at the front of the building without the need for a ramp, provided the design maintains the intent and overall appearance of a raised entry in accordance with the relevant ADA accessibility standards.

3. All Other Zoning Districts

In addition to the general standards, all other zoning districts with a street-facing entry requirement must meet the following standards:

a. For nonresidential uses, at least 1 street-facing entry must be provided for each principal use.

b. For residential uses, the following standards apply:

i. Where up to 4 dwelling units along a street are located on the ground story, at least 1 street-facing entry must be provided for each primary building; and

ii. Where more than 4 dwelling units along a street are located on the ground story, each dwelling unit on the ground story must provide a street-facing entry.

c. Where dwelling units or principal uses face multiple street lot lines, required street-facing entries must be provided along primary street lot lines.

d. Forecourt entry features are only permitted when a fence or wall is allowed in the front yard according to the applicable Form District and, when permitted, must comply with *Sec. 8.4.5, Fences and Walls*.

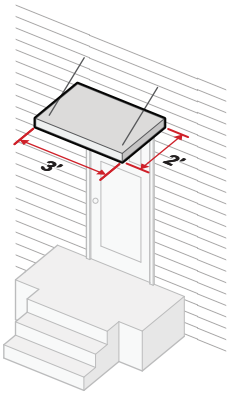
4. Covered Entry 082

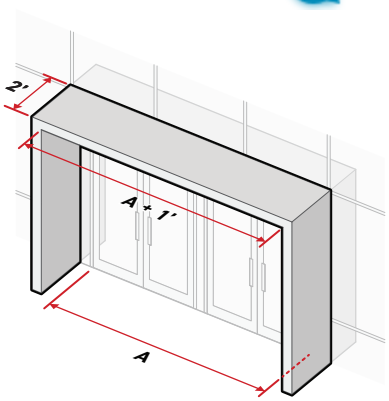
a. When required as a part of an entry feature, a canopy, roof, or other sheltering structure must cover the exterior area immediately abutting the associated street-facing entry.

b. The minimum depth of the covered area must be 2 feet.

c. The minimum width of the covered area must be 3 feet or the width of the street-facing entry plus 1 foot, whichever is greater.

083





A = Street-Facing Entry Width

#082

Posted by **Michael Barnett** on **04/07/2026** at **7:47pm** [Comment ID: 2624] - Link

Suggestion

Agree: 0, Disagree: 0

There are quite a few traditional building forms (Georgian, Federal, American Colonial) that do not necessarily employ covered entries. While I agree that a covered entry is needed for any public occupancy, and covered entries are typical for residences regionally, I'm struggling with limiting the architectural expression for a non-public occupancy.

> Reply by **SiteAdmin** on **04/08/2026** at **10:04am** [Comment ID: 2697] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

#083

Posted by **Michael Barnett** on **04/07/2026** at **7:36pm** [Comment ID: 2623] - Link

Question

Agree: 0, Disagree: 0

Wouldn't a street entry always be at least 3' wide, de facto making 4' the minimum?

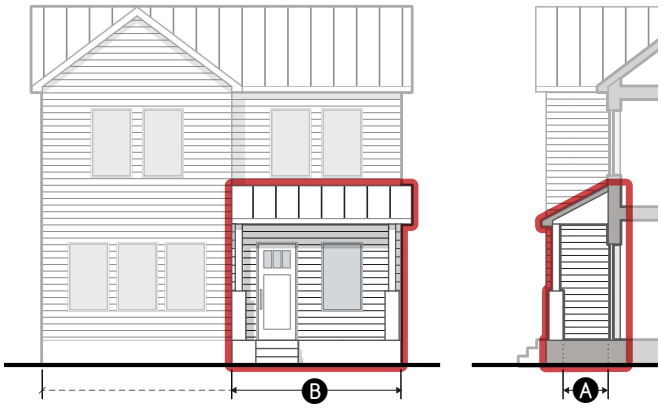
> Reply by **SiteAdmin** on **04/08/2026** at **10:11am** [Comment ID: 2700] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Entry doors may be 32 inches wide when used for egress, which would allow a covering slightly less than 4 feet wide.

5. Entry Feature Options

A required entry feature must meet the standards of one of the following entry feature options:

PORCH

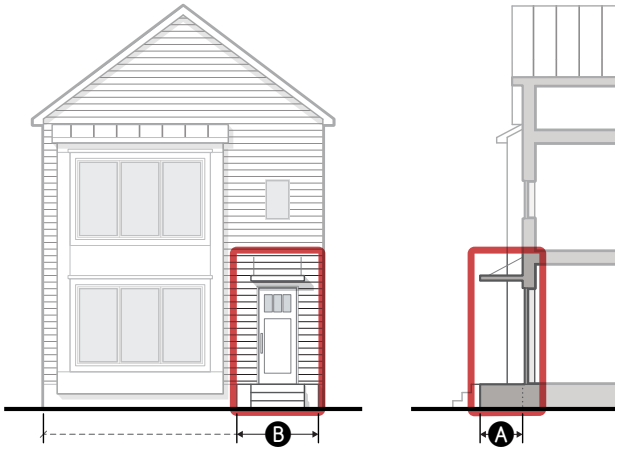
A wide, raised platform projecting in front of a street-facing entry that is entirely covered and not enclosed.



DIMENSIONAL STANDARDS	
A Depth (min)	8′
B Width (min % of building width)	30%
Covered area (min)	100%
Enclosure (max)	50%

RAISED ENTRY

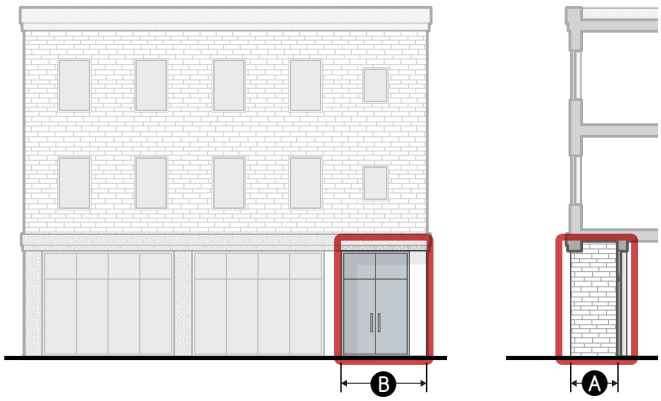
A raised platform projecting in front of a street-facing entry that is partially covered and not enclosed.



DIMENSIONAL STANDARDS	
A Depth (min)	3′
B Width (min)	3′
Covered entry	Required
Enclosure (max)	50%

RECESSED ENTRY

A space set behind the primary facade plane providing sheltered access to a street-facing entry.



DIMENSIONAL STANDARDS	
A Depth (min/max)	2' / 15'
B Width (min)	3'
Covered area (min)	100%
Enclosure (max)	75%

OVERHANG

A space that provides sheltered access to an at-grade street-facing entry with an overhead projecting structure.

DIMENSIONAL STANDARDS	
A Depth (min)	None
B Width (min)	None
Covered entry	Required
Enclosure (max)	50%

FORECOURT

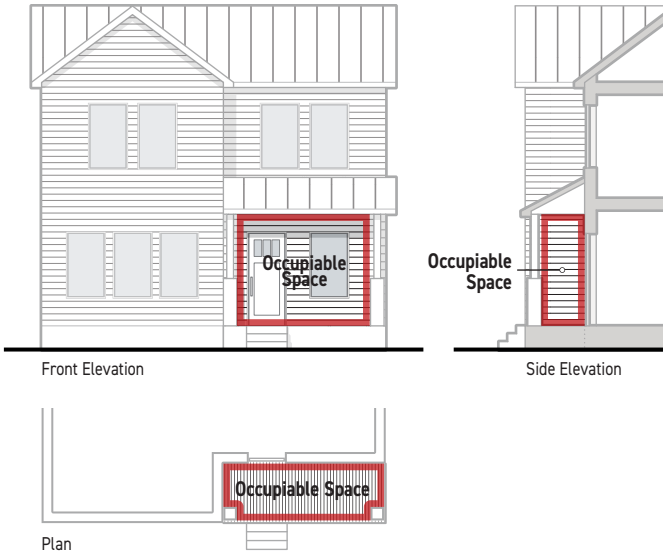
A yard screened with a short wall, fence, or hedge that provides privacy for occupants located at the ground story, near sidewalk grade.

DIMENSIONAL STANDARDS	
A Depth (min)	6′
B Width (min)	10′
Covered entry	Required
Fence height (min/max)	1.5′ / 3.5′

D. Measurement

1. General

Entry feature standards apply only to the occupiable portion of an entry feature. Stairs and ramps used to access the entry feature are not considered occupiable area for the purpose of meeting entry feature standards.



2. Depth

Minimum depth is measured as the horizontal dimension at the narrowest point of an entry feature, perpendicular to the applicable street lot line.

3. Width

a. When specified in feet, width is measured as the total width of an entry feature, measured parallel to the applicable street lot line.

b. When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building or dwelling unit that the entry provides access to, measured parallel to the applicable street lot line.

c. When the calculation for an entry feature width percentage results in a fraction, the result is rounded up to the nearest whole number.

4. Covered Area

Covered area is measured as the portion of an entry feature area that is covered by a canopy, roof, or other sheltering structure, divided by the total entry feature area.

5. Enclosure

See *Sec. XX. Enclosure* for the calculation of enclosure.

6. Fence or Wall Height

See *Sec. XX. Fences and Walls* for the measurement of fence or wall height.

E. Relief

1. A change of up to 10% from the street-facing entry standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A request to change a design provision or a change of up to 30% from the street-facing entry standards may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A request to eliminate a street-facing entry or a change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 3.14. **FENCES AND WALLS**

Vertical structures separating the public realm from private property.

For requirements, see *Div. XX. Fences and Walls*.

CHAPTER 4.

USE DISTRICTS

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DIVISION 4.1. **GENERAL PROVISIONS**

Sec. 4.1.1. **How to Use this Chapter**

A. Use Districts

Whether a specific use is allowed on a site is determined by its Use District. Use Districts are organized into categories based on shared characteristics and similar use permissions. For ease of reference, these categories are grouped into two Consolidated Use Tables:

1. Use Table 1 includes use permissions for the following categories:
    a. Residential (R-)
    b. Residential Mix (001)
    c. Civic (CV-)
2. Use Table 2 includes use permissions for the remaining categories:
    a. Neighborhood Mix (NX-)
    b. Mixed Use (MX-)
    c. Industrial Flex (IX-)
    d. Industrial (I-)

B. Specific Uses

Uses are organized by use group (such as Residential Uses), use category (such as Household Living or Group Living), and then by specific use within that category (such as General Household Living or Live-Work). Use categories organize specific uses with similar attributes. Specific uses have permissions in the use table that determine if that use is allowed in a particular Use District.

C. Use Standards

1. Some Use Districts have standards that apply to any use in that particular Use District. These Use Districts are designated with two asterisks (**) next to the Use District name in the use table. These standards are found in *Sec. 4.3. Use Districts Standards*.
2. Some specific uses have standards that are required to be met for the use to be allowed. These uses are designated with an asterisk (*) next to the use permission in the use table. These standards are found in *Sec. 4.4. Specific Use Standards*.
3. Use standards can apply to all uses in a group, all uses in a category, or a specific use. For example, if the standard specifies "Residential Uses", the standard is referring to all uses in that group; and if the standard specifies "Household Living Uses", the standard is referring to all uses in that category.

#001

Posted by **Steven Aceto** on **02/12/2026** at **11:15am** [Comment ID: 1961] - Link
Agree: 0, Disagree: 0
Residential Mix is labeled as "RX" in remainder of code.

> Reply by **SiteAdmin** on **02/13/2026** at **9:36am** [Comment ID: 1965] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thanks. I should be "RX". We will fix this!

Sec. 4.1.2. **Applicability**

A. Use District Requirements

1. Use District requirements apply based on the types of project activities proposed, as shown in the table below. Typically, more than one project activity will apply to a proposed project (for example, a renovation may also include a change of use and site modification).

USE DISTRICT REQUIREMENTS		PROJECT ACTIVITY						
		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Use District Permissions	*Sec. 4.2.*	●	●	●	○	●	●	○
Use District Standards	*Sec. 4.3.*	●	●	●	○	●	●	○
Use Definitions	*Sec. 4.4.*	●	●	●	○	●	●	○
Specific Use Standards	*Sec. 4.5.*	●	●	●	○	●	●	○
Accessory Uses	*Sec. 4.6.*	●	●	●	○	●	●	○
Temporary Uses	*Sec. 4.7.*	●	●	○	○	●	●	●

KEY: ● = Standards generally apply ○ = Standards do not apply

2. Project activity is defined in *Chapter 10. General Standards and Definitions*.

3. Where a requirement is listed as applying, any applicable Use District Permissions (*Div. 4.2.*), Use District Standards (*Div. XX*), or Specific Use Standards (*Div. 4.5.*) must be met. For existing buildings and uses, applicability may also be modified by *Chapter 9. Nonconformities*.

B. Relationship to Form Districts

If a use is allowed by the Use District, then the use must meet the requirements in both the Use District and the Form District assigned to the lot. For uses with additional standards listed in this Chapter, the Use District supersedes any conflicting standard listed in the Form District.

Sec. 4.1.3. **Use Interpretations**

A. Multiple principal uses are permitted on a lot when all such uses are allowed within the Use District and each use complies with all applicable standards.

B. When a proposed use is not listed in the Consolidated Use Tables, the Director has the responsibility for determining whether the proposed use is similar to an already listed use. Where a use contains a list of included uses, the uses on the list are to be considered example uses, and not all-inclusive. The Director will first determine what use category the use is most similar to, and then determine the most similar specific use.

C. When a proposed use is found by the Director not to be similar to an already listed use, the use is not allowed.

D. When determining whether a proposed use is similar to an already listed use, the Director will consider the following criteria:

1. Actual or projected characteristics of the use.
2. Amount and nature of any nuisances generated by the use.
3. Type, size, nature and arrangement of buildings and structures.
4. Relative amount and types of sales.
5. Relative number of employees and customers.
6. Hours of operation.
7. Number of vehicle trips generated, types of vehicles, and parking demand.
8. Anticipated amount and type of outdoor storage.
9. Likely impact on adjacent properties.

DIVISION 4.2. **USE DISTRICT PERMISSIONS**

Sec. 4.2.1. **Use Table Interpretation**

A. Use Table Key

1. Allowed Uses

P = A by-right allowed use.

P* = A by-right allowed use, provided it meets the use standards in the right-hand column of the use table.

2. Discretionary Allowed Uses

S = A use that is allowed only with a Special Use Permit.

S* = A use that is allowed only with a Special Use Permit, provided it also meets the use standards in the right-hand column of the use table.

3. Uses Not Allowed

-- = A use that is not allowed.

B. Use Restrictions

1. Distance

Where a minimum distance is required between certain uses, the distance is measured as the shortest straight line distance between the lot lines of the lots containing the uses.

2. Size

a. Size restrictions expressed as square feet (SF) in the use table refer to gross floor area per tenant.

b. Size restrictions expressed as acreage in the use table refer to the total area of the site.

Sec. 4.2.2. Consolidated Use Tables

A. Use Table 1

Use Category / Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
RESIDENTIAL USES											
Household Living											
General household living	P*	P*	P*	P*	P*	P	P	P	--	P	*Sec. XX.*
Live-work	--	--	--	--	P*	P*	P*	P*	--	--	*Sec. XX.*
Purpose-built student housing	--	--	--	--	--	P	P	P	--	P	
Group Living											
General supervised group living	S*	S*	S*	S*	S*	S*	S*	S*	--	S*	*Sec. XX.*
General unsupervised group living	--	--	--	--	--	--	--	--	--	--	
Dormitory, fraternity, or sorority	--	--	--	--	--	--	--	--	--	P	
Emergency shelter	--	--	--	--	--	--	--	S*	--	S*	*Sec. XX.*
Maternity supportive housing	P	P	P	P	P	P	P	P	--	P	
PUBLIC AND INSTITUTIONAL USES											
Civic											
General civic	P	P	P	P	P	P	P	P	--	P	
Community center, private	S	S	S	S	S	S	S	--	--	P	
Library or museum, private											
Up to 8,000 SF	S	S	S	S	S	S	S	S	--	P	
Above 8,000 SF	S	S	S	S	S	S	S	S	--	P	
Religious assembly	S	S	S	S	P	P	P	P	--	P	
Private Education											
General private education	S	S	S	S	S	S	S	S	--	P	
College or university, private	S	S	S	S	S	S	S	--	--	P	

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

#002

Posted by **somrsbrooks** on **02/20/2026** at **11:23am** [Comment ID: 2028] - Link
Suggestion
Agree: 2, Disagree: 0
Unsupervised group living serves a critical segment of the housing market: individuals whose incomes exceed subsidy thresholds but remain insufficient to secure market-rate rental or entry-level homeownership in Atlanta.

Through the shared allocation of housing and utility expenses, residents reduce per-person monthly costs and improve financial sustainability. This model represents a cost-efficient, community-based response to rising housing prices.

If the City of Atlanta seeks to address housing affordability comprehensively, policies should support housing structures that enable cost-sharing among unrelated adults. Prohibiting or restricting such arrangements undermines a practical and self-sustaining affordability mechanism.

> Reply by **SiteAdmin** on **02/20/2026** at **6:50pm** [Comment ID: 2037] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please note that this existing provision does not prevent such individuals from living together in a household setting, subject to the applicable limitations. It applies only to larger group arrangements. However, your objection is noted.
>
> > Reply by **somrsbrooks 1** on **03/25/2026** at **1:15pm** [Comment ID: 2311] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > what are the applicable limitations?
> >
> > > Reply by **SiteAdmin** on **03/25/2026** at **3:58pm** [Comment ID: 2324] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > People requiring unsupervised living may live together as a "household." As drafted, this would

allow up to 4 unrelated persons to live together, and any number of related individuals counts as "1 person" for this standard.

Reply by **Nicolai** on **04/09/2026** at **8:01am** [Comment ID: 2757] - Link
Question
Agree: 1, Disagree: 0
I agree with the original comment. This draft did not make it clear that up to 4 unrelated persons may still live together. Where does it say that? And why is it limited to 4? What is the justification for 4? Why does it say that "General unsupervised group living" will require a special permit in residential districts? Will it only be required if there are more than 4 unrelated people living together? This aspect of the zoning re-draft needs to be amended urgently, or the City will displace 10,000+ people occupying these affordable housing units.

Reply by **SiteAdmin** on **04/09/2026** at **10:10am** [Comment ID: 2760] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

See Sec. 4.4.1, which reads,

"Residential occupancy for at least 30 consecutive overnight stays in a building or portion of a building
providing complete and permanent living facilities, including bathrooms, kitchen, living rooms, and
bedrooms, by 1 or more persons functioning as a single household. A household consists of persons
with common access to, and common use of, all areas within the dwelling unit. Unless all persons
are related by blood, marriage, adoption, or legal guardianship, no household may contain more than
four persons; all related persons count as one person."

#003

Posted by **GLORIA** on **04/02/2026** at **1:46am** [Comment ID: 2489] - Link
Question

Agree: 0, Disagree: 0

The use of the labels R1, R2, R3, R4 and R5 is very confusing since those labels have been in use for almost 50 years to define the current SFR districts. Is there some place in the new code that clearly defines what these labels refer to?

Reply by **SiteAdmin** on **04/03/2026** at **1:09pm** [Comment ID: 2494] - Link

Answer

Agree: 0, Disagree: 0

Great question.

These refer to "Use Districts" only, as established in Sec. 4.1.1. "R" means that the use district is residential.

The current "R1 through R5" ZONING DISTRICT is unrelated to this new term, except that these convert to the R1 or R2 USE DISTRICT, as established here: https://atlzoning.konveio.com/zoning-district-conversions-draft-v2

Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Commercial school											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	
Day care, private											
Up to 8,000 SF	S	S	S	S	S	S	P	S	--	P	
Above 8,000 SF	S	S	S	S	S	S	S	S	--	P	
Parks and Open Space											
General parks and open space	S	S	S	S	S	P	P	P	P	P	
Cemetery	S	S	S	S	S	--	--	--	--	S	
Utility											
General utility	P	P	P	P	P	P	P	P	--	P	
Commercial wind or solar	--	--	--	--	--	--	--	--	--	--	
Wireless Telecommunication											
Type I: Modification	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type II: Small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type III: Non-small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type IV: Small wireless structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type V: Non-small wireless structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	*Sec. XX.*
COMMERCIAL USES											
Adult Establishment											
Adult Establishment	--	--	--	--	--	--	--	--	--	--	
Agriculture											
Farmers market	--	--	--	--	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Indoor growing system	--	--	--	--	--	--	--	--	--	--	
Urban garden	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Entertainment and Recreation											
General indoor entertainment and recreation											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
General outdoor entertainment and recreation	--	--	--	--	--	--	--	--	--	--	
ATV park	--	--	--	--	--	--	--	--	--	--	
Club, private	03/09/26 Note: To remain allowed by SUP in next draft.										
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	
Convention hall or event facility											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Golf course	S	S	S	S	S	--	--	--	S	S	
Lounge or nightclub											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Party house	--	--	--	--	--	--	--	--	--	--	
Sports arena, stadium, or field	S*	S*	S*	S*	S*	--	--	--	--	S	*Sec. XX.*
Food and Beverage											
General food and beverage											
Up to 2,000 SF	--	--	--	--	P	P	P	S	--	--	
2,001 - 4,000 SF	--	--	--	--	--	--	P	S	--	--	
4,001 - 8,000 SF	--	--	--	--	--	--	--	S	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

Use Category / Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Bakery, wholesale											
Up to 2,000 SF	--	--	--	--	P	--	--	--	--	--	
2,001 - 8,000 SF	--	--	--	--	P	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Bar											
Up to 2,000 SF	--	--	--	--	P	P	P	S	--	--	
2,001 - 4,000 SF	--	--	--	--	--	--	P	S	--	--	
4,001 - 8,000 SF	--	--	--	--	--	--	--	S	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Catering establishment											
Up to 2,000 SF	--	--	--	--	P	P	P	--	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Delivery-based commercial kitchen	--	--	--	--	--	--	--	--	--	P	
Microbrewery, microdistillery, or winery	--	--	--	--	--	--	--	--	--	--	
Lodging											
General lodging											
Up to 30 guest rooms	--	--	--	--	--	--	--	--	--	--	
Above 30 guest rooms	--	--	--	--	--	--	--	--	--	--	
Bed and breakfast	--	P*	P*	P*	P*	P*	P*	P*	--	--	*Sec. XX.*
Short-term rental 004	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	*Sec. XX.*
Medical											
General medical											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	P	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

#004

Posted by **Matthew 1** on **04/07/2026** at **12:38am** [Comment ID: 2575] - Link

Suggestion

Agree: 0, Disagree: 0

Short-term rentals are allowed across nearly every residential, neighborhood-mix, and mixed-use district, which risks undermining long-term housing supply. I recommend tightening short-term rental permissions in housing-priority districts so the code more clearly favors permanent homes over visitor accommodations.

> Reply by **SiteAdmin** on **04/07/2026** at **11:10am** [Comment ID: 2594] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> Further restricting short-term rental would require future City policy changes.

Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Hospital	--	--	--	--	--	--	--	--	--	P	
Medical laboratory	--	--	--	--	--	--	--	--	--	P	
Office											
General office											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	P	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	
Sound recording studio											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	S	S	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Parking											
Commercial parking lot	--	--	--	--	--	--	S	--	--	S	
Commercial parking structure	--	--	--	--	--	--	P	--	--	P	
Personal Service											
General personal service											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P*	--	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Animal care, indoor											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	P*	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P*	*Sec. XX.*
Animal care, outdoor	--	--	--	--	--	--	--	--	--	--	
Body art studio											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	

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***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

Use Category / Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Funeral home	--	--	--	--	--	--	--	--	--	--	
Hair or nail salon											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Laundry service											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P*	--	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Retail											
General retail											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	--	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000	--	--	--	--	--	--	--	--	--	--	
Alternative financial service	--	--	--	--	--	--	--	--	--	--	
Artisan workshop											
Up to 2,000 SF	--	--	--	--	P	P	P	S	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	S	--	--	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Grocery store											
Up to 2,000 SF	--	--	--	--	P	P	P	P	--	--	
2,001 - 8,000 SF	--	--	--	--	--	--	P	P	--	--	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
15,001 - 25,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 25,000 SF	--	--	--	--	--	--	--	--	--	--	

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Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Hookah or vape store											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000	--	--	--	--	--	--	--	--	--	--	
Package store											
Up to 8,000 SF	--	--	--	--	--	--	--	P*	--	--	*Sec. XX.*
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Retail bank											
Up to 8,000 SF	--	--	--	--	--	--	P	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Small discount variety store											
Up to 2,000 SF	--	--	--	--	--	P*	P*	--	--	--	*Sec. XX.*
2,001 - 8,000 SF	--	--	--	--	--	--	P*	--	--	--	*Sec. XX.*
8,001 - 12,000 SF	--	--	--	--	--	--	--	--	--	--	
Transportation											
Passenger terminal	--	--	--	--	--	--	--	--	--	--	
Helipad	--	--	--	--	--	--	--	--	--	S	
Truck stop	--	--	--	--	--	--	--	--	--	--	
Vehicle Sale and Service											
Vehicle sale and rental, light	--	--	--	--	--	--	--	--	--	--	
Vehicle sale and rental, heavy	--	--	--	--	--	--	--	--	--	--	
Vehicle service and repair, light											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Vehicle service and repair, heavy	--	--	--	--	--	--	--	--	--	--	

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Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Car wash	--	--	--	--	--	--	--	--	--	P*	*Sec. XX.*
Fuel sales	--	--	--	--	--	--	--	--	--	--	
Wholesale Trade											
General wholesale trade											
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Showroom											
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Wholesale trade mart	--	--	--	--	--	--	--	--	--	--	
INDUSTRIAL USES											
Industrial and Manufacturing											
Low-impact industrial and manufacturing											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
High-impact industrial and manufacturing	--	--	--	--	--	--	--	--	--	--	
Crematorium	--	--	--	--	--	--	--	--	--	--	
Research and development	--	--	--	--	--	--	--	--	--	P*	*Sec. XX.*
Warehouse and Distribution											
General warehouse and distribution											
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	
Data Center											
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	

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Use Category Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Freight terminal	--	--	--	--	--	--	--	--	--	--	
Micro-distribution hub											
Up to 2,000 SF	--	--	--	--	--	--	--	--	--	--	
2,000 - 8,000 SF	--	--	--	--	--	--	--	--	--	--	
Self-storage	--	--	--	--	--	--	--	--	--	S*	*Sec. XX.*
Storage yard	--	--	--	--	--	--	--	--	--	--	
Waste-Related Service											
General waste-related service	--	--	--	--	--	--	--	--	--	--	
Green waste	--	--	--	--	--	--	--	--	--	--	
Recycling drop-off center	--	--	--	--	--	--	--	--	--	--	
ACCESSORY USES											
Accessory dwelling 005 006											
1 accessory dwelling unit	--	P*	P*	P*	P*	--	--	--	--	--	*Sec. XX.*
Up to 2 accessory dwelling units	--	--	P*	P*	P*	--	--	--	--	--	*Sec. XX.*
Up to 4 accessory dwelling units	--	--	--	P*	--	--	--	--	--	--	*Sec. XX.*
Accessory residential structure	P*	P*	P*	P*	P*	P*	P*	P*	--	--	*Sec. XX.*
Drive-in	--	--	--	--	--	--	--	--	--	--	
Drive-thru, enclosed	--	--	--	--	--	--	--	--	--	--	
Drive-thru, unenclosed	--	--	--	--	--	--	--	--	--	--	
EV charging station, levels 1 and 2	P	P	P	P	P	P	P	P	P	P	
EV charging station, level 3	--	--	--	--	--	P	P	P	P	P	
Home art studio and gallery	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	*Sec. XX.*
Home occupation	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	*Sec. XX.*
Hookah or vapor consumption	--	--	--	--	--	--	--	--	--	--	
Outdoor amplified sound	--	--	--	--	--	--	--	S*	--	--	*Sec. XX.*
Outdoor dining	--	--	--	--	P*	P*	P*	P*	--	--	*Sec. XX.*

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#005

Posted by **bmorrisdc** on **01/15/2026** at **4:58pm** [Comment ID: 1842] - Link

Suggestion

Agree: 2, Disagree: 0

It is my belief that the zoning proposed regarding ADU's in residential areas is highly discriminatory. Specifically, it appears that up to 4 ADU's will be permitted on R4 lots, while ADU's are not permitted in R1 lots.

If ADU's are generally considered to be an effective way of creating housing for lower income people, then why is it not permitted at all in R1 lots? To me, it sure appears that the affluent parts of Atlanta (R1) do not want ADU's because of exactly that -- they will bring in lower income residents, and lower income residents are not desired in those areas. However, it seems perfectly ok to allow as many as 4 ADU's on R4 lots, which are usually much smaller, and located in much more modest neighborhoods. This does not pass the "sniff test" for a policy that is not racially and economically biased to advantage primarly all-white, affluent sections of Atlanta. This continues the practice of concentrating multi-family housing in the poorest parts of the city, thereby keeping AMI's low and preventing the growth of food markets, restaurants, and other AMI-sensitive establishments. This is an egregious breach of trust to not allow the same kind of housing in affluent areas that is allowed in less-affluent areas. If multiple ADU's are allowed on tiny R4 lots, then they should be also allowed on huge R1 lots. Fair is Fair.

> Reply by **SiteAdmin** on **01/16/2026** at **4:55pm** [Comment ID: 1843] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The Use Districts shown in this table ARE NOT existing zoning districts. The existing R4 zoning district will convert to the new R2 Use District (one ADU). There is no increase in the number of ADUs allowed in any existing zoning district as part of ATL Zoning 2.0. The new R4 Use District was added based on ongoing neighborhood planning efforts where there is an interest in allowing up to four ADUs at some point in the future. This avoids the need to write a whole new Use District at such time.
>
> > Reply by **bmorrisdc** on **01/20/2026** at **7:40pm** [Comment ID: 1867] - Link
> >
> > *Suggestion*
> >
> > *Agree: 1, Disagree: 0*
> >
> > Thank you for that clarification. However, my concern still stands. I would submit that the "interest in allowing up to 4 ADU's " is not coming from residents of those neighborhoods but rather from developers seeking to add density to their rental properties. In my opinion, it should not even be allowed as a future possibility. I would prefer that all Use Districts apply the current criteria currently described as an

Accessory Residential Structure. That allows residents to build structures for family, etc, but eliminates the appeal to absentee investors to treat the entire property as rentals.

Reply by **SiteAdmin** on **01/21/2026** at **12:08pm** [Comment ID: 1870] - Link
Answer
Agree: 0, Disagree: 0
Both ongoing plans that influenced this recommendation were prepared by the applicable neighborhood associations. They were not prepared by developers, to the best of our knowledge.

Reply by **bmorrisdc** on **02/01/2026** at **6:42pm** [Comment ID: 1900] - Link
Question
Agree: 0, Disagree: 0
Am I correct in understanding that each neighborhood was given the choice of either allowing or not allowing ADU's ?

Reply by **SiteAdmin** on **02/02/2026** at **8:54am** [Comment ID: 1902] - Link
Answer
Agree: 0, Disagree: 0
ATL Zoning 2.0 maintains existing ADU provisions in the existing R4, R4A, and R5 zoning districts. There are no changes proposed for specific neighborhoods.

#006

Posted by **Matthew 1** on **04/07/2026** at **12:36am** [Comment ID: 2574] - Link
Suggestion
Agree: 0, Disagree: 0
The ADU standards are still too restrictive because they do not allow even one accessory dwelling unit in R1 and only allow larger numbers in a narrow set of residential districts. I recommend allowing at least one ADU by right in all residential districts and expanding two-ADU options more broadly to increase housing choice without changing neighborhood form.

Reply by **SiteAdmin** on **04/07/2026** at **11:13am** [Comment ID: 2595] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

The initial draft of this code proposed allowing two ADUs in all zoning districts. This proposal was met with strong and immediate opposition from R1 through R3 neighborhoods, consistent with the response to a similar proposal in 2018.

Accordingly, ATL Zoning 2.0 maintains the current ADU entitlements. Any changes would need to be addressed through a future citywide policy discussion.

Reply by **Matthew** on **04/07/2026** at **4:59pm** [Comment ID: 2612] - Link

Suggestion

Agree: 0, Disagree: 0

The pushback against ADUs often relies on the idea that current residents should have a 'veto' over how their neighbors use their private land. However, city planning must be guided by the public interest and fiscal sustainability, not the preferences of a few loud incumbents. By restricting ADUs, we are effectively subsidizing housing scarcity. This forces new residents further into the suburbs, increasing the city's long-term infrastructure costs for roads and utilities that we all pay for. Furthermore, preventing a homeowner from building a small unit for a senior parent or a rental tenant is a violation of private property rights. A more flexible zoning code allows for 'gentle density' that preserves neighborhood scale while finally allowing the market to respond to Atlanta’s desperate need for housing. We cannot allow the 'veto' of existing homeowners to permanently lock out the next generation of Atlantans from living in our core neighborhoods.

Since this is still the public comment period, any decisions that have been finalized are premature and should be reevaluated when drafting version 3.

Reply by **SiteAdmin** on **04/08/2026** at **9:06am** [Comment ID: 2673] - Link

Answer

Agree: 0, Disagree: 0

Thank you for reviewing the draft and for your thoughtful comment.

Use Category / Specific Use	RESIDENTIAL (R-)					RESIDENTIAL MIX (RX-)			CIVIC (CV-)		Use Standards
	R1**	R2**	R3**	R4**	R5**	RX1**	RX2**	RX3**	CV1	CV2	
Outdoor display	--	--	--	--	P*	P*	P*	P*	--	--	*Sec. XX.*
Outdoor pet area 007	--	--	--	--	--	P	P	P	P	P	
Outdoor storage, minor	--	--	--	--	--	P*	P*	--	--	--	*Sec. XX.*
Outdoor storage, major	--	--	--	--	--	--	--	--	--	--	
Pedestrian bridge or tunnel	--	--	--	--	--	--	--	--	--	--	
Public Art	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	*Sec. XX.*
Renewable energy device	P	P	P	P	P	P	P	P	--	P	
TEMPORARY USES											
General temporary event											
Up to 90 days	--	--	--	--	--	--	--	P	P	P	
Beyond 90 days	--	--	--	--	--	--	--	S	P	S	
Active construction structure	P	P	P	P	P	P	P	P	P	P	
Temporary outdoor sales	--	--	--	--	--	--	--	--	P*	P*	*Sec. XX.*

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#007

Posted by **Sputnik** on **02/15/2026** at **10:40pm** [Comment ID: 1968] - Link
Suggestion
Agree: 0, Disagree: 0
Defined so broadly and vaguely that even a fenced-in backyard area for personal pets would not be allowed in R1-R5.

> Reply by **SiteAdmin** on **02/16/2026** at **8:36am** [Comment ID: 1974] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. We will seek to clarify this.

B. Use Table 2

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
RESIDENTIAL USES																										
Household Living																										
General household living 008	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	*Sec. XX.*
Live-work	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
Purpose-built student housing	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
Group Living																										
General supervised group living	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	--	--	*Sec. XX.*
General unsupervised group living	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	--	S*	S*	--	*Sec. XX.*
Dormitory, fraternity, or sorority	--	--	--	--	--	--	--	--	--	S	P	S	S	S	S	P	S	S	S	P	S	S	S	--	--	
Emergency shelter	--	--	--	--	--	--	--	S*	S*	S*	--	S*	--	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	--	*Sec. XX.*
Maternity supportive housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
PUBLIC AND INSTITUTIONAL USES																										
Civic																										
General civic	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community center, private	P	P	P	P	P	P	S	--	S	S	S	S	S	S	S	P	S	S	P	P	S	--	P	--	--	
Library or museum, private																										
Up to 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	--	
Above 8,000 SF	S	S	S	S	S	S	P	--	P	P	P	P	P	P	--	--	P	P	P	P	--	P	P	P	--	
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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#008

Posted by **Patrick Kelly** on **03/16/2026** at **3:18pm** [Comment ID: 2261] - Link

Question

Agree: 0, Disagree: 0

What does "General household living" mean? I cannot find a defintion.

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Private Education																										
General private education	--	--	--	--	--	--	S	S	P	S	P	P	P	P	P	P	P	P	P	P	P	--	P	--	--	
College or university, private	--	--	--	--	--	--	S	S	S	S	P	S	S	S	S	P	P	P	P	P	--	P	P	P	P	
Commercial school																										
Up to 8,000 SF	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Above 8,000 SF	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	P	P	--	P	P	P	P	
Day care, private																										
Up to 8,000 SF	P	P	P	P	P	P	P	S	P	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	--	
Above 8,000 SF	S	S	S	S	S	S	P	S	P	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	--	
Parks and Open Space																										
General parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery	--	--	--	--	--		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	
Utility																										
General utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial wind or solar	--	--	--	--	--		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	
Wireless Telecommunication																										
Type I: Modification	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type II: Small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type III: Non-small wireless collocation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type IV: Small wireless structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Type V: Non-small wireless structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	*Sec. XX.*

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Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
COMMERCIAL USES																										
Adult Establishment																										
Adult Establishment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	*Sec. XX.*
Agriculture																										
Farmers market	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	*Sec. XX.*
Indoor growing system	--	--	--	--	--	--	P	--	--	P	P	P	P	--	P	--	P	--	P	P	P	--	P	P	P	
Urban garden	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Entertainment and Recreation																										
General indoor entertainment and recreation																										
Up to 8,000 SF	P	P	S	--	P	P	--	P	P	P	P	P	P	P	P	P	P	S	P	P	S	P	P	P	--	
Above 8,000 SF	--	--	--	--	--	S	--	S	P	--	--	P	P	P	P	P	P	S	P	P	--	P	P	P	--	
General outdoor entertainment and recreation	--	--	--	--	--	--	--	--	--	--	P	--	P	--	--	--	P	--	--	P	--	--	P	P	P	
ATV park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	*Sec. XX.*
Club, private																										
Up to 8,000 SF	P	S	P	P	P	S	P	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	
Above 8,000 SF	--	S	--	--	--	S	--	--	P	--	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	
Convention hall or event facility																										
Up to 8,000 SF	P	P	S	--	S	P	--	P	P	P	P	P	P	P	P	P	P	S	P	P	--	P	P	P	--	
Above 8,000 SF	--	--	--	--	--	S	--	--	P	P	P	P	P	P	P	P	P	S	P	P	--	P	P	P	--	
Golf course	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Lounge or nightclub																										
Up to 8,000 SF	P	P	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	S	P	S*	--	P	P	P	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	P	--	--	P	P	P	P	P	P	S	P	--	--	P	P	P	--	

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Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Party house	S*	S*	S*	S*	S*	--	--	--	P*	--	--	P*	--	P*	P*	P*	P*	S*	S*	P*	S*	S*	P*	--	--	*Sec. XX.*
Sports arena, stadium, or field	--	--	--	--	--	--	--	--	--	--	P	--	S	--	--	S	--	--	--	S	--	--	--	--	--	
Food and Beverage																										
General food and beverage																									009	
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
2,001 - 4,000 SF	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
4,001 - 8,000 SF	P	P	P	P	P	P	--	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
Above 8,000 SF	--	--	--	--	--	--	--	S	P	P	P	P	P	P	P	--	P	P	P	P	--	P	P	--	--	
Bakery, wholesale																										
Up to 2,000 SF	--	--	--	--	--	P*	P	--	--	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	*Sec. XX.*
2,001 - 8,000 SF	--	--	--	--	--	P*	P	--	--	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	--	P	P	--	P	S	P	P	--	P	P	P	P	P	P	
Bar																										
Up to 2,000 SF	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	*Sec. XX.*
2,001 - 4,000 SF	P	P	P	P	P	P*	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	010	*Sec. XX.*
4,001 - 8,000 SF	P	P	P	P	P	P*	--	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	S	P	--	P	P	P	P	P	P	P	P	P	P	--	P	P	--	--	
Catering establishment																										
Up to 2,000 SF	P	P	P	P	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	--	P	P	P	*Sec. XX.*
2,001 - 8,000 SF	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	--	P	P	P	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	P	P	--	P	--	--	P	P	P	
Delivery-based commercial kitchen	--	--	--	--	--	P*	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	--	--	*Sec. XX.*
Microbrewery, microdistillery, or winery	--	S*	--	--	--	S	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	P	P	P	*Sec. XX.*

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#009

Posted by **jessicahilltroutman** on **02/20/2026** at **8:41am** [Comment ID: 2023] - Link

Agree: 1, Disagree: 0

Eliminating the ability to have various commercial uses like food and beverage, retail and entertainment uses in the I-2 equivalent zoning district will result in more I-2 equivalent rezonings. Consider adding back in the commercial uses allowed by right in I-2.

> Reply by **SiteAdmin** on **02/20/2026** at **6:31pm** [Comment ID: 2033] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

#010

Posted by **Elizabeth Hollister** on **04/08/2026** at **7:34pm** [Comment ID: 2746] - Link

Suggestion

Agree: 0, Disagree: 0

We have heard a growing concern about Zoning 2.0 no longer allowing uses in I2 that are currently allowed and have been developed to great reception in the Upper Westside. We see these uses as a critical component of our thriving part of town and integral to allowing our industrial properties to stay industrially zoned as opposed to getting rezoned as mixed use. We'd like to request that General Food and Beverage, Bars, General Indoor Entertainment, Commercial Parking Lots or Structures, Personal Service Establishments, Banks, Wholesale Trade and Retail be added as allowed uses in I2.

> Reply by **SiteAdmin** on **04/09/2026** at **11:59am** [Comment ID: 2770] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Lodging																										
General lodging																										
Up to 30 guest rooms	S*	S*	S*	--	S*	--	--	S	S	P	P	S	P	P	P	S	S	S	P	P	--	P	P	P	--	*Sec. XX.*
Above 30 guest rooms	--	--	--	--	--	--	--	--	S	S	P	--	P	P	P	S	S	S	P	P	--	P	P	P	--	
Bed and breakfast	--	--	--	--	--	--	P*	--	--	P*	--	--	P*	--	--	--	--	--	--	--	--	--	--	--	--	*Sec. XX.*
Short-term rental	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
Medical																										
General medical																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	--	--	P	--	--	--	--	P	
Medical laboratory	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	P	
Office																										
General office																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Above 8,000 SF	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	--	P	P	P	P	--	P	P	P	P	
Sound recording studio																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Above 8,000 SF	--	--	--	--	--	--	--	--	S	S	S	S	S	--	S	--	S	--	S	S	--	S	S	S	S	
Parking																										
Commercial parking lot	S	S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	S	--	S	P	S	--	--	
Commercial parking structure	S	S	S	S	S	--	--	--	--	S	S	S	S	S	S	--	P	P	P	P	S	P	S	--	--	

011

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#011

Posted by **Matthew 1** on **04/07/2026** at **12:39am** [Comment ID: 2576] - Link

Suggestion

Agree: 0, Disagree: 0

The use tables still allow commercial parking lots and parking structures in a number of Neighborhood Mix and Mixed Use districts, including some by right. I recommend prohibiting new stand-alone commercial parking in walkable mixed-use districts so these areas prioritize housing, active uses, and transit-supportive development instead of storing cars

> Reply by **SiteAdmin** on **04/07/2026** at **11:09am** [Comment ID: 2593] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> In order for shared parking to function effectively at an incremental scale, there may need to be designated, centralized common parking areas. Commercial parking lots and structures are only allowed by SUP in locations that currently permit them, which are often areas with adopted neighborhood plans that specifically advocate for centralized, shared parking facilities.

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Personal Service																										
General personal service																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	
Above 8,000 SF	--	--	--	--	--	--	--	--	P	--	S	P	P	P	P	P	P	P	P	P	--	P	P	P	--	
Animal care, indoor																										
Up to 8,000 SF	P*	P*	P*	P*	P*	P*	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Above 8,000 SF	--	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	--	P*	P*	P*	P*	*Sec. XX.*
Animal care, outdoor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	*Sec. XX.*
Body art studio																										
Up to 8,000 SF	P*	P*	P*	--	P*	P*	P*	P*	P*	P*	S*	S*	P*	S*	P*	--	P*	P*	P*	P*	--	P*	--	--	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	P*	P*	S*	S*	P*	S*	P*	--	P*	P*	P*	P*	--	P*	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	S*	--	P*	--	--	--	--	--	*Sec. XX.*
Hair or nail salon																										
Up to 2,000 SF	P*	P*	P*	P*	P*	P*	P	P	P	P	P	S	P	S	P	P	P	P	P	P	P	P	P	P	--	*Sec. XX.*
2,001 - 8,000 SF	P*	P*	P*	P*	P*	P*	P	P	P	P	P	S	P	S	P	P	P	P	P	P	P	P	P	P	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	P	P	S	S	P	S	--	P	P	P	P	P	--	P	P	P	--	
Laundry service																										
Up to 2,000 SF	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	*Sec. XX.*
2,001 - 8,000 SF	--	--	--	--	--	--	P	P*	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	P	P	P	--	

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Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Retail																										
General retail																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
012 8,001 - 15,000 SF	S	S	S	S	S	S	P	--	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	--	
Above 15,000	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	
Alternative financial service	--	--	--	--	--	--	--	--	P*	--	P*	P*	--	--	P*	P*	P*	P*	P*	P*	--	--	--	P*	--	*Sec. XX.*
Artisan workshop																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
8,001 - 15,000 SF	S	S	S	S	S	S	P	--	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	
Above 15,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	P	P	P	
Grocery store																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
2,001 - 8,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
8,001 - 15,000 SF	P	P	P	P	P	P	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
15,001 - 25,000 SF	S*	--	S*	--	S*	S*	--	--	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	--	*Sec. XX.*
Above 25,000 SF	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	
Hookah or vape store																										
Up to 8,000 SF	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
8,001 - 15,000 SF	S*	S*	S*	S*	S*	S*	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	S*	P*	P*	P*	--	*Sec. XX.*
Above 15,000	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	P*	P*	P*	--	*Sec. XX.*
Package store																										
Up to 8,000 SF	P*	P*	S*	P*	P*	P*	P	P	--	--	P	P	P	P	P	P	P	P	P	P	P	--	P	P	--	
8,001 - 15,000 SF	S*	S*	S*	S*	S*	S*	--	--	--	--	P	P	P	P	P	P	P	P	P	P	S	--	P	P	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	--	P	--	

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#012

Posted by **Matthew 1** on **04/07/2026** at **12:45am** [Comment ID: 2577] - Link

Suggestion

Agree: 0, Disagree: 0

This still relies too heavily on special use permits and size caps for neighborhood-serving retail, grocery, food and beverage, and other daily-needs uses in mixed-use districts. I recommend allowing more of these uses by right in NX, RX, and transit-supportive mixed-use districts so more neighborhoods can evolve into complete communities where people can live, work, and meet daily needs without driving.

> Reply by **SiteAdmin** on **04/07/2026** at **11:06am** [Comment ID: 2592] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> NX districts are conversions of existing Neighborhood Commercial districts, including Little Five Points, East Atlanta Village, Kirkwood, and North Highland Avenue. These areas are typically composed of small-scale uses, which were carefully measured and cataloged in the early 2000s to establish the applicable size limits.
>
> MX districts are intended for areas where larger uses are desired.

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Retail bank																										
Up to 8,000 SF	P*	P*	S*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	Sec. XX.
Above 8,000 SF	--	--	--	--	--	S*	--	--	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	--	Sec. XX.
Small discount variety store																										
Up to 2,000 SF	P*	P*	--	P*	P*	--	P*	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	--	Sec. XX.
2,001 - 8,000 SF	P*	P*	--	P*	P*	--	--	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	--	Sec. XX.
8,001 - 12,000 SF	S*	S*	--	S*	S*	--	--	--	--	--	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	--	
Transportation																										
Passenger terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	--	--	--	--	--	
Helipad	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	S	--	S	S	--	--	--	--	
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	Sec. XX.
Vehicle Sale and Service																										
Vehicle sale and rental, light	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	P*	--	P*	P*	Sec. XX.
Vehicle sale and rental, heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	Sec. XX.
Vehicle service and repair, light																										
Up to 8,000 SF	P*	P*	P*	--	--	--	--	--	--	--	--	--	P*	--	--	--	P*	P*	P*	P*	--	S*	P*	P*	P*	Sec. XX.
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	P*	--	P*	P*	--	--	--	P*	P*	Sec. XX.
Vehicle service and repair, heavy	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	P*	P*	Sec. XX.
Car wash	--	--	--	--	--	--	--	--	--	S*	--	--	S*	S*	S*	--	P*	P*	P*	P*	--	P*	P*	P*	P*	Sec. XX.
Fuel sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	P*	--	--	P*	--	--	--	Sec. XX.
Wholesale Trade																										
General wholesale trade																										
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	--	--	--	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Showroom																										
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	S	P	P	P	
Wholesale trade mart	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	
INDUSTRIAL USES																										
Industrial and Manufacturing																										
Low-impact industrial and manufacturing																										
Up to 8,000 SF	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
8,001 - 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	--	P*	P*	P*	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	--	--	P*	P*	P*	*Sec. XX.*
High-impact industrial and manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	*Sec. XX.*
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	
Research and development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	--	P*	P*	P*	*Sec. XX.*
Warehouse and Distribution																										
General warehouse and distribution																										
Up to 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Above 15,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	P	P	P	
Data Center																										
Up to 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	--	--	--	S*	S*	--	S*	S*	S*	*Sec. XX.*
Above 8,000 SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	--	--	--	S*	--	--	S*	S*	S*	*Sec. XX.*
Freight terminal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	S	

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Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Micro-distribution hub																										
Up to 2,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,000 - 8,000 SF	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Self-storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	--	S*	--	--	--	S*	S*	*Sec. XX.*
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	*Sec. XX.*
Waste-Related Service																										
General waste-related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	*Sec. XX.*
Green waste	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S*	S*	*Sec. XX.*
Recycling drop-off center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	*Sec. XX.*
ACCESSORY USES																										
Accessory dwelling unit																										
1 accessory dwelling unit	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	
Up to 2 accessory dwelling units	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	--	--	--	--	*Sec. XX.*
Drive-in	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	--	--	--	--	P*	--	*Sec. XX.*
Drive-thru, enclosed	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	--	--	--	--	P*	--	*Sec. XX.*
Drive-thru, unenclosed	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	--	--	--	--	--	P*	--	*Sec. XX.*
EV charging station, levels 1 and 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
EV charging station, level 3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home art studio and gallery	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Home occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*

KEY: **P** = Use allowed **S** = Use allowed by Special Use Permit **--** = Use not allowed
***** = Use standards apply, see *Div. 4.5. Specific Use Standards* ** = Use District standards apply, see *Div. 4.3. Use District Standards*

Use Category / Specific Use	NEIGHBORHOOD MIX (NX-)						MIXED-USE (MX-)														IND. FLEX (IX-)					Use Standards
	NX1**	NX2**	NX3**	NX4**	NX5**	NX6**	MX1	MX2	MX3	MX4	MX5	MX6	MX7	MX8	MX9	MX10	MX11**	MX12	MX13**	MX14	IX1	IX2	IX3**	I1**	I2	
Hookah or vapor consumption	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
Outdoor amplified sound	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
Outdoor dining	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
Outdoor display	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	*Sec. XX.*
Outdoor pet area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
Outdoor storage, minor	P*	P*	P*	P*	P*	P*	P*	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*
Outdoor storage, major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	--	P*	P*	P*	P*	P*	*Sec. XX.*
Pedestrian bridge or tunnel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	--	--	*Sec. XX.*
Public Art	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	*Sec. XX.*
Renewable energy device	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TEMPORARY USES																										
General temporary event																										
Up to 90 days	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Beyond 90 days	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Active construction structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary outdoor sales	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	*Sec. XX.*

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DIVISION 4.3. **USE DISTRICT STANDARDS**

Sec. 4.3.1. **Residential (R-) Use Districts**

A. Intent

The Residential (R-) Use Districts are intended to support a variety of residential living options while preserving the character and scale of established neighborhoods. These districts prioritize housing, but may allow limited nonresidential uses, such as small-scale commercial or service uses, where appropriate, especially in historically mixed-use buildings. Standards are designed to maintain neighborhood compatibility, protect housing supply, and ensure that redevelopment or reuse of older buildings contributes to community stability and resilience.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. R5 Use District

a. Commercial Uses

i. Commercial uses are permitted only on or below the ground story.

ii. When commercial floor area exceeds 20,000 square feet or 0.5 times the net lot area, whichever is less, an equivalent or greater amount of residential floor area must be provided, up to the maximum permitted floor area.

3. All Residential (R-) Use Districts

a. Commercial Uses

Where commercial uses are allowed, the following standards apply:

i. The use must be located directly adjacent to the primary or side street;

ii. The Corner Store Alternate Form (*Sec. XX*) may be used.

b. Pre-1946 Commercial Use Buildings

i. In buildings used for a commercial purpose before 1946, the building is considered conforming and the following uses are allowed:

a) Day care, private;

b) General food and beverage;

c) General office;

d) General personal service;

e) Hair or nail salon;

f) General retail;

g) Artisan workshop; and

h) Grocery store.

ii. In buildings used for a commercial purpose before 1946, the building is considered conforming and the following uses are allowed with a Special Use Permit:

a) Bar.

iii. These provisions do not apply to buildings where a commercial use was established after 1945. These uses are considered nonconforming and must adhere to the standards in *Sec. XX, Nonconformities*.

c. Pre-1946 Residential Use Buildings

i. In buildings that contained multiple dwelling units before 1946, and the number of dwelling units is greater than what is allowed by the Form District, the building and number of dwelling units are considered conforming and may be re-established at any time.

ii. Additions to these buildings that increase the existing number of dwelling units are not permitted.

iii. Renovations are only permitted if the total number of existing dwelling units is not increased.

iv. If a building using this provision is unintentionally damaged by an act of nature, fire, flooding, or similar event, and the renovation cost does not exceed 60% of the replacement value of the building, the building and the existing number of dwelling units may be re-established and are considered conforming. Damaged or destroyed buildings not meeting this threshold are considered nonconforming and must adhere to the standards in *Sec. XX, Nonconformities*.

v. This provision does not apply to buildings where multiple dwelling units were first established after 1945. These dwelling units are considered nonconforming and must adhere to the standards in *Sec. XX, Nonconformities*.

Sec. 4.3.2. Residential Mix (RX-) Use Districts

A. Intent

The Residential Mix (RX-) Use Districts are intended to promote walkable, mixed-use neighborhoods that combine residential and limited commercial uses in a compatible and balanced way. These districts prioritize housing while allowing small-scale, ground-level commercial activity that serves nearby residents. Standards ensure that residential uses remain the primary focus of development, while encouraging active street frontages and neighborhood-serving businesses.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. All Residential Mix (RX-) Use Districts

a. Commercial Uses

Where commercial uses are allowed, the following standards apply:

i. Commercial uses are restricted to the ground story;

ii. The total floor area of residential uses must exceed the total floor area of commercial uses on the site; and

iii. Commercial uses must be located directly adjacent to the primary or side street.

Sec. 4.3.3. Neighborhood Mix (NX-) Use Districts

A. Intent

Neighborhood Mix (NX-) Use Districts are intended to support a diverse mix of residential, commercial, and service uses that contribute to active, livable neighborhoods. These districts allow for a broader range of uses than purely residential areas, while still maintaining compatibility with surrounding development through use limitations, hours of operation, and design standards. The intent is to foster vibrant, walkable communities that offer convenient access to daily needs without disrupting neighborhood character.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. All Neighborhood Mix (NX-) Use Districts

a. Entertainment and Recreation Uses

Entertainment and recreation uses must follow the hours of operation in *City of Atlanta Code of Ordinances, Section 10-209*, whether or not alcohol is served.

3. NX2 Use District

a. Commercial Uses

i. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday, except January 1st.

ii. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

b. Food and Beverage Uses

i. Food and beverage uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Monday through Thursday.

ii. There is no limit to the hours of operation on Friday through Sunday.

4. NX3 Use Districts

a. Commercial Uses

i. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday, except January 1st.

ii. Commercial uses, except entertainment and recreation uses, food and beverage uses, and grocery store, are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

b. Entertainment and Recreation Uses

Entertainment and recreation uses must be conducted within a fully enclosed building.

5. NX4 Use District

a. Commercial Uses

Commercial uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m.

6. NX6 Use District

a. Entertainment and Recreation Uses

Entertainment and recreation uses must be conducted within a fully enclosed building.

b. Food and Beverage Uses

i. Food and beverage uses are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. on Monday through Thursday.

ii. Food and beverage uses are not allowed to operate between the hours of 2:00 a.m. to 6:30 a.m. on Friday through Sunday and January 1st.

Sec. 4.3.4. **Mixed-Use (MX-) Use Districts**

A. Intent

Mixed-Use (MX-) Use Districts are intended to support vibrant, walkable areas where residential, commercial, and civic uses are integrated within the same site or building. These districts encourage higher-intensity development that promotes a mix of activities, supports transit use, and fosters a dynamic public realm. Standards are designed to ensure compatibility among uses, enhance street-level activity, and create complete, connected neighborhoods.

B. Use District Standards

1. MX11 Use District

a. Vehicle Sale and Services

013 Fuel dispensers and related vehicular services, such as air pumps and car washes, must not be located between the building and the street.

2. MX13 Use District

a. Office Uses

All office buildings with more than 50,000 square feet of gross office space must provide showering facilities, consisting of showers and lockers, at a minimum ratio of two facilities per 50,000 square feet. These facilities must be accessible to all tenants and their employees. No building is required to provide more than four showering facilities in total.

#013

Posted by **Jake Derry** on **03/28/2026** at **10:07pm** [Comment ID: 2361] - Link

Suggestion

Agree: 0, Disagree: 0

Car services should not be available in Mixed Use districts. They are not pleasant to walk by in districts that are meant to be "vibrant, walkable areas"

> Reply by **SiteAdmin** on **03/29/2026** at **8:31am** [Comment ID: 2368] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestions.
>
> Under the proposed code, these uses must still be designed to be pedestrian-friendly. In fact, several such uses are currently located within large parking decks across the city and are virtually invisible to the public.
>
> Finally, as a reminder, the MX11 Use District applies to all existing commercial areas, including some very, suburban areas near I-285 but still within the city limits.

Sec. 4.3.5. Industrial Flex (IX-) Use Districts

A. Intent

Industrial-Flex (IX-) Use Districts are intended to support a mix of light industrial, employment, and limited non-industrial uses in a flexible development format. These districts prioritize industrial activity, such as production, repair, and small-scale manufacturing, while allowing compatible nonindustrial uses that contribute to job creation and economic vitality. Standards ensure that industrial uses remain a primary component of development, while accommodating evolving business models and supporting workforce-oriented uses in a modern, adaptable environment.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. IX3 Use District 014

a. Industrial Uses Required

i. In order to provide nonindustrial uses on a lot, a project must also provide a minimum amount of industrial uses meeting the standards for one of the options for industrial use requirement below.

ii. Nonindustrial uses must be provided concurrently with industrial uses, meeting the standards of the concurrency requirement below.

iii. The following uses, when allowed by the Use District, count toward the minimum required amount of industrial uses:

a) Industrial uses, except self-storage.

b) Accessory outdoor storage, minor and major.

c) Animal care, indoor.

d) Animal care, outdoor.

e) Artisan workshop.

f) Bakery, wholesale.

g) Catering establishment.

h) Commercial or trade school, provided the curriculum relates to a permitted industrial use.

i) Data centers, provided the combined floor area of this use and any grocery store use is limited to no more than 50% of the industrial use requirement.

j) Day care, private.

#014

Posted by **Patrick Kelly** on **03/16/2026** at **3:10pm** [Comment ID: 2260] - Link

Question

Agree: 0, Disagree: 0

Where are the allowed uses for IX1 and IX2. Will they be similar to IX3?

k) Delivery-based kitchen.

l) General office, provided the use supports the functionality and workforce needs of industrial use. Typical examples include office space for printing, maintenance, mailing, bookkeeping, and security services.

m) General personal service, provided the use offers repair service. Typical examples include locksmith; repair of consumer goods, such as appliances, clothes, shoes, clocks, watches, jewelry, electronics, and appliances; tailor, custom dressmaking, millinery; tinsmith, plating, or plumbing shop; and furniture repair or upholster.

n) Grocery store, provided the total floor area of this use is no larger than 30,000 square feet and the combined floor area of this use and any data center use is limited to no more than 50% of the industrial use requirement.

o) Indoor growing system.

p) Live-work, provided the nonresidential floor area exceeds the residential floor area.

q) Medical laboratory.

r) Microbrewery, microdistillery, or winery.

b. Options for Industrial Use Requirement

To satisfy the industrial use requirement, a project must meet the standards of one of the following options. The industrial use requirement will be triggered once 80% of the approved residential and commercial development has been constructed.

i. Option 1: Fixed Ratio Standards

a) The total floor area of all industrial uses must equal or exceed either:

1) 15% of the total floor area of nonindustrial uses with occupancy permits, or

2) 0.3 times the net lot area (NLA), whichever is less.

ii. Option 2: Lot Size Standards

a) Based on the size of an existing lot of record, the industrial use requirement may be satisfied by meeting the requirements in the following table:

015

Lot Size	Industrial Use Required (min)	Industrial Use Required (max)
less than 1 acre	2,000 SF	2,000 SF
1 to < 5 acres	30% of floor area or 0.30 FAR , whichever is less	50,000 SF
5 to < 10 acres	25% of floor area or 0.25 FAR, whichever is less	100,000 SF
10 to < 15 acres	20% of floor area or 0.20 FAR, whichever is less	125,000 SF
15 acres or larger	15% of floor area or 0.15 FAR, whichever is less	150,000 SF

#015

Posted by **Elizabeth Hollister** on **04/08/2026** at **8:33pm** [Comment ID: 2750] - Link

Suggestion

Agree: 0, Disagree: 0

Currently I-Mix zoning allows for buildings over 50 years old to count towards the industrial use requirement. We are requesting that IX3 which appears to be the current I-Mix equivalent to continue to allow the conversion of buildings over 50 years of age to residential or non-residential uses to count toward the required industrial use.

> Reply by **SiteAdmin** on **04/09/2026** at **11:44am** [Comment ID: 2766] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

b) The applicant may choose to provide the minimum required amount of industrial use based on the percentage of total floor area dedicated to industrial uses or FAR, whichever is less.

c) The maximum industrial use required caps the floor area of industrial uses that are required. An applicant may choose to provide more industrial uses beyond the cap, but it is not required to satisfy the industrial use requirements.

c. Concurrency Requirement for Industrial Uses

i. To accommodate phased implementation, no more than 80% of the total proposed floor area for nonindustrial uses may be constructed prior to the construction of any industrial uses. After 80% of the proposed nonindustrial floor area is constructed, construction of the required industrial uses is required.

ii. The percentage of allowed floor area for nonindustrial uses and required floor area for industrial uses is calculated based on the total floor area proposed for nonindustrial and industrial uses once all phases of the project are complete, and is not calculated per project phase.

Sec. 4.3.6. Industrial (I-) Use Districts

A. Intent

Industrial (I-) Use Districts are intended to accommodate a wide range of manufacturing, logistics, warehousing, and other industrial activities that support the city's economic base. These districts are designed to prioritize industrial operations while limiting residential and commercial uses to minimize conflicts and ensure long-term viability for industrial businesses. Limited nonindustrial uses may be allowed in older buildings to support adaptive reuse and preserve the industrial character of established areas.

B. Use District Standards

1. Applicability

The following use district standards apply only where the use table includes an asterisk (*) with the Use District name. Where no asterisk is present in the use table, these use district standards do not apply.

2. I1 Use Districts

a. Buildings at Least 50 Years Old

The following uses are only allowed in buildings that are at least 50 years old:

i. Residential uses.

ii. Entertainment and recreation uses.

iii. Food and beverage uses, except deliverable based commercial kitchen.

iv. Lodging uses.

v. Medical uses.

vi. Retail uses, except artisan workshop.

Sec. 4.3.7. Civic (CV-) Use Districts

A. Intent

Civic (CV-) Use Districts are intended to accommodate public, institutional, and community-oriented uses such as parks, open space, schools, and campuses. These districts provide essential services, gathering spaces, and cultural or educational resources that support the well-being of neighborhoods and the city as a whole. Development in Civic districts is intended to be accessible, inclusive, and compatible with surrounding land uses.

B. Use District Standards

No additional use district standards apply to Civic (CV-) districts.

DIVISION 4.4. **USE DEFINITIONS**

Sec. 4.4.1. **Residential Uses**

A. Household Living Uses

Residential occupancy for at least 30 consecutive overnight stays in a building or portion of a building providing complete and permanent living facilities, including bathrooms, kitchen, living rooms, and bedrooms, by 1 or more persons functioning as a single household. A household consists of persons with common access to, and common use of, all areas within the dwelling unit. Unless all persons are related by blood, marriage, adoption, or legal guardianship, no household may contain more than four persons; all related persons count as one person. The Household Living use category includes the following specific uses:

1. General Household Living

A household living use where a dwelling unit is occupied by a household. The number of dwelling units allowed on a lot is determined by the Form District (*Chapter 2*). Typical examples include single-unit houses, duplexes, multiplexes, townhouses, and multiunit buildings.

2. Live-Work

A household living use that includes nonresidential activity conducted wholly within the unit that allows employees, customers, clients, or patrons to visit.

3. Purpose-Built Student Housing

A household living use that is marketed to students of an accredited college or university; private school; or other recognized institution of higher learning, where there are 12 or more dwelling units on a lot. The use is typically located near the school campus and offers amenities such as individual leases, fully-furnished units, and residence life programs specific to students. For this use, the definition of a household allows for up to 6 unrelated persons within a dwelling unit.

B. Group Living Uses

Residential occupancy for at least 30 consecutive overnight stays in a building or portion of a building providing complete and permanent living facilities, including bathrooms, kitchen, living rooms, and bedrooms, by 2 or more persons who do not meet the definition of a household. See Sec. 4.3.1.A. Household Living Uses for the definition of a household. The Group Living use category includes the following specific uses:

1. General Supervised Group Living

A group living use that typically provide supervision, assistance, protection, medical care, or personal care to residents, in addition to room and board. Typical examples include assisted living, independent living, nursing home, inpatient hospice facility, intermediate care home, permanent supportive housing, personal care home, rehabilitation facility, skilled nursing facility, and transitional housing.

#016

Posted by **Laurel David** on **02/25/2026** at **12:26pm** [Comment ID: 2048] - Link
Question
Agree: 0, Disagree: 0
Supportive housing, particularly for the unhoused, often provide counseling and training (ie life and social skills). Does this qualify as "assistance"?

> Reply by **SiteAdmin** on **02/26/2026** at **8:35am** [Comment ID: 2049] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. The intent is that services may be provided.

#017

Posted by **Laurel David** on **02/25/2026** at **12:21pm** [Comment ID: 2047] - Link
Question
Agree: 0, Disagree: 0
This is confusing. If the occupancy is a minimum of 30 nights, then it is not "permanent." Supportive usually have beds and sitting area in the rooms. Some may have shared bathrooms. A lot will have communal kitchens, dining areas, sitting areas (living rooms). It is not clear to me whether these types of arrangements qualify as "Group Living", although I'm not sure what other category they would fit into if they require an agreement for a minimum stay.

> Reply by **SiteAdmin** on **02/26/2026** at **8:42am** [Comment ID: 2050] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thirty overnight stays is used in the current City codes to distinguish between short-term and non-short-term stays. The term "permanent" in this context refers to a the living facilities. it is intended to prevent the use of temporary facilities (e.g., portable toilets, no kitchens, etc.). As drafted, there is no prohibition agains communication kitchens, bathrooms, etc. Remember, the "use" is the overall facility - the term "dwelling unit" is not used.

#018

Posted by **AtlantaJay** on **03/01/2026** at **7:48pm** [Comment ID: 2073] - Link
Suggestion
Agree: 0, Disagree: 0
This continues to conflict with HUD's current definition of family (below) and runs afoul of the Equal Access Rule: "Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

(1) A single person, who may be:

(i) An elderly person, displaced person, disabled person, near-elderly person, or any other single person;

(ii) An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or

(2) A group of persons residing together, and such group includes, but is not limited to:

(i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(ii) An elderly family;

(iii) A near-elderly family;

(iv) A disabled family;

(v) A displaced family; and

(vi) The remaining member of a tenant family."

Reply by **SiteAdmin** on **03/02/2026** at **9:14am** [Comment ID: 2075] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

a. Additional Definitions

For the purposes of defining general supervised group living uses, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is clearly indicated by the context:

Assisted living. A personal care home with a minimum of 25 beds that is licensed by the State of Georgia as an assisted living community.

Independent living. A facility for adults at least 55 years of age or older with central dining facilities that provide residents, as part of their monthly fee, access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Independent living facilities do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, and toileting, and do not provide licensed skilled nursing beds on the property.

Inpatient hospice facility. A facility that is licensed to provide acute inpatient care for hospice patients in beds that are not included in the certified bed capacity of another licensed facility. "Inpatient care" means short-term, 24-hour medically supervised care for the purpose of adjusting and monitoring the terminally ill patient's medications for pain control or managing acute or chronic symptoms that cannot be managed in another setting. Inpatient care is provided within the confines of a licensed hospital, a licensed skilled nursing facility, or a licensed inpatient hospice facility.

Intermediate care home. A facility that admits residents on medical referral only, and includes the provision of food, and special diets when required, shelter, laundry, and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Nursing home. A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision, maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical or dental emergency and who will be responsible for the general medical and dental supervision of the home.

Permanent supportive housing. Permanent housing in which supportive services are provided to assist unhoused persons with a disability to live independently. Permanent housing means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid rehousing. To be permanent housing, the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long, and is terminable only for cause. Supportive services means assistance that provides appropriate services or assists such persons in obtaining appropriate services, including health care, mental health treatment, alcohol and other substance abuse services, child care services, case management services, counseling, supervision, education, job training, and other services essential for achieving and maintaining independent living. Inpatient acute

hospital care does not qualify as a supportive service. The term "unhoused" has the same meaning as "homeless," as defined in 24 CFR 578.3.

Personal care home. Any dwelling unit or building, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Rehabilitation facility. A facility that is required to operate pursuant to a state license as a residential sub-acute detoxification program, a residential intensive treatment program, or a psychiatric rehabilitation treatment program.

Skilled nursing facility. A public or private institution or a distinct part of an institution which is primarily engaged in providing inpatient skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. "Skilled nursing care " means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

i. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures; and

ii. Observation in the care of the patient for symptoms or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

Transitional housing. Housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of unhoused persons and families into permanent housing within 24 months or such longer period as HUD determines necessary. The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended. The term "unhoused" has the same meaning as "homeless," as defined in 24 CFR 578.3.

2. General Unsupervised Group Living

A group living use that does not typically provide supervision, assistance, protection, or personal care to residents, in addition to room and board. Typical examples include roominghouse and single room occupancy (SRO) housing.

a. Additional Definitions

For the purposes of defining general unsupervised group living uses, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is clearly indicated by the context:

Roominghouse. A building containing 1 or more bedrooms that provide nontransient lodging accommodations, available to the general public only at weekly or longer rental terms, for unsupervised group living. To assist property owners, the public, enforcement officials, and courts in distinguishing a roominghouse from other residential living arrangements, the following characteristics are common indicators of a roominghouse: a) presence of common areas; b) posted house rules located in a common area; c) letters or numbers on individual bedrooms or the exterior mailbox; d) separate HVAC units serving individual bedrooms; e) former common areas converted into additional bedrooms; f) kitchen facilities, such as a hot plate, stove, microwave, or refrigerator, within individual bedrooms; and g) interior doors that lead directly into a bedroom and can be unlocked from outside the bedroom, or situations where the key, key fob, code, or other access method issued to an occupant unlocks fewer than all bedroom doors within the building.

Single-room occupancy (SRO). A building containing 50 or more dwelling units, each available for rental occupancy by one person for periods of seven days or longer, with all units accessed through a common primary entrance. The building must provide lounges, living rooms, or other common areas totaling at least five square feet per dwelling unit, and must have on-site management available 24 hours a day.

3. Dormitory, Fraternity, or Sorority

A group living use that is officially affiliated with an accredited college or university; private school; or religious institution. The term also includes student centers operated by religious institutions, approved by the educational institutions to which they relate, and that provide the same services as fraternities and sororities.

4. Emergency Shelter

A group living use where the primary purpose is to provide a temporary shelter for the unhoused and does not require occupants to sign leases or occupancy agreements. The term "unhoused" has the same meaning as "homeless," as defined in 24 CFR 578.3.

5. Maternity Supportive Housing

A group living use that holds a valid registration certificate from the State of Georgia as a maternity supportive housing residence. Maternity supportive housing is operated on behalf of a nonprofit organization and houses up to 6 pregnant women aged 18 or older and their minor children at any time during the pregnancy and up to 18 months after childbirth. This term does not include the following:

a. Uses where medical service is regularly provided;

b. A child welfare agency, as defined in O.C.G.A. § 49-5-12;

c. Dwelling unit of a relative in which a woman receives maternity care; or

d. Any medical use.

#019

Posted by **Nicolai** on **03/27/2026** at **10:30am** [Comment ID: 2348] - Link

Question

Agree: 0, Disagree: 0

Under which Zoning designations will roominghouses be allowed by-right? For ex: will they be allowed where the zoning is currently R-4A? Will separate licenses be required to operate them?

> Reply by **SiteAdmin** on **03/27/2026** at **12:32pm** [Comment ID: 2351] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Roominghouse are considered "General Group Living."
>
> Please refer to the Use Table on page 4-7 to see Use Districst where this is allowed.
>
> If you go to the main page of this review website, you will find links to the proposed zoning map and a conversion table from existing zoning district names.
>
> > Reply by **Nicolai** on **04/09/2026** at **8:10am** [Comment ID: 2758] - Link
> >
> > *Question*
> >
> > *Agree: 0, Disagree: 0*
> >
> > It says that "General unsupervised group living" will require a special permit in residential districts. How will this special permit be obtained or limited? Will it only be required if there are more than 4 unrelated people living together? This aspect of the zoning re-draft needs to be amended urgently, or the City will displace 10,000+ people occupying these affordable housing units. We need to make it completely legal to build high quality rent-by-bedroom homes. Rents will fall across the board if we expand housing options, rather than limit them.
> >
> > > Reply by **SiteAdmin** on **04/09/2026** at **10:04am** [Comment ID: 2759] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Four or more unrelated individuals living together would not be permitted, except as “group living.” In such cases, the use must fall within one of the legally defined categories specified here, consistent with applicable state and federal requirements for group living arrangements.
> > >
> > > Any group of related individuals is considered a single “person.” Accordingly, four married couples and their children living together could technically qualify as “four persons,” provided they function as a single housekeeping unit.

Standards for SUP review are established in Chapter 9 under Legislative Review.

Sec. 4.4.2. **Public and Institutional Uses**

A. Civic Uses

Uses that provide ongoing governmental, life safety, educational, and cultural services to the general public, and uses that provide meeting areas for religious practice. Civic use category includes the following specific uses:

1. General Civic

A civic use in any building, structure, or lot owned or operated by the federal government; State of Georgia; Fulton County; DeKalb County; MARTA; City of Atlanta; or any authority, agency, board, or commission of government, that is necessary to serve a public purpose. Typical examples include community center; government administrative building; library or museum; post office; police, fire or EMS station; public health facility; public works facility; school or university; and transit facility. The term specifically excludes "transit-oriented development" as specified in O.C.G.A. § 32-9-15.

2. Community Center, Private

A civic use that provides on-site social or recreational activities and programs where dues-paying membership is not required for access. The use typically includes activities such as community meetings, after school programs, or other social services to the general public. This use does not include activities that would be classified as residential uses or commercial uses.

3. Library or Museum, Private

A civic use with public significance by reason of its architecture, former use, or occupancy; a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest; or the display of works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee. This use may include, as an accessory use, a retail use for the sale of goods related to the facility to the public.

4. Religious Assembly

A civic use that provides meeting areas for religious activities, including facilities operated by a religious group and used for educational activities. This use may include accessory buildings, day care facilities, and dwelling units operated directly by the religious group. Typical examples include chapel, church, mosque, synagogue, and temple.

B. Private Education Uses

Privately owned and operated uses that provide educational services to students. Private Education use category includes the following specific uses:

1. General Private Education

A private education use that provides education to students at the pre-kindergarten, elementary, middle, or high school level.

#020

Posted by **Linda** on **03/09/2026** at **12:00pm** [Comment ID: 2196] - Link

Agree: 0, Disagree: 0

Would a community Center private, include a social recreational club such as Brookwood Hills Community Club where tennis, swimming, social and other recreational activities are offered to dues paying members?

> Reply by **SiteAdmin** on **03/09/2026** at **4:35pm** [Comment ID: 2197] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your question.
>
> The use you specify would typically be deemed a "private club." These are currently allowed by SUP in R1, R2, R3, etc. They will also still be allowed by SUP ATL Zoning 2.0. They were inadvertently omitted from the use table.

2. College or University, Private

A private education use that provides post-secondary education to students. Typical examples include college or university, community college, seminary, and artistic or vocational school.

3. Commercial School

A private education use that is affiliated with a commercial or industrial use and teaches skills using heavy machinery; conducts a commercial enterprise, such as a driving school; or a similar school that does not offer a complete educational curriculum.

4. Day Care, Private

A private education use that regularly provides care services to 4 or more children or adults away from their residence for less than 24 hours a day. Typical examples include childcare center, prekindergarten, preschool, play school, nursery school, drop-in center, and adult day care center. This use does not include other public or private education uses or group living uses.

C. Parks and Open Space Uses

Uses that provide active or passive outdoor recreation. Typically, areas and facilities are publicly accessible and often contain recreational equipment or facilities. Parks and Open Space use category includes the following specific uses:

1. General Parks and Open Space

A parks and open space use that provides for outdoor recreation to the general public. Typical examples include neighborhood, community, or regional park; dog park; community or botanical garden; conservation or preservation area; public square or plaza; and recreational trail, greenway, or multi-use path. This use does not include sports arena and community center, private.

2. Cemetery 021

A parks and open space use that provides for the interment of human or animal remains, but does not include cremation services. Typical examples include a cemetery for earth interments, a columbarium for cinerary interments, or a mausoleum for vault interments. Includes all uses necessarily or customarily associated with interment of human remains, including mausoleums, chapels, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on soil erosion and sedimentation control.

D. Utility Uses

Uses that distribute public or private utility services such as electricity, gas, sewer, water, cable and internet. Utility use category includes the following specific uses:

1. General Utility

A utility use that generally serves the immediate area in which they are located and typically do not regularly have on-site employees. Typical examples include on-site stormwater retention or detention facility; neighborhood serving telephone exchange or switching center; gas, electric, telephone, or cable transmission lines; water or wastewater pump station or lift station; gas gates;

#021

Posted by **Timothy** on **01/08/2026** at **8:10am** [Comment ID: 1822] - Link

Suggestion

Agree: 0, Disagree: 0

Please consider allowing funeral homes/mortuaries on cemeteries as a permitted accessory use:

Suggested revised definition

Cemetery. A parks and open space use that provides for the interment of human or animal remains. Typical examples include a cemetery for earth interments, a columbarium for cinerary interments, or a mausoleum for vault interments. Includes all uses necessarily or customarily associated with interment of human remains, including mausoleums, chapels, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on soil erosion and sedimentation control. A funeral home or mortuary may be permitted as an accessory use to a cemetery. A crematory shall not be permitted as an accessory use to a cemetery.

> Reply by **SiteAdmin** on **01/09/2026** at **10:55am** [Comment ID: 1826] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

drainage well; water supply water well; and public utilities. This use does not include wireless telecommunications or data centers.

2. Commercial Wind or Solar

A utility use that is exclusively used for the commercial generation of electricity using wind turbines or solar panels. This use does not include private wind or solar generation for personal use.

E. Wireless Telecommunication Uses

Uses that include a facility for the provision of radio waves or wireless service. Wireless Telecommunication use category includes the following specific uses:

1. Type I: Modification

An eligible facilities request for modification of a previously approved eligible support structure that does not propose a substantial change to the physical dimensions of such structure.

2. Type II: Small Wireless Collocation

A request to collocate a small wireless facility using an existing structure whether or not it has an existing antenna facility that is used or to be used for the provision of personal wireless service.

3. Type III: Non-Small Wireless Collocation

A request to collocate a non-small wireless facility using an existing structure whether or not it has an existing antenna facility that is used or to be used for the provision of personal wireless service.

4. Type IV: Small Wireless Structure

A request to deploy a small wireless facility using a new structure.

5. Type V: Non-Small Wireless Structure

A request to deploy a non-small wireless facility using a new structure.

6. Additional Definitions

Terms not defined in this Section or elsewhere in this Code have the meanings defined in federal law. The following terms only apply to use standards and definitions related to wireless communication uses:

Accessory equipment. Any equipment serving or being used in conjunction with a wireless facility or wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

Alternative design. A new wireless support structure or wireless facility designed to resemble light standards, clock towers, bell steeples, trees, and similar alternative designs.

Antenna. An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including

the transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. For most services, an antenna will be mounted on or in, and is distinct from, a supporting structure such as a tower, structure or building. However, in the case of AM broadcast stations, the entire tower or group of towers constitutes the antenna for that station. For purposes of this Section, the term antenna does not include unintentional radiators, mobile stations, or devices authorized under Part 15 of CFR Title 47.

Antenna equipment. Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility. An antenna and associated antenna equipment.

Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower.

i. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

ii. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

iii. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under Section 1.6100, supports or houses equipment described in this definition that has been reviewed and approved under the City zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.

iv. The term does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in this definition.

Collocate. Mounting or installing an antenna facility on a pre-existing structure; or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Collocation also means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Eligible facilities requests. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

i. Collocation of new transmission equipment;

ii. Removal of transmission equipment; or

iii. Replacement of transmission equipment.

Eligible support structure. Any tower or base station, provided that it is existing at the time the relevant application is filed with the City.

Existing. A constructed tower or base station that has been reviewed and approved by the City under the applicable zoning or siting process, including any building permit, Certificate of Endorsement, or Special Use Permit.

Modification. The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound.

Previously authorized. Approval that the City issued under applicable law before the deployment of personal wireless service facilities, including, but not limited to, any building permit, Certificate of Endorsement, or Special Use Permit.

Site. For towers, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, if the approval of the modification occurred before the Spectrum Act adoption on February 22, 2012, or otherwise outside of the Section 6409(a) process.

Small wireless facilities. Facilities that meet each of the following conditions:

i. The facilities:

a) Are mounted on structures 50 feet or less in height including their antennas; or

b) Are mounted on structures no more than 10% taller than other adjacent structures; or

c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater;

ii. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;

iii. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

iv. The facilities do not require antenna structure registration under Part 17 of the Code of Federal Regulation; and

v. The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

Structure. A pole, tower, base station, or other building whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or co-mingled with other types of services).

022

Substantial change. The proposed modification or collocation meets any of the following criteria:

i. It increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved before the passage of the 2012 Spectrum Act (47 U.S.C. § 1455(a)).

ii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

iii. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

iv. It would defeat the concealment elements of the eligible support structure; or

v. It does not comply with conditions associated with the City's prior siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in 47 CFR § 1.40001(b)(7)(i) through (iv).

Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Utility. Any person, corporation, municipality, county, or other entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications services.

Wireless facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services.

Wireless support structure. A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable

#022

Posted by **Kim 6** on **03/25/2026** at **9:18am** [Comment ID: 2305] - Link
Question
Agree: 0, Disagree: 0
Is this supposed to be colocation?

> Reply by **SiteAdmin** on **03/25/2026** at **4:35pm** [Comment ID: 2331] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. Thanks!

of supporting wireless facilities. Such term does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Sec. 4.4.3. Commercial Uses

A. Adult Establishment Uses

Uses associated with the sale or viewing of sexually-oriented content or paraphernalia. Adult Establishment use category includes the following specific uses:

1. Adult Establishment

An adult establishment use that includes adult arcade, adult bookstore, adult cabaret, adult motion picture theater, and sexual device shop.

a. Additional Definitions

For the purposes of defining adult establishment uses, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is clearly indicated by the context:

Adult arcade. A commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, where image-producing devices are regularly maintained to show images characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Adult bookstore. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A principal business activity exists where the commercial establishment meets any of the following criteria:

i. At least 25% of the establishment's displayed merchandise consists of said items;

ii. At least 25% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;

iii. The establishment maintains at least 25% of its floor area for the display, sale, or rental of said items;

iv. The establishment maintains at least 500 square feet of its floor area for the display, sale, or rental of said items;

v. The establishment regularly offers for sale or rental at least 500 of said items; or

vi. The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to adult sexual interests.

Adult cabaret. A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment will avoid classification as an adult cabaret by offering nude conduct.

Adult motion picture theater. A commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger where films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

Characterized by. Describing the essential character or quality of an item. As applied in this Section, no business will be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Employ, employee, employment. Describe and pertain to any person who works or engages in activity for pay on the premises of an adult establishment, on a full time, part time, temporary, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises, or an attorney, accountant, or similar state-licensed professional performing professional services for the business.

Floor space. The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Nudity or nude conduct. The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. For purposes of this Section, a "fully opaque covering" must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Operate. To cause to function or to put or keep in a state of doing business.

Operator. Any person who manages, supervises, or controls the adult establishment or a portion of the establishment. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises. The real property upon which the adult establishment is located, and any accessory buildings, including, but not limited to, the adult establishment, the grounds, private walkways, and parking lots or parking garages, under the ownership, control, or supervision of the operator.

Regularly. The consistent and repeated doing of an act on an ongoing basis.

Semi-nude or semi-nudity. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks, with less than a fully opaque covering. This definition includes the lower portion of the human female breast, but does not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. For purposes of this use category, a "fully opaque covering" may not

consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Sexual device. Any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, nipple, or for sadomasochistic use or abuse of oneself or others and includes devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition will be construed to include devices primarily designed for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop. A commercial establishment meeting any of the following criteria:

i. Where more than 100 sexual devices are regularly made available for sale or rental; or

ii. Where sexual devices are regularly made available for sale or rental and the establishment regularly gives special prominence to sexual devices (e.g., by using lighted display cases for sexual devices, having a room or discrete area of the establishment significantly devoted to sexual devices, positioning sexual devices near cash registers or similar points of sale, hosting events focused on sexual devices, or holding itself out to the public as a place that focuses on sexual devices).

iii. This definition will not be construed to include commercial establishment that makes no more than 200 sexual devices regularly available for sale or rental and that operates a pharmacy employing a licensed pharmacist who regularly fills prescriptions in the same tenant space where the sexual devices are made available.

Specified anatomical areas. Includes the following areas:

i. Human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola that are less than completely and opaquely covered; and

ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Viewing room. The room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

B. Agriculture Uses

Uses dedicated to the growing and harvesting of food crops or non-food crops, such as flowers and ornamental plants, for use on-site or for sale or distribution off-site or on-site. Agriculture use category includes the following specific uses:

1. Farmers Market

An agriculture use where vending activity is conducted outdoors in an open-air environment and accessible to the general public.

a. Additional Definitions

The following terms only apply to use standards and definitions related to farmers market uses:

Producer. A person or entity that raises or farm products on land that the person or entity farms and owns, rents or leases; or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) value-added farm products; and whose method of production has been verified by the Office of Sustainability based on the standards set forth in their internal operating regulation.

Farm products. Fruits, vegetables (including soy-based), mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Value-added farm product. Any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Vending structure. A temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.

Vendor. Any person who sells any goods, wares, merchandise, food or drink at a farmers market.

2. Indoor Growing System

An agriculture use for systems for cultivation of plants (excluding marijuana, which is regulated elsewhere), fish, seafood, or insects. These systems may include, but are not limited to: aquaculture; aquaponics; hydroponics; entomoculture (insects); and vertical farming.

3. Urban Garden

An agriculture use that includes an area of land managed and maintained by a person or group of persons, for outdoor growing and harvesting, farming, community gardening, or any other outdoor use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation. On-site sales are permitted. This use does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots.

C. Entertainment and Recreation Uses

Uses that provide continuous or periodic assembly, entertainment, or recreational activity. Entertainment and Recreation use category includes the following specific uses:

1. General Indoor Entertainment and Recreation

An entertainment and recreation use that operates primarily in an indoor setting. Typical examples include amusement center, arcade, auditorium, bingo hall, bowling alley, cinema, dance hall, gymnasium, ice or roller skating rink, indoor sports, pool hall, and theater.

2. General Outdoor Entertainment and Recreation

An entertainment and recreation use that operates primarily in an outdoor setting. Typical examples include amusement or water park; amphitheater; arena; athletic complex; ballfields; basketball or tennis court; bicycle, skateboarding, or roller blading facility; drive-in or outdoor theater; golf driving range; and miniature golf course.

3. ATV Park

An entertainment and recreation use where motorcycles and other motor vehicles drive directly upon dirt, water, rocks, sand, snow, ice, marsh, swampland, and similar unpaved surfaces in an indoor or outdoor facility.

4. Club, Private

An entertainment and recreation use that provides meeting areas for membership organizations that hold regular social or educational meetings or events for dues-paying members and their guests.

5. Convention Hall or Event Facility

An entertainment and recreation use operated for the purpose of providing accommodations for temporary conventions; trade shows and other similar activities; and events, including parties, ceremonies, receptions, or similar gatherings, where a fee is typically charged for the use of the facility.

6. Golf Course

An entertainment and recreation use that provides for a large landscaped area for playing golf including support facilities and buildings. This use does not include a facility used exclusively as a golf driving range.

7. Lounge or Nightclub

See definition in City of Atlanta Code of Ordinances, Section 10-1.

8. Party House

An entertainment and recreation use that includes a single-unit, two-unit, or multi-unit dwelling unit and its premises used for a commercial event which includes a ceremony, reception, large scale gathering, or party that charges a fee for the use of the property or an entry fee, donation, or operation cost from its attendees to gain entry. This does not include events for 501(c)(3) non-profits or business, civic, professional, or political organizations or campaigns.

9. Sports Arena, Stadium, or Field

An entertainment and recreation use intended primarily for the playing or viewing of athletic events. Sports arena, stadium, or field may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

D. Food and Beverage Uses

A facility that prepares and sells food and drink for on- or off-premises consumption. Food and Beverage use category includes the following specific uses:

1. General Food and Beverage

A food and beverage use that prepares and sells food or beverage and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include retail bakery, cafe, coffee and tea shop, fast food establishment, ice cream or yogurt shop, juice or smoothie bar, and restaurant.

2. Bakery, Wholesale

A food and beverage use that provides for the preparation of baked goods for wholesale or institutional distribution.

3. Bar

See definition in City of Atlanta Code of Ordinances, Section 10-1.

4. Catering Establishment

A food and beverage use where a facility is used for the preparation and distribution of foods in a ready-to-consume or partially ready state directly to mobile food trucks or for consumption at events off-site. This use does not include the on-site sale of individual meals or individual beverages.

5. Delivery-Based Commercial Kitchen

A food and beverage use that provides kitchen and operating space to two or more businesses that prepare and sell food for same-day pickup and delivery where customers order the food using online and telephone sales and where the establishment does not serve dine-in customers or walk-up customers.

6. Microbrewery, Microdistillery, or Winery

See definition in City of Atlanta Code of Ordinances, Section 10-1. This use includes any biergartens accessory to this use.

E. Lodging Uses

Uses with individual sleeping or living units that provide overnight accommodations to guests for short-term stays of less than 30 days. Lodging use category includes the following specific uses:

1. General Lodging 023

A lodging use that provides a variety of short-term stay facilities. Typical examples include hotel, motel, inn, hostel, and extended stay facility.

2. Bed and Breakfast

A lodging use that provides lodging in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.

3. Short-Term Rental

A lodging use where, in exchange for compensation, any portion of a principal dwelling unit, accessory dwelling unit, or accessory residential structure, is provided for lodging for a period of time not to exceed 30 consecutive days.

#023

Posted by **Elizabeth Hollister** on **04/08/2026** at **9:43pm** [Comment ID: 2754] - Link

Suggestion

Agree: 0, Disagree: 0

Additional clarity is needed to distinguish between the general lodging use and the short-term rental use. We are requesting that the 30 day stay limitation be removed from defining all lodging uses to allow for lodging longer than 30 days that remains distinct from residential general household living use.

> Reply by **SiteAdmin** on **04/09/2026** at **11:37am** [Comment ID: 2762] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> There is a subtle but important distinction here. This definition is based on the Housing Code and the City's existing short-term rental standards. Residential occupancy must be for 30 days or more, whereas lodging is defined as occupancy for less than 30 days, although it may also accommodate longer stays (for example, a hotel guest staying for several months). This reflects current practice.

F. Medical Uses

Uses that provide medical, surgical or dental care to patients such as the diagnosis, treatment, mitigation, cure or prevention of disease. Medical use category includes the following specific uses:

1. General Medical

A medical use that administers human health care in a non-hospital, outpatient setting. Typical examples include medical office or clinic, dental office or clinic, acute care facility, ambulatory care facilities, optometrist, orthodontist, physical therapy office, surgical out-patient facility, urgent care, dialysis center, and blood bank.

2. Hospital

A medical use that administers primarily in-patient, intensive, human medical or surgical care, including stand-alone emergency care services.

3. Medical Laboratory

A medical use that conducts medical research or testing and examining of materials derived from the human body, such as fluid, tissue or cells, for the purpose of providing information on diagnosis, treatment, mitigation, cure or prevention of disease. Includes compounding of drugs and chemicals, not involving sale directly to the public.

G. Office Uses

Uses characterized by activities conducted in a private or co-working setting and generally focusing on business, professional, or financial services. Office use category includes the following specific uses:

1. General Office

An office use that provides space for a variety of business, professional or financial services to be conducted. Typical examples include accounting, advertising, architecture, auditing, banking, bookkeeping, consulting, contracting, design, employment, engineering, insurance, investment, legal, real estate, security or technology services, call centers, radio or TV broadcasting studio, and film studio.

2. Sound Recording Studio

An office use where a facility is maintained and equipped for sound recording and mixing for the purposes of producing a product for commercial consumption.

H. Parking Uses

Uses that provide parking as a principal use. Parking use category includes the following specific uses:

1. Commercial Parking Lot

A parking use that provides vehicle storage or parking on a surface lot as a principal use, whether or not a fee is charged. The use also includes vehicle storage or parking on a surface lot as an accessory use when the amount exceeds any applicable parking maximums unless a variance is granted by the Board of Zoning Adjustment.

2. Commercial Parking Structure

A parking use that provides vehicle storage and parking in a building or structure as a principal use, whether or not a fee is charged. The use also includes vehicle storage or parking in a building or structure as an accessory use when the amount exceeds any applicable parking maximums unless a variance is granted by the Board of Zoning Adjustment.

I. Personal Service Uses

Uses involved in providing personal care or repair services. Personal Service use category includes the following specific uses:

1. General Personal Service

A personal service use that provides a variety of personal care or repair services. Typical examples include locksmith; copy, printing or shipping service; massage therapist or acupuncturist; repair of consumers goods, such as appliances, clothes, shoes, clocks, watches, jewelry, electronics, and appliances; tailor, custom dressmaking, millinery; tinsmith, plating, or plumbing shop; and furniture repair or upholster.

2. Animal Care, Indoor

A personal service use that provides for the care and boarding of animals, or for the treatment of sick or injured animals, and that operates completely in an indoor setting.

3. Animal Care, Outdoor

A personal service use that provides for the care and boarding of animals, or for the treatment of sick or injured animals, and that includes outdoor facilities.

4. Body Art Studio

A personal service use that provides a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

5. Funeral Home

A personal service use that engages in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This use includes mortuaries, but does not include crematoriums.

6. Hair or Nail Salon

A personal service use that includes barber shops, beauty shops, manicure shops and similar personal service uses.

7. Laundry Service

A personal service use that includes self-service laundromat, laundry drop-off facility, or dry-cleaning that does not involve hazardous chemicals.

J. Retail Uses

Uses involved in the sale, lease, or rent of new or used products to end consumers. Retail use category includes the following specific uses:

1. General Retail

A retail use that sells, leases, or rents a variety of new or used products. Typical examples include appliance store; bicycle sales, rental, or repair; bookstore; clothing or shoe store; craft or fabric store; electronics store; department store; drug store or pharmacy; florists; home goods or furniture store; hardware or home improvement store; optical center; pet store; sporting goods store; toy store; motor vehicle parts or equipment store; convenience store; photography or art gallery; and jewelry store.

2. Alternative Financial Service

A retail use that offers high interest, short-term loans or check cashing services. Also includes establishment which offer in the regular course of business a "pawn transaction" as defined in O.C.G.A. § 44-12-139. Typical examples include check cashing, pawnshop, payday lending, precious metal and gem dealers, and title loan centers.

3. Artisan Workshop

A retail use that provides for the production and sale of handcrafted or artisan products. Typical examples include art studio; ceramic manufacturing; glass blowing; jewelry manufacturing; metalwork; musical instrument manufacturing; leatherwork; and woodworking, cabinet makers or furniture manufacturing.

4. Grocery Store

A retail use that primarily engages in the sale of unprepared food, such as fruits, vegetables, meat, poultry, dry goods, canned, and frozen foods, and which may also sell limited household and personal care items.

5. Hookah or Vape Store

A retail use that primarily engages in the sale of alternative nicotine products, vape juice, consumable vape products, vapor devices, consumable hemp products, or any similar products. This use includes any retail establishment where consumable vape products, vapor devices, consumable hemp products, or any similar products constitute at least 35% of the aggregate retail sales.

a. Additional Definitions

The following terms only apply to use standards and definitions related to hookah or vape store uses:

Alternative nicotine products. Any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. This includes, but is not limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. This does not include cigars, cigarettes, loose or smokeless tobacco, consumable vapor products, or any product regulated as a drug or therapeutic device by the United States

Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act. GA Code Ann. § 48-11-1.

Consumable hemp products. A hemp product intended to be ingested, absorbed, or inhaled by humans or animals. GA Code Ann. § 2-23-3.

Consumable vapor products. Any liquid solution, whether it contains nicotine or not, that is intended to be headed into an aerosol state and inhaled by an individual. This includes, but is not limited to, e-liquid, e-juice, vapor juice, and cartridges that are pre-filled with such as solution. This does not include any alternative nicotine product, cigar, cigarette, loose or smokeless tobacco, perfume, potpourri, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act. GA Code Ann. § 48-11-1.

Vapor devices. Any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device. This includes, but is not limited to, an electronic nicotine delivery system, an electronic cigarette, electronic cigar, electronic pipe, vape pen, vape tool, or electronic hookah. This does not include fragrance or essential oil diffusers, air fresheners, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act. GA Code Ann. § 48-11-1.

6. Package store

A retail use that primarily engages in the sale of alcoholic beverages, such as beer, wine, and whiskey, for off-premise consumption. This use includes liquor store and any use classified as Industry No. 5921 in the Standard Industrial Classification (SIC) Manual, 1972 prepared by the Executive Office of the President - Office of Management and Budget.

7. Retail Bank

A retail use that includes bank, savings and loan association, or similar financial institution that provides on-site services to customers. This term also includes lots where an automated teller machine (ATM) is the only use on the lot.

8. Small Discount Variety Store

A retail use less than 12,000 square feet in floor area that offers a variety of consumer products, including household goods, personal care products, food or beverages for off-premise consumption, entertainment products, electronics, and other consumer products, at a discounted rate. This use does not include retail uses with fuel sales and accessory retail uses typically less than 5,000 square feet in floor area located inside civic uses, office buildings, hotels, hospitals, and similar locations that primarily serve employees and visitors of the facility.

K. Transportation Uses

Uses that facilitate the boarding, loading, arrival or departure of passengers for a variety of mobility and transportation options including trains, buses, cars, and helicopters. Transportation use category includes the following specific uses:

1. Passenger Terminal

A transportation use where a facility is privately owned or operated for the pickup, drop off and interchange of passengers. Typical examples include bus terminals, multi-modal facility, rail stations, and passenger related mass transit facilities.

2. Helipad

A transportation use where a facility is intended for the landing and take-off of a helicopter.

3. Truck Stop

A transportation use where a facility is intended to serve semi-truck drivers that generally includes some combination of the following uses: fuel sales, overnight parking for semi-trucks, a convenience store, a restaurant, or showering or dormitory facilities utilized as a rest area for truck drivers.

L. Vehicle Sales and Service Uses

Uses that sell, rent, lease, service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, and heavy equipment. Vehicle Sales and Service use category includes the following specific uses:

1. Vehicle Sale and Rental

A vehicle sales and service use that sells, rents, or leases vehicles, and vehicles available for sale or rent are typically stored outdoors on-site. Typical examples include automobile sale or rental, truck or trailer rental, recreational vehicle sale or rental, and heavy equipment sale or rental. Vehicle sale and rental is broken down into the following specific uses:

a. Vehicle Sale and Rental, Light

A vehicle sales and service use that sells, rents, or leases vehicles including automobiles, motorcycles, scooters, pickup trucks, vans, and trailers.

b. Vehicle Sale and Rental, Heavy

A vehicle sales and service use that sells, rents, or leases vehicles including recreational vehicles, boats, 18-wheelers, and heavy equipment.

2. Vehicle Service and Repair

A vehicle sales and service use that services and repairs vehicles. Typical examples include automobile repair or servicing, tire sales or installation, heavy truck servicing or repair, and heavy equipment repair. Vehicle Service and Repair is broken down into the following specific uses.

a. Vehicle Service and Repair, Light

A vehicle sales and service use where limited repair is conducted on vehicles weighing up to 10,000 pounds where the work is typically done in one day and vehicles are not left outdoors overnight on-site. Typical examples include audio and alarm installation, brakes and exhaust services, battery replacement, tire and alignment services, emissions testing, oil and lube

service, minor scratch and dent repair, glass and windshield repair, window tinting, and vehicle inspections.

b. Vehicle Service and Repair, Heavy

A vehicle sales and service use where substantial repair is conducted on vehicles weighing up to 10,000 pounds where the work is typically done over a several day period and vehicles are left outdoors overnight on-site, or any service and repair on vehicles weighing more than 10,000 pounds. Typical examples include transmission and engine repair, body repair and paint shops, semi-truck service and repair, and used tire collection or sales.

3. Car Wash

A vehicle sales and service use that cleans and details vehicles.

4. Fuel Sales

A vehicle sales and service use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels. The use does not include accessory EV charging stations.

M. Wholesale Trade Uses

Uses primarily engaged in selling products in bulk to retailers or business representatives for resale rather than to end consumers for direct consumption. Wholesale Trade use category includes the following specific uses:

1. General Wholesale Trade

A wholesale trade use where products are generally sold by a business representative with the intention that they will be resold to consumers for direct consumption, and the products are allowed on-site to be picked up by the business representative.

2. Showroom

A wholesale trade use where sample products are displayed for sale and all products sold are shipped or delivered to the business representative. The products are not allowed on-site for pick up by the business representative. This use does not include vehicle showrooms.

3. Wholesale Trade Mart

A wholesale trade use operated exclusively for the purpose of providing accommodations for multiple general wholesale trade uses or showrooms.

Sec. 4.4.4. **Industrial Uses**

A. Industrial and Manufacturing Uses

Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Industrial and Manufacturing use category includes the following specific uses:

1. Low-Impact Industrial and Manufacturing

An industrial and manufacturing use where the following characteristics are present or anticipated:

a. Majority of manufacturing or industrial activity takes place indoors;

b. No significant heat, noise, sounds, vibrations, odors, or particulates detectable off premises;

c. No significant use of dangerous or harmful chemicals;

d. No significant use of highly combustible or flammable materials, liquids, or gases;

e. No use of hazardous or explosive materials; and

f. Limited or no outdoor storage.

Typical examples include manufacturing, processing, fabrication, packaging or assembly of prefabricated parts, consumer electronics, computers, appliances, optical devices or instruments, medical or surgical instruments, alcoholic and non-alcoholic beverages, cosmetics, clothing or shoes, printed or photographic materials, signs, small automotive parts; welding or machine shops; industry laundries; exterminators; and commercial food preparation.

2. High-Impact Industrial and Manufacturing

An industrial and manufacturing use where some or all of the following characteristics are present or anticipated:

a. The majority of manufacturing or industrial activity takes place outdoors.

b. Significant heat, noise, sounds, vibrations, odors or particulates may be detectable by neighboring properties.

c. Significant use of dangerous or harmful chemicals.

d. Significant use of highly combustible or flammable materials, liquids, or gases.

e. Use of hazardous, radioactive, or explosive materials.

Typical high-impact industrial examples include abrasives manufacturing; acid manufacturing; annealing or heat treating plants; acid manufacture; asphalt plants; battery rebuilding; concrete plants, cement plants, plants for the manufacture of lime, gypsum, or plaster of Paris; distillation of bones and glue manufacture; explosive manufactures or storage; fat rendering and fertilizer manufacture; hazardous toxic materials, including radioactive materials; paper and paper pulp manufacture; petroleum refining or fuel oil distribution; solid fuel yard; smelting of tin, copper, zinc, or iron ores; and resource extraction such as sand, gravel, clay, topsoil or dirt extraction, and quarries.

3. Crematorium

An industrial and manufacturing use where a facility used for the cremation of human and pet remains.

4. Research and Development

An industrial and manufacturing use focused primarily on the research and development of new products, or for scientific research intended for manufacture, production, or sale of products elsewhere. Typical examples include plastics, genetics, biotechnology, pharmaceuticals, and polymers.

B. Warehouse and Distribution Uses

Uses involved in the storage or movement of goods for themselves or other entities. Goods are generally delivered to other establishments or the final consumer. There is little or no on-site sales activity with customers present. Warehouse and Distribution use category includes the following specific uses:

1. General Warehouse and Distribution

A warehouse and distribution use characterized by primarily indoor movement and activity. Typical examples include fulfillment center, distribution center, frozen food lockers, household moving storage, general freight storage, and warehouse.

2. Data Center

A warehouse and distribution use primarily for the storage, management, processing, and transmission of digital data, housing computer and network equipment, systems, servers, appliances and other associated components related to digital data operations. May also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

3. Freight Terminal

A warehouse and distribution use involved in freight pick-up, transfer, or distribution by rail or truck and characterized by significant outdoor movement and activity. Typical examples include containerized freight yard, inter-modal freight terminal, switching yard, trucking terminal, trailer storage yard, and shipping container storage yard.

4. Micro-Distribution Hub

A warehouse and distribution use up to 8,000 square feet in floor area providing the receipt, transfer, short-term storage, and dispatching of retail merchandise and similar goods. This use does not include retail uses that sometimes transfers or dispatch retail merchandise to other retail establishments.

5. Self- Storage

A warehouse and distribution use that offers secure self-storage for household goods in individual rooms, compartments, lockers, or containers, where customers bring goods for storage during normal business hours.

6. Storage Yard

A warehouse and distribution use primarily intended for the outdoor storage of material, equipment, or vehicles for a period greater than 24-hours, and any structures associated with the outdoor storage. Typical examples include construction storage yard, lumberyard, sand or gravel

yard, equipment yard, towing service storage yard, vehicle storage lot, school bus lot, impound lot, and wholesale greenhouse or nursery. The use may involve the sale or rental of items stored.

C. Waste-Related Service Uses

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect waste, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related use category includes the following specific uses:

1. General Waste-Related Service

A waste-related service use that receives solid or liquid wastes from others for on-site storage, on-site disposal, or transfer to another location. Typical examples include incinerators, rendering plants, animal waste facilities, solid waste operations, junkyards, landfills, transfer stations, vehicle-related waste facilities, tire processing operations, and recycling facilities with outdoor storage.

2. Green Waste

A waste-related service use that accepts garden, wood, and other organic waste to reprocess into compost, wood chips, or other products, including the use of power-driven processing equipment. Facilities which receive green waste (garden, wood, or other organic waste) for shipment to another facility for reprocessing or composting are included in this type of facility.

3. Recycling Drop-Off Center

A waste-related service use with a salvage, recycling, or recovery operation that is conducted completely indoors or involving outdoor operations with all materials stored in containers located in a fenced yard.

DIVISION 4.5. **SPECIFIC USE STANDARDS**

Sec. 4.5.1. **Applicability**

The following use standards apply only where the use table (*Sec. XX*) includes an asterisk (*) for the use permission in the applicable Use District. Where no asterisk is present in the use table, these use standards do not apply.

Sec. 4.5.2. **Residential Uses**

A. Household Living Uses

1. General Household Living

a. Residential (R-) Use Districts

A Special Use Permit is required when a lot has no street frontage.

b. NX6 Use District

Where 5 or more dwelling units are in a building, at least 50% of the ground story of the building must contain Commercial Uses.

2. Live-Work

a. All Use Districts

i. The total floor area of a live-work unit, including residential and nonresidential uses, is limited to 4,000 square feet or less.

ii. The floor area of nonresidential uses are limited to 50% or less of the total floor area of a live-work unit.

iii. Nonresidential uses must be located on the ground story.

iv. Nonresidential uses are limited to:

a) General food and beverage;

b) General medical;

c) General office;

d) General personal service;

e) General retail; or

f) Artisan workshop.

B. Group Living Uses

1. General Supervised Group Living

a. All Use Districts

i. The operator of the facility must comply with all applicable local, state and federal laws and regulations, including state minimum codes. Copies of all applicable approved licenses and permits, including but not limited to, state licenses and business license must be provided to the Department before issuance of the occupancy permit.

ii. General supervised group living is not allowed within 2,000 feet of any other general supervised group living or emergency shelter. This requirement may be waived by the City Council in approving the Special Use Permit.

iii. Supervised group living must be within a distance of 1/2 mile of a public transportation station or stop. This requirement may be waived by the City Council in approving the Special Use Permit.

iv. If located in a Residential (R-) Use District, the design of the structure must be residential in appearance.

2. General Unsupervised Group Living

a. All Use Districts

i. Meals may be provided from a single central kitchen and compensation for such meals, if provided, must be included in the weekly or longer rental rate.

ii. No restaurant, meeting, reception, or banquet facilities may be provided.

iii. Other accessory uses, such as recreational facilities, are permitted provided they are appropriate to the size of the facility and operated solely for the residents and their guests.

3. Emergency Shelter

a. All Use Districts

i. The operator of the facility must comply with all applicable local, state, and federal laws and regulations, including state minimum codes. Copies of all applicable approved licenses and permits, including but not limited to, state licenses and business license must be provided to the Department before issuance of the occupancy permit.

ii. Emergency shelter is not allowed within 2,000 feet of any other emergency shelter or general supervised group living. This requirement may be waived by the City Council in approving the Special Use Permit.

iii. Emergency shelter must be within a distance of 1/2 mile of a public transportation station or stop. This requirement may be waived by the City Council in approving the Special Use Permit.

Sec. 4.5.3. Public and Institutional Uses

A. Wireless Telecommunications Uses

1. Intent

The intent of wireless communication uses is to provide procedural and substantive requirements for the location, construction, collocation, modification and operation of wireless communication facilities on property located outside the public right-of-way in accordance with applicable federal and state law where otherwise not preempted by such federal or state law.

2. Application Requirements

The following are required components of applications for wireless communication uses:

a. All Types

i. An applicant must pay the application fees as provided in City Code.

ii. The applicant must provide the Section of state or federal statute or regulation under which applicant seeks review and approval.

iii. The applicant can only be required to provide documents, information, and fees adopted by City Council, as well as forms promulgated by the Office of Zoning and Development or the Office of Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities.

b. Type I: Modification

i. Type I applications take the form of an application for building or electrical permit as determined by the Office of Buildings.

ii. When an applicant asserts in the application that a request for modification is covered by 47 CFR § 1.6100 or 47 U.S.C. § 1455(a), or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said Section:

a) An as-built site plan with elevations depicting and providing the measurements of the current deployment of antenna and previously approved eligible support structure on the site;

b) A proposed site plan with elevations depicting and providing the measurements, with reference to the proposed total measurements and delta, of the proposed deployment for modification of the previously approved eligible support structure on the site;

c) A narrative description of the proposed modification and explanation of why the proposed modification of an eligible support structure does not substantially change the physical dimensions of such structure by reference to each component contained within the definition of "substantial change"; and

d) Those items set forth in the *Criteria for Review and Decision* Section below.

c. Type II: Small Wireless Collocation or Type III: Non-Small Wireless Collocation

i. Type II applications take the form of an application for building or electrical permit as determined by the Office of Buildings.

ii. Type III applications take the form of an application for Certificate of Endorsement *(see Sec. XX)*.

iii. When an applicant asserts in the application that a request for collocation is covered by 47 CFR § 1.6001 et seq., or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said Section:

a) An as-built site plan with elevations depicting and providing the measurements of the current deployment of wireless facilities and wireless support structure on the site;

b) A proposed site plan with elevation(s) depicting and providing the measurements, with reference to the proposed total measurements and delta, of the proposed collocation of a small wireless facility (Type II) or non-small wireless facility (Type III), as the case may be;

c) A narrative describing the proposed collocation and explaining why the proposed collocation is either a small wireless facility or a non-small wireless facility, as the case may be; and

d) Those items set forth in the *Criteria for Review and Decision* Section below.

d. Type IV: Small Wireless Structure or Type V: Non-Small Wireless Structure

i. Type IV applications take the form of an application for a Certificate of Endorsement *(see Sec. XX)*.

ii. Type V applications take the form of an application for Special Use Permit *(see Sec. XX)*.

iii. When an applicant asserts in the application that a request for deployment is covered by 47 CFR § 1.6001 et seq., or as thereafter amended, the applicant must provide the following documentation or information which is reasonably related to determining whether the request meets the requirements of said Section:

a) A proposed site plan with elevations depicting and providing the measurements, with reference to the proposed total measurements of the proposed deployment of a small wireless facility (Type IV) or non-small wireless facility (Type V), as the case may be

b) A written evaluation of the technical, business, or service characteristics of such proposed wireless facility;

c) An inventory of its existing structures that are either within the City or within one quarter mile of the city limit, including specific information about the location, height and design of each tower. The Office may share such information with other applicants applying for Special Use Permits or Certificates of Endorsements, or with other organizations seeking to locate wireless support structure or wireless facilities within the City, provided, however, that the Office, by sharing such information, is not in any way representing or warranting that such sites are available or suitable.

d) A radio frequency analyses and any other documentation intended to demonstrate the proposed service characteristics of the proposed wireless facility, to illustrate the need for such wireless facility, or to justify the business decision to deploy the proposed new wireless facility rather than collocate on an existing structure; and

e) A letter from a radio frequency engineer certifying the applicant's proposed wireless facilities will not interfere with public safety emergency communications; and

f) Those items set forth in the *Criteria for Review and Decision* Section below and those items required to show compliance with the *Conditions of Approval* Section below.

3. Review and Decision Process

a. Type I: Modification

i. Upon application, the Office reviews to determine whether or not the application is complete and proposes a substantial change. Concurrently, the Office of Buildings reviews to determine whether the application complies with state minimum standards codes. Type I applications are decided by the Office of Buildings based upon a written record as to whether the building or electrical permit satisfies the requirements in this Section and for building or electrical permits generally.

ii. Within 60 days of the date on which an applicant submits an application seeking approval pursuant to 47 CFR § 1.6100, or as thereafter amended, the Office of Building must approve the application unless it determines that the application is not covered by said Section.

iii. The 60-day period begins when the application is filed with the Office of Buildings, and may be tolled only by mutual agreement or in cases where the Office determines that the application is incomplete.

iv. To toll the time frame for incompleteness, the Office must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information listed in this Section.

v. The time frame for review begins running again when the applicant makes a supplemental submission in response to the Office's notice of incompleteness.

vi. Following a supplemental submission, the Office will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

vii. In the event the Office of Building fails to approve or deny a request seeking approval under this Section within the time frame for review (accounting for any tolling), the request will be deemed granted. The deemed grant does not become effective until the applicant notifies the Office in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

b. Type II: Small Wireless Collocation

i. Upon application, the Office reviews to determine whether or not the application is complete and proposes a small wireless facility using an existing structure. Concurrently, the Office of Buildings reviews to determine whether the application complies with state minimum standards codes. Type II applications are decided by the Office of Buildings based upon a written record as to whether the building or electrical permit satisfies the requirements in this Section and for building or electrical permits generally.

ii. Within 10 days of the date an application is filed with the Office of Buildings, the Office must determine whether or not:

a) The application is complete; and

b) The proposed collocation is for a small wireless facility using an existing structure.

iii. If the Office determines the application is not a complete application, it must within 10 days of the filing of the application notify the applicant in writing of any information required to complete such application.

iv. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 60-day decision period.

v. If the Office determines the application is a complete application and the proposed collocation is for a small wireless facility, the Office of Buildings must commence review for compliance with state minimum standard codes. Applications that required additional information to become complete will, when complete, be immediately transmitted to the Office of Buildings for decision.

vi. Within 60 days of the date a Type II application is filed with the Office of Buildings, unless another date is specified in a written agreement between the Office and the applicant, the Office of Building must:

a) Make its final decision to approve or disapprove the application based on compliance with state minimum standard codes and whether or not the request is for a small wireless facility using an existing structure; and

b) Advise the applicant in writing of its final decision supported by the written record.

c. Type III: Non-Small Wireless Collocation

i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a non-small wireless facility using an existing structure. Concurrently, the Office of Building reviews to determine whether the application complies with state minimum standards codes. Type III applications are decided by the office based upon a written record as to whether the Certificate of Endorsement applications satisfies the requirements in this Section and for Certificates of Endorsement generally.

ii. Within 30 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.

iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 90-day review period.

iv. A complete application must be e-mailed by the Office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to the criteria set for in this Section. The NPU will have 30 days from receipt to complete this review.

v. Within 90 days of the date a Type III application is filed with the Office, unless another date is specified in a written agreement between the Office and the applicant, the Office must:

a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and for Certificates of Endorsements generally; and

b) Advise the applicant in writing of its final decision supported by the written record.

d. Type IV: Small Wireless Structure

i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a small wireless facility using a new structure. Type IV applications are decided by the Office based upon a written record as to whether the Certificate of Endorsement application satisfies the requirements in this Section and for Certificates of Endorsements generally.

ii. Within 10 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.

iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 90-day review period.

iv. A complete application must be e-mailed by the Office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to the criteria set for in this Section. The NPU will have 30 days from receipt to remit any written comment to the Office.

v. Within 90 days of the date an application for modification or collocation of wireless facilities is filed with the Office, unless another date is specified in a written agreement between the Office and the applicant of zoning and development, the office must:

a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and for Certificates of Endorsements generally; and

b) Advise the applicant in writing of its final decision supported by the written record.

e. Type V: Non-Small Wireless Structure

i. Upon application, the Office initially reviews to determine whether or not the application is complete and proposes a non-small wireless facility using a new structure. Type V applications are decided by the City Council after public hearing and based upon a written record as to whether the Special Use Permit application satisfies the requirements in this Section and for Special Use Permits generally.

ii. Within 30 days of the date of application, the Office must determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application.

iii. To the extent additional information is required to complete the application, the time required by the applicant to provide such information will not be counted toward the 150-day review period.

iv. A complete application must be e-mailed by the office to the appropriate Neighborhood Planning Unit (NPU) for its review and comment with regard to criteria set for in this Section. The NPU will have 60 days to remit any written comment to the Office.

v. Within 150 days of the submission of the initial application, unless another date is specified in a written agreement between the Office and the applicant, the City Council must:

a) Make its final decision to approve or disapprove the application based on the criteria set for in this Section and on the criteria for Special Use Permits generally; and

b) Advise the applicant in writing of its final decision supported by the written record.

4. Criteria for Review and Decision

a. Type III, Type IV, and Type V

i. No new wireless support structure may be permitted unless the applicant reasonably demonstrates that such wireless support structure is necessary and that no existing wireless support structure can accommodate the applicant's proposed wireless facility. To demonstrate that no existing wireless support structure can accommodate the applicant's proposed wireless facility, the applicant must submit evidence that one or more of the following conditions exist:

a) No existing wireless support structure is located within the geographic area required to meet the applicant's engineering requirements;

b) No existing wireless support structure is of sufficient height to meet the applicant's engineering requirements;

c) Existing wireless support structures do not have sufficient structural strength to support applicant's proposed wireless facility;

d) The applicant's proposed wireless facility would cause electromagnetic interference with the proposed wireless facility on the existing wireless support structure, or the wireless facility on the existing wireless support structure would cause interference with the operations of the applicant's proposed wireless facility;

e) The fees, costs or contractual provisions required by the owner in order to share an existing wireless support structure or adapt an existing wireless support structure for sharing are unreasonable; or

f) The applicant demonstrates that there are other limiting factors which render existing wireless support structures unsuitable.

ii. The height of the proposed wireless support structure and proposed wireless facility is regulated and limited in relation to the following:

a) Proximity to residential structures and residential district boundaries;

b) The surrounding topography;

c) The surrounding tree coverage and foliage; and

d) The design of the proposed wireless support structure and proposed wireless facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness

iii. In no event may any proposed wireless support structure and proposed wireless facility exceed the minimum height necessary to accomplish its intended function as certified by a registered engineer licensed by the State of Georgia. Said certification is the responsibility of the applicant and must be submitted to the Office at the time application is made.

iv. Under no circumstances may any proposed wireless support structure exceed 200 feet in height as measured from existing grade. Any proposed accessory equipment within the equipment compound may not exceed the height limitation specified in the Form District in which the property is located.

v. Any proposed wireless support structure and proposed wireless facility must be painted in a neutral color identical to or closely compatible with the surroundings, and in such a manner as to make the proposed wireless support structure and proposed wireless facility as visually unobtrusive as possible.

vi. Any proposed wireless support structure and proposed equipment compound must be enclosed by security fencing no less than 6 feet in height, and said proposed wireless support structure must be equipped with an appropriate anti-climbing device. Said fencing must be buffered with landscaping and screened to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, or signs.

vii. Any wireless support structure and wireless facility that are proposed in Residential Use Districts will be permitted only upon a showing by the applicant that said wireless support structure and wireless facility may not be located on a property with a nonresidential Use District in the same area in such a way as to adequately satisfy its intended purpose. The foregoing requirement of a showing must include submission of an affidavit identifying all properties with a nonresidential Use District which the applicant has considered for the location of the antenna and related equipment. The applicant must identify the boundaries of the geographical area necessary to accomplish the intended purpose of the proposed wireless facility. The affidavit must state the specific reasons that the

wireless facility may not be located on the properties with a nonresidential Use District. The affidavit must also include all technical information (excluding information that relates to trade secrets or proprietary information) necessary to review the application including information relating to field strength, power density and frequency of actual or potential emissions from those facilities and any other information pertinent to the requirements set forth in this Section. The affidavit must further include all contractual and financial information specifically relating to the subject site and the lease to be entered into.

5. Conditions of Approval

a. Type V:

The City Council may impose conditions on the approval of a Special Use Permit required for a Type V application to protect the public health, safety and general welfare. In the regulation of the placement or construction of any new wireless support structure or wireless facility, the City may not:

i. Condition the approval of any application for a new wireless support structure on a requirement that a modification or collocation to such structure be subject to a review that is inconsistent with the requirements of O.C.G.A. § 36-66B-4;

ii. Require the removal of existing wireless support structures or wireless facilities as a condition to approval of an application for a new wireless facility or wireless support structure unless such existing wireless support structure or wireless facility is abandoned and owned by the applicant; or

iii. Require the applicant to place an antenna or other wireless communications equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the applicant.

Sec. 4.5.4. **Commercial Uses**

A. Adult Establishment Uses

1. Intent

The intent of adult establishment uses is to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the City. The provisions of the standards have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of the standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the standards to condone or legitimize the distribution of obscene material.

2. Findings and Rationale

a. Based on evidence of the adverse secondary effects of adult establishment uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in applicable cases, the City Council finds:

i. Adult establishment uses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

ii. Adult establishment uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

iii. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and abating. The City's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the City. The City finds that the cases and documentation relied on in this Chapter are reasonably believed to be relevant to said secondary effects.

b. In this Code, the City adopts and incorporates its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

3. Adult Establishment

a. All Use Districts

i. Adult establishment is not allowed within 500 feet of any Residential (R-) or Residential Mix (RX-) Use District.

ii. Adult establishment is not allowed within 1,000 feet of the following uses:

a) Religious assembly;

b) General civic;

c) General private education; or

d) General park and open space.

iii. Adult establishment is not allowed within 1,000 feet of another adult establishment.

iv. If an adult establishment meets all other standards of this Code, adult establishment in a location that satisfies the standards in this Section will not be deemed non-compliant by virtue of a subsequent establishment or expansion of a Use District or use identified in this Section or the subsequent establishment or expansion of another adult establishment.

B. Agriculture Uses

1. Farmers Market

a. All Use Districts

i. At least 75% of the displayed inventory of the products sold in each farmers market must be farm products or value-added farm products.

ii. At least 75% of the vendors participating during the market's hours of operation must be either producers, family members, employees or agents of producers.

iii. If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

b. Residential Mix (RX-) Use Districts

Farmers market is not permitted on undeveloped lots.

2. Urban Garden

a. All Use Districts

i. Hoop-houses, greenhouses, trellises, raised beds, tool sheds, and other accessory structures typically associated with urban gardens are allowed.

ii. Machinery and equipment typically associated with urban gardens are allowed. When not in use, all machinery and equipment must be stored to not be visible from any public street, sidewalk, or right-of-way unless the following standards are met:

a) The machinery or equipment is intended for ordinary household use;

b) The machinery or equipment is borrowed or rented for no more than 7 days; or

c) The urban garden is located in an Industrial Flex (IX-) or Industrial (I-) Use District.

iii. Vending or sales associated with an urban garden can only occur between 7:00 a.m. and 9:00 p.m. Set up of sales operations may begin no earlier than 6:00 a.m. and take-down may end no later than 10:00 p.m. Community supported agriculture (CSA) pick-ups are allowed at any time during the sales hours.

b. Residential (R-) Use Districts

i. Urban garden is only permitted as a principal use on undeveloped lots.

ii. Urban garden is only permitted as an accessory use on lots with a Public and Institutional Use.

C. Entertainment and Recreation Uses

1. ATV Park

a. All Use Districts

i. ATV park is only allowed on a site at least 10 acres in size.

ii. ATV park is not allowed within 3,000 feet of any Residential Use.

2. Lounge or Nightclub

a. MX14 Use District

i. Significant noise or sounds must not be detectable by neighboring properties.

ii. For the purposes of this Section, "significant noise" means any sound that produces noticeable bass or vibration inside nearby buildings or is plainly audible more than 50 feet beyond the property line.

iii. Lounge or nightclub is not allowed in any outdoor area on the ground story.

3. Party House

a. All Use Districts

Party house is not allowed within 150 feet of any Residential Use.

4. Sports Arena, Stadium, or Field

a. Residential (R-) Use Districts

i. The is use only permitted when it is officially affiliated with a general private education use.

ii. Other general outdoor entertainment and recreation uses are not permitted.

D. Food and Beverage Uses

1. Bakery, wholesale

a. NX6 Use District

Bakery, wholesale is only permitted when the establishment has a general retail use.

2. Bar

a. NX6 Use District

No more than 2 bar establishments are allowed on each block face.

3. Catering Establishment

a. NX6 Use District

Catering establishment is only permitted when the establishment has a general retail use.

4. Delivery-Based Commercial Kitchen

a. NX6 Use District

Delivery-based commercial kitchen is limited to 4,000 square feet or less of total floor area per lot.

5. Microbrewery, Microdistillery, or Winery

a. NX2 Use District

i. No sound, amplified or otherwise, may be audible from off of the lot.

ii. If the person who is the licensee for the City of Atlanta Alcoholic Beverage License ceases to be the licensee, then the Special Use Permit will expire 90 days after the person ceases to be the licensee, and a new Special Use Permit must be in place for the establishment to continue operations.

iii. Doors and loading bays facing any street must be closed at all times, except during the ingress or egress of individuals, the movement of raw materials, other supplies and finished products into and out of the building.

iv. The permittee must present an unloading and loading plan for all materials, which must be attached to the Special Use Permit application. The written plan must also be accompanied by scale drawings showing any of the elements discussed in the plan. One drawing must be for loading and a second for unloading. The plan must, at a minimum, discuss the following:

a) Where vehicles involved in loading and unloading will be parked during the process;

b) The amount of time the vehicles will be parked during the loading and unloading process;

c) The amount of time required for loading and unloading;

d) The times of day that loading and unloading will take place;

e) The volume of material being moved;

f) The path of travel for loading and unloading materials, and;

g) Any lanes of travel that will be blocked during the process and the proposed arrangements to handle any blockage.

v. The duration of a Special Use Permit is 2 years. If a Special Use Permit is being renewed, unless otherwise stated, the first renewal will be for a period of 5 years, the second and any subsequent renewals will be for a period of 10 years.

vi. No outdoor storage is allowed.

E. Lodging Uses

1. General Lodging

a. Neighborhood Mix (NX-) Use Districts

i. Convention hall or event facility is only allowed as an accessory use and the total floor area is limited to 500 square feet.

ii. This use is not allowed within 500 feet of any public or private school.

2. Bed and Breakfast

a. All Use Districts

i. The structure containing the bed and breakfast must meet the following standards:

a) Must be at least 1,200 square feet in floor area; and

b) Must meet one of the following:

1) Must be individually listed on the National Register of Historic Places; or

2) Must be contributing to a district listed on the National Register of Historic Places; or

3) Must be within a district listed on the National Register of Historic Places and be architecturally compatible with the district in comparison to the physical descriptions or architectural information available in the official National Register of Historic Places Nomination, as determined by the Executive Director of the Urban Design Commission.

ii. The structure containing the bed and breakfast must substantially maintain its original or historic exterior appearance based on physical descriptions or architectural information available in the official National Register of Historic Places Nomination as determined by the Executive Director of the Urban Design Commission.

iii. A property owner or manager must reside on the property as their primary residence. Up to 2 additional on-site employees may also reside on the property, for a total of 3 unrelated individuals, to manage and maintain the property.

iv. The property must provide no less than 3 and no more than 8 rooms for overnight guests.

v. Guest stays are limited to a minimum of 1 night and a maximum of 30 consecutive nights.

vi. The daily charge to guests must include sleeping accommodations and breakfast. Rooms may not contain independent cooking facilities unless the property is located in a Form District that allows for more than 1 principal dwelling unit.

3. Short-Term Rental

a. All Use Districts

i. For accessory structures to be used for short-term rental, the property owner must occupy the lot as their primary residence.

ii. Short-term rentals are subject to the regulations in Atlanta City Code Section 20-1001.

iii. Short-term rentals are restricted in the areas identified on the Short-Term Rental Map.

F. Personal Service Uses

1. General Personal Service

a. RX3 Use District

General personal service is limited to 4,000 square feet or less of total floor area per lot.

2. Animal Care, Indoor

a. All Use Districts

Noises from animals must not be detectable by an adjacent lot.

3. Body Art Studio

a. All Use Districts

Body art studio is not allowed within 1,500 feet of another body art studio.

4. Funeral Home

a. All Use Districts

Funeral home is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

5. Hair or Nail Salon

a. Neighborhood Mix (NX-) Use Districts

Hair or nail salon is not allowed within 500 feet of another hair or nail salon on a different lot. This does not apply to multiple establishments on the same lot.

6. Laundry Service

a. Neighborhood Mix (NX-) Use Districts

Laundry service is not allowed within 1,500 feet of another laundry service.

b. RX3 and MX2 Use Districts

Laundry service is limited to 4,000 square feet or less of total floor area per lot.

G. Retail Uses

1. Alternative Financial Service

a. All Use Districts

Alternative financial service is not allowed within 1,500 feet of another alternative financial service.

2. Hookah or Vape Store

a. All Use Districts

i. Hookah or vape store is not allowed within 1,000 feet of another smoke shop on a

different lot. This does not apply to multiple establishments on the same lot.

ii. Hookah or vape store is not allowed within 1,000 feet of the following uses:

a) General civic, operating as a school or day care;

b) General private education; or

c) Private day care,

b. NX6 Use District

Hookah or vape store is not allowed within 1,500 feet of another smoke shop or establishment with an accessory hookah or vapor consumption use.

3. Package Store

a. RX3 Use District

Package store is limited to 4,000 square feet or less of total floor area per lot.

b. Neighborhood Mix (NX-) Use Districts

Package store is not allowed within 1,500 feet of another package store.

4. Small Discount Variety Store

a. All Use Districts

Small discount variety store is not allowed within 5,280 feet of another small discount variety store.

b. Neighborhood Mix (NX-) Use Districts

Small discount variety store is not allowed within 2,000 feet of another Retail Use with a total floor area of 8,000 square feet or larger.

H. Transportation Uses

1. Truck Stop

a. All Use Districts

i. Truck stop is not allowed within 1,500 feet of another truck stop. This does not apply to multiple uses on the same lot.

ii. Truck stop is not allowed within 1,500 feet of the following uses:

a) Residential (R-) Use District;

b) Public school;

c) Religious assembly;

d) General private education;

e) Day care, private;

f) General parks and open space;

g) Cemetery; or

h) Hospital.

I. Vehicle Sale and Service Uses

1. Light Vehicle Sale and Rental

a. All Use Districts

Light vehicle sale and rental is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

b. Mixed-Use (MX-) Use Districts

Light vehicle sale and rental is not allowed to store vehicles in a parking lot. Any vehicles stored on-site must be in a parking structure. Vehicles may also be displayed in a building functioning as a showroom.

2. Heavy Vehicle Sale and Rental

a. All Use Districts

Heavy vehicle sale and rental is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

3. Light Vehicle Service and Repair

a. All Use Districts

i. Light vehicle service and repair is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.

ii. Light vehicle service and repair is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

iii. When abutting a common lot line of a Residential Use, a Medium Transition Screen (*Sec. XX. Transition Screens*) is required.

iv. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

4. Heavy Vehicle Service and Repair

a. All Use Districts

i. Heavy vehicle service and repair is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.

ii. Heavy vehicle service and repair is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

iii. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

#024

Posted by **jessicahilltroutman** on **02/20/2026** at **8:39am** [Comment ID: 2022] - Link

Agree: 0, Disagree: 0

There is benefit in allowing repair uses to aggregate in certain locations provided they are properly distanced from protected districts. Consider allowing an exception to the distance requirements provided the uses are an established distance from a protected district.

iv. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

5. Car Wash

a. All Use Districts

i. Car wash is not allowed within 1,500 feet of any other Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.

ii. Car wash is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

b. All Mixed Use (MX-), Industrial Flex (IX-), and Civic (CV-) Use Districts

i. Car wash is only allowed as an accessory to a lodging, office, medical, and vehicle sale and service use.

ii. The use must not be visible from any lot line.

iii. The use is not allowed to have signage that is visible from any lot line.

6. Fuel Sales

a. All Use Districts

i. Fuel sales is not allowed within 1,500 feet of any Vehicle Sale and Service Use. This does not apply to multiple uses on the same lot.

ii. Fuel sales is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

Sec. 4.5.5. **Industrial Uses**

A. Industrial and Manufacturing Uses

1. Low-Impact Industrial and Manufacturing

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a Medium Transition Screen (*Sec. XX. Transition Screens*) is required.

2. High-Impact Industrial and Manufacturing

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

3. Research and Development

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a Medium Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Heat, noise, vibrations, odors, or particulates must not be detectable by an adjacent lot.

B. Warehouse and Distribution Uses

1. Data Center

a. All Use Districts

i. Data center is not permitted in the Beltline Overlay District.

ii. Data center is not permitted within 1/2 mile of a high-capacity transit stop.

b. All Use Districts, Except I2

i. Data center is limited to 8,000 square feet or less of total floor area per lot.

ii. At least 50% of the total floor area of all buildings on a site must have a use other than data center.

iii. No occupancy permit may be issued for a data center use before one or more occupancy permits have been issued for non-data center permitted uses on the site. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the combined floor area of the data center uses.

iv. Any building with data center is required to provide an active depth (see *Sec. XX. Active Depth*) of at least 30 feet for any portion of the building facing a public street, public park, the Beltline, or other multi-use trail. The active depth requirement applies to any story with this use.

2. Self-Storage

a. All Use Districts

025

i. Self-storage is not permitted in the Beltline Overlay District.

ii. Self-storage is not permitted within 1/2 mile of a high-capacity transit stop.

iii. Self-storage is not allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

b. Mixed-Use (MX-) and Civic (C-) Use Districts

i. At least 50% of the total floor area of all buildings on a site must have a use other than self-storage.

ii. Self-storage is limited to 8,000 square feet or less of total floor area per lot.

iii. No occupancy permit may be issued for a self-storage use before one or more occupancy permits have been issued for non-self-storage permitted uses on the site. Furthermore,

#025

Posted by **Forrest** on **12/30/2025** at **8:54am** [Comment ID: 1751] - Link
Question
Agree: 0, Disagree: 0
Why not add this to the Prohibited Use Section in Ch. 5 Beltline Overlay?

> Reply by **SiteAdmin** on **12/30/2025** at **12:00pm** [Comment ID: 1774] - Link
> *Resolution*
> *Agree: 0, Disagree: 0*
> Agreed. We will move them.

the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the combined floor area of the self-storage uses.

iv. Any building with self-storage is required to provide an active depth (see *Sec. XX. Active Depth*) of at least 30 feet for any portion of the building facing a public street, public park, the Beltline, or other multi-use trail. The active depth requirement applies to any story with this use.

v. Each compartment or storage unit must be exclusively accessible from the interior of the structure.

vi. The use must be climate-controlled.

vii. There must be secured-access to the structure (other than front desk).

3. Storage Yard

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

C. Waste-Related Service Uses

1. General Waste-Related Service

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

2. Green Waste

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

3. Recycling Drop-Off Center

a. All Use Districts

i. When abutting a common lot line of a Residential Use, a High Transition Screen (*Sec. XX. Transition Screens*) is required.

ii. Any outdoor storage must meet the requirements of *Sec. XX Outdoor Storage, Major*.

DIVISION 4.6. **ACCESSORY USES**

Sec. 4.6.1. **General Provisions**

A. Permitted Accessory Uses

1. The Consolidated Use Tables in *Sec. XX* establish the allowed accessory uses and structures in each Use District. Multiple accessory uses are allowed on a lot when the uses are all allowed and the standards for all uses can be met.

2. An accessory use or structure not specifically listed in the permitted use table (*Sec. XX)* is not allowed unless the Director determines the use meets the following standards027

   a. The use is clearly incidental to and customarily found in connection with an allowed principal use;

   b. The use is subordinate to and serving an allowed principal use;

   c. The use is subordinate in area, extent, and purpose to the principal use; and

   d. The use is located on the same lot as the principal use.

B. Rules for All Accessory Uses and Structures

1. An accessory use or structure may be established at the same time as, but not before, the permitted principal use.

2. Accessory structures must comply with the dimensional requirements of the Form District.

3. Accessory structures may not encroach into a primary or side street yard, unless stated otherwise in *Sec. XX Rules for Form Districts*.

4. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, accessory structures may not occupy more than 25% of the rear yard.

Sec. 4.6.2. **Definitions and Standards**

A. Accessory Dwelling Unit

1. Definition

A dwelling unit typically arranged to accommodate long-term stays of 30 days or more that is secondary to the principal use with independent cooking facilities.

2. Standards

a. All Use Districts

026

i. Accessory dwelling units may be attached or detached from the principal dwelling unit.

ii. Accessory dwelling units must be located on the same lot as the principal dwelling unit.

iii. The maximum number of accessory dwelling units allowed per lot is determined by the Use District.

#026

Posted by **Glenda Krouse 1** on **03/17/2026** at **1:30pm** [Comment ID: 2272] - Link

Question

Agree: 0, Disagree: 0

Does this definition include basement coversions? Technically it is not an attached ADU. Can you clarify?

> Reply by **SiteAdmin** on **03/18/2026** at **8:58am** [Comment ID: 2275] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> A basement conversion that was internally connected to the primary dwelling through an interior door or stair would not be an ADU. If there was such connection, it would be considered an ADU.
>
> Note that all basement conversions to ADUs would need to comply with building codes. These codes may prevent some basements from being converted.

#027

Posted by **Timothy** on **01/08/2026** at **8:19am** [Comment ID: 1823] - Link

Question

Agree: 0, Disagree: 0

If a funeral home/mortuary is not specifically listed as an accessory use for a cemetery in the Use Tables, would it still be allowed under Sec. 4.6.1(A)(2) subject to the Director’s determination? Or is an explicit listing required to permit it?

> Reply by **SiteAdmin** on **01/09/2026** at **10:57am** [Comment ID: 1827] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Generally, anything that is defined as a principal use cannot be an accessory use, except where specifically specified. For example, Because the code defines "retail" and "industrial" uses, an industrial use may not have any sort of "retail" use within it.

iv. Accessory dwelling units are not permitted on lots where the existing number of dwelling units exceeds the maximum allowed and is therefore nonconforming.

v. The total floor area of each accessory dwelling unit is limited to 850 square feet.

vi. The floor area of accessory dwelling units counts toward the maximum allowable FAR of the Form District.

vii. When an accessory dwelling unit as attached to the principal dwelling unit, any exterior door providing access to the accessory dwelling unit is not allowed on a street-facing building facade along a primary street. An exterior door is permitted on a street-facing building facade along a side street.

viii. Pedestrian access must be provided from the street to the accessory dwelling unit and may be accommodated through a driveway or alley.

B. Accessory Residential Structure

1. Definition

A structure that is commonly associated with household living and detached from the principal dwelling unit. Typical examples include guest houses, pool houses or cabanas, greenhouses, garden sheds, private garages, barns, and similar structures.

2. Standards

a. All Use Districts

i. Accessory residential structures must be detached from the principal dwelling unit.

ii. Accessory residential structures must be located on the same lot as the principal dwelling unit.

iii. The total floor area of all accessory residential structures on a lot is limited to 30% of the total floor area of the principal dwelling unit.

iv. The floor area of accessory residential structures counts toward the maximum allowable FAR of the Form District.

v. Accessory residential structures may not be used as a dwelling unit.

vi. Accessory residential structures may not be used for stays of 30 days or more.

vii. Accessory residential structures may not contain any independent kitchen or cooking facilities.

C. Drive-In

1. Definition

An establishment where customers park and remain in their vehicles while receiving continuous service from an employee of the business. This does not include facilities that provide designated parking spaces solely for customers to pick up a single order without ongoing service.

#028

Posted by **Glenda Krouse 1** on **03/17/2026** at **1:31pm** [Comment ID: 2273] - Link
Question
Agree: 0, Disagree: 0
Adding to the existing comment. Where does the code clarify this?

> Reply by **SiteAdmin** on **03/18/2026** at **8:49am** [Comment ID: 2274] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your question.
>
> The definition of "ADU" refers to the "dwelling unit" itself, not anything that may be attached to it, such as a garage, storage area, etc. because these are not part of the "dwelling unit."
>
> There is one definition of dwelling unit that applies, whether it refers to an ADU, a detached house, or a high-rise apartment. Page 10-25 specifies that the "dwelling unit" is the building or PORTION OF BUILDING that provides complete and permanent living facilities.
>
> Lastly, up to 400 square feet of garage space is excluded from floor area, as specified on page 10-7. In a case where there was an a detached ADU would could towards the ADU floor area, and any portion of the garage in excess of 400 SF would be counted towards the accessory residential structure floor area.

#029

Posted by **apstillman** on **12/30/2025** at **2:02pm** [Comment ID: 1798] - Link
Question
Agree: 2, Disagree: 0
If an ADU is built atop a detached garage, is the garage area included in the 850 sf maximum?

It is under the current zoning ordinace (which limits ADUs to 750 sf) and in my experience that is the #1 reason why more ADUs aren't being built. A common garage is size 22'x22', or 484 sf, which doesn't leave enough remaining square footage for a usable ADU and stair to access it.

850 sf is an imrpovement, but I think it would be better if a 22'x22' ADU could be built atop a 22'x22' garage, either by increasing the total allowable size or excluding the garage area.

> Reply by **SiteAdmin** on **12/31/2025** at **7:58am** [Comment ID: 1799] - Link
> *Answer*
> *Agree: 1, Disagree: 0*

The 850 SF ADU size limit applies to the unit itself. It does not include garages, storage areas, etc. that may be attached to it.

D. Drive-Through, Enclosed

1. Definition

A facility, enclosed within a building or parking structure, allowing for customers to conduct a transaction at a service window or mechanical device while remaining in their vehicle.

2. Standards

a. All Use Districts

i. Drive-through, enclosed must meet all the standards of *Sec. XX, Other Vehicle Use Areas*.

ii. No part of the use, including queuing lanes, is allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

iii. Only 1 queuing lane is allowed.

iv. Service windows, menu boards, trash receptacles, ordering boxes, or other objects associated with a drive-through are not allowed within 60' of any primary or side street lot line and must be fully screened from any primary or side street lot line.

v. The queuing lane is not allowed within 60' of any primary or side street lot line and must be fully screened from any primary or side street lot line. This does not include a driveway providing access to other parking areas.

vi. When the use is an accessory to a food and beverage use, a dining room or walk-up window must be provided and must be available to customers at all times the drive-through is operating.

vii. Applications for new drive-through facilities or changes of use involving drive-through service must include a stacking demand study prepared by a licensed traffic engineer. The study must establish anticipated peak-hour stacking requirements and account for the specific business type; the percentage of customers using drive-through, pick-up, or dine-in service; average service time per customer; number of order lanes; and identified peak service times.

E. Drive-Through, Unenclosed

1. Definition

A facility allowing for customers to conduct a transaction at a service window or mechanical device while remaining in their vehicle.

2. Standards

a. All Use Districts

i. Drive-through, unenclosed must meet all the standards of *Sec. XX, Other Vehicle Use Areas*.

ii. No part of the use, including queuing lanes, is allowed within 100 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

iii. When the use is an accessory to a food and beverage use, a dining room or walk-up window must be provided and must be available to customers at all times the drive-through is operating.

iv. Applications for new drive-through facilities or changes of use involving drive-through service must include a stacking demand study prepared by a licensed traffic engineer. The study must establish anticipated peak-hour stacking requirements and account for the specific business type; the percentage of customers using drive-through, pick-up, or dine-in service; average service time per customer; number of order lanes; and identified peak service times.

F. EV Charging Station, Level 1 or 2

1. Definition

Facility providing electric vehicle charging stations with Level 1 or Level 2 charging equipment.

G. EV Charging Station, Level 3

1. Definition

Facility providing electric vehicle charging stations with direct current fast charging (DCFC) equipment.

H. Home Art Studio and Gallery

1. Definition

a. The creation, presentation and sale of works of art when conducted in a dwelling unit.

b. For the purposes of this definition, "works of art" is defined as including, but not limited to, the following categories: Two- or three-dimensional objects, including paintings, sculptures, collages, constructions, and handmade books; photographs; prints, including silk-screens, etchings, lithographs, intaglios, woodcuts, and monotypes; drawings; jewelry; ceramics; textile designs; and weavings.

c. The works of art must be handmade by the applicant; of the applicant's own design; and not solely intended for utilitarian use.

d. This definition specifically excludes T-shirts, objects produced from kits or moulds, objects produced by numbers, or objects created by mass-production.

e. For purposes of this definition, "mass-production" means the creation of more than 5 completed objects per day by wholly mechanical means, but specifically excludes objects created through the process of photography and printmaking.

f. This use does not include uses classified as Home Occupation.

2. Standards

a. All Use Districts

i. Before filing an application with the Office of Buildings, the applicant must secure a "Home Art Studio and Gallery Certificate" from the Office of Cultural Affairs stating the following:

a) That the proposed home art studio and gallery meets the definitional requirements for works of art; and

b) The specific category or categories of works of art that are to be created for sale at the proposed location.

ii. The certificate must then be presented by the applicant to the Office of Buildings as a part of the home art studio and gallery application.

iii. If a permit is subsequently granted by the Office of Buildings, no work of art outside the scope of the certificate may be presented or sold at the authorized location unless the certificate has been amended by the Office of Cultural Affairs. All amended certificates must be presented to the Office of Buildings so that the existing permit may be appropriately amended by the Office of Buildings before any sales are conducted.

iv. The use of the dwelling unit for the home art studio and gallery must be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than 50% of the floor area of the dwelling or 500 square feet, whichever is less, is allowed to be used as a home art studio and gallery.

v. The use is allowed in a lawful accessory residential structure.

vi. There may be no more than 6 public sales presentations per year of works of art for sale at a home art studio and gallery. Each sales presentation must consist of no more than 12 consecutive hours scheduled between the hours of 9:00 a.m. and 9:00 p.m.

vii. The applicant must inform the Director of the Office of Buildings in writing, of each planned sales presentation at least 10 days in advance of each presentation. The Director will maintain a record of all sales presentations and locations to ensure compliance with these standards.

viii. All works of art presented for sale at a home art studio and gallery must have been created on the premises.

ix. Only persons living on the premises may present and offer for sale works of art at a home art studio and gallery sale. Any person who obtains authorization permitting the conduct of a home art studio and gallery must reside on the lot as their primary place of residence.

x. Assembly or group instruction is not allowed in connection with the home art studio and gallery. Individual instruction on a one-to-one basis is permitted.

xi. No traffic may be generated by home art studio and gallery in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the

conduct of such home art studio and gallery must be met off-street. This requirement does not apply during the sales presentation periods.

xii. No equipment or process may be used in home art studio and gallery which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

I. Home Occupation

1. Definition

a. An occupation conducted on the same lot as a dwelling unit.

b. This use includes any activity for which the City of Atlanta would normally require a business license and specifically includes the use of the premises by professional persons engaged in the practice of law, business, or personal services.

c. This use includes the use of the premises by a manufacturer's representative providing that no merchandise is stored on the premises, other than samples which may be transported by hand and which are usually carried by a salesman, agent, or representative to prospects' offices or places of business.

2. Standards

a. All Use Districts

i. No more than 2 individuals are allowed to be engaged in home occupation, one of whom must reside on the lot as their primary place of residence.

ii. The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants and no more than 25% of the floor area of the dwelling unit, or 500 square feet, whichever is less, is allowed to be used for the conduct of the home occupation.

iii. The use is allowed in a lawful accessory structure.

iv. Assembly or group instruction is not allowed in connection with the home occupation. Individual instruction on a one-on-one basis are permitted.

v. No product may be sold on the premises. This provision will not be construed as prohibiting sales by telephone when delivery of the merchandise is to take place elsewhere.

vi. No traffic may be generated by home occupation in greater volumes than would normally be expected in the neighborhood and any need for parking generated by the conduct of home occupation must be met off the street.

vii. No equipment or process may be used in home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used

which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

viii. Any person who obtains authorization permitting the conduct of a home occupation must reside on the lot as their primary place of residence.

ix. Any sign advertising a home occupation, including those mounted inside windows and doors, that is visible from a lot line is not allowed to be internally or externally illuminated.

J. Hookah or Vapor Consumption

1. Definition

Any use involving the sale and on-premise consumption of alternative nicotine products, vape juice, or both.

K. Outdoor Amplified Sound

1. Definition

The outdoor use of a speaker or any other electronic device that transmits sounds. The term does not include sound from an exterior fire alarm or burglar alarm, provided such alarm is responding to a fire or burglary and is shut off within 15 minutes of activation.

2. Standards

a. All Use Districts

i. Outdoor amplified sound is not allowed within 50 feet of any House-Scale (H-) or Neighborhood-Scale (N-) Form District.

ii. The transmission of outdoor amplified sound is prohibited beyond the hours of operation of a business.

iii. The use must meet the requirements the City of Atlanta Code of Ordinances, Chapter 74. Environment, Article IV. Noise Control.

L. Outdoor Dining

1. Definition

Accessory outdoor dining on the property of a permitted principal commercial use. Outdoor dining is in an unenclosed area with or without tables, chairs, and other furnishings set up for the purpose of drinking or eating food and beverages.

2. Standards

a. All Use Districts

i. Outdoor dining must obtain approval from the Atlanta Department of Transportation to encroach in the public right-of-way in accordance with City of Atlanta Code of Ordinances, Chapter 138, Article VIII.

ii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

#030

Posted by **Jennifer Friese** on **01/19/2026** at **12:41pm** [Comment ID: 1855] - Link
Suggestion
Agree: 0, Disagree: 0
This should reflect the noise ordinance - until 11pm weekdays, midnight weekends. "Business hours" of some bars and restaurants exceed those limits.

> Reply by **SiteAdmin** on **01/20/2026** at **11:39am** [Comment ID: 1857] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Great point. Although it is not strictly necessary, we will note that noise ordinance compliance is also required.

#031

Posted by **Jennifer Friese** on **01/19/2026** at **12:37pm** [Comment ID: 1854] - Link
Question
Agree: 0, Disagree: 0
Is this the current standard? I thought it was 100 feet?

> Reply by **SiteAdmin** on **01/20/2026** at **11:53am** [Comment ID: 1858] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> In those zoning districts that limit outdoor sound application, the standard varies between 50 and 100 feet.

> > Reply by **Jennifer Friese 1** on **02/06/2026** at **1:54pm** [Comment ID: 1927] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > In current R4 districts is the standard 50' or 100'? Thanks

> > > Reply by **SiteAdmin** on **02/06/2026** at **3:35pm** [Comment ID: 1931] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > The existing zoning ordinance does not address amplified sound setbacks from R4. The setback standards currently only apply in portions of the Upper Westside Overlay and East Atlanta Village. Any standards in the noise ordinance will remain.

b. NX2 Use District

Outdoor dining on a rooftop is not allowed within 50 feet of a property in a Residential (R-) Use District.

c. NX4 Use District

Outdoor dining is not allowed to operate between the hours of 11:00 p.m. to 6:30 a.m.

M. Outdoor Display

1. Definition

Accessory outdoor display of products actively available for sale on the property of a permitted principal commercial use or industrial use. Typical examples include clothes, books, and housewares.

2. Standards

a. All Use Districts

i. Outdoor display must abut the primary facade with the principal customer entrance, may not extend more than 10 feet from the facade, and may not exceed 8 feet in height.

ii. The use must be removed and placed inside a building at the end of each business day.

iii. The use must obtain approval from the Atlanta Department of Transportation to encroach in the public right-of-way.

iv. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

N. Outdoor Pet Area

1. Definition

An outdoor fenced area intended to be used by unleashed pets.

O. Outdoor Storage, Minor

1. Definition

Accessory outdoor storage of merchandise, goods, inventory, materials, or other similar items on the property of a permitted principal nonresidential use. Outdoor storage, minor includes items that are actively available for sale and items stored in boxes, in creates, or on pallets. Typical examples include plants and garden tools, outdoor furniture, and holiday decorations.

2. Standards

a. All Use Districts

i. Outdoor storage, minor may not encroach in the public right-of-way.

ii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

iii. When abutting a common lot line of a residential use, a Low Transition Screen (*Sec. XX. Transition Screens*) is required.

P. Outdoor Storage, Major

1. Definition

Accessory outdoor storage of merchandise, goods, inventory, materials, equipment, or other similar items on the property of a permitted nonresidential use. Outdoor storage, major includes items that are stored on the site and not intended for immediate sale or use. Typical examples include contractor's equipment, used tires, fleet vehicles, trailers, storage of soil, mulch, stone, lumber, pipe, steel, concrete, wood, vehicles waiting repair and operable vehicle storage.

2. Standards

a. All Use Districts

i. Outdoor storage, major must be screened from any street with Medium Transition Screen (*Sec. XX. Transition Screens*).

ii. When abutting a common lot line of a residential use, a *Landscape Screen Type X* is required.

Q. Pedestrian Bridge or Tunnel

1. Definition

A continuous structure which spans across (bridge) or runs under (tunnel) a public street, pedestrian way, access or service road or open space, making connection within a lot or between two adjacent lots and is intended for the passage of pedestrians only. The structure does not include the use of the structure for automobiles.

2. Standards

a. MX14 Use District

i. Pedestrian tunnels, buildings, parking structures 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.

ii. Pedestrian bridges when located above a public street are only allowed when all the following criteria are met:

a) The pedestrian bridge must connect two buildings that are owned by the same owner and are operated by a common business enterprise;

b) The two buildings connected by the pedestrian bridge must have a combined total floor area of more than 3,500,000 square feet;

c) The facades of the two buildings connected by the pedestrian bridge are considered street-facing facades and must meet all of the requirements of the Form District;

d) The streets abutting the two buildings connected by the pedestrian bridge must meet the streetscape requirements of *Sec. XX (Streetscapes)*.

e) The pedestrian bridge must be located at least 36 feet above the spanned public street, as measured vertically from the highest finished grade elevation of the paved surface to the lowest point of the bridge structure;

f) The pedestrian bridge must not exceed of 15 feet wide at any point;

g) At least 50% of the wall area of the pedestrian bridge must consist of transparent material; and

h) All requirements of City of Atlanta Code of Ordinances, Section 138-25 must be met.

iii. The following additional structures are allowed, even if the other use standards above are not met:

a) One tunnel spanning the width of Linden Avenue between Peachtree Street and West Peachtree Street; provided that all requirements of City of Atlanta Code of Ordinances, Section 138-25 are met.

b) One two-level pedestrian bridge spanning across Linden Avenue between Peachtree Street and West Peachtree Street which bridge must be at least 17 feet 6 inches above Linden Avenue as measured vertically from the highest finished grade elevation of Linden Avenue to the lowest point of the bridge structure; provided that all requirements of City of Atlanta Code of Ordinances, Section 138-25 are met. The Department of Public Works and the Department of City Planning has the authority to approve signs on the bridge subject to the approval of both departments and in accordance with *Sec. XX (Signs)*.

c) Pedestrian bridges spanning across Luckie Street between Baker Street and Ivan Allen, Jr. Boulevard which must be at least 17 feet above Luckie Street as measured vertically from the finished grade elevation of Luckie Street to the point of the bridges structure directly above; provided that all requirements of City of Atlanta Code of Ordinances, Section 138-25 are met. The Department of Public Works and the Department of City Planning has the authority to approve signs on the bridge subject to the approval of both departments and in accordance with *Sec. XX (Signs)*.

R. Public Art

1. Definition

Public art is a visual, noncommercial artistic expression that is intended to be, and can be, viewed from a public right-of-way.

2. Standards

a. All Use Districts

Public art that meets the criteria outlined below may be conditionally located in any district. In keeping with the purpose and intent of this Section, the Atlanta City Council may approve

a work of public art by ordinance. Such approval may not be granted unless the ordinance includes the following three preliminary certifications:

a) A certification from the Director of the Bureau of Traffic and Transportation, or their designee, stating that the proposed work will not create a traffic hazard or pose an undue and dangerous distraction to motorists or pedestrians.

b) A certification from the Executive Director of the Urban Design Commission, or their designee, stating that the proposed work does not contain, and is not primarily intended to convey, a commercial message. The name of a sponsor may be displayed on an adjacent plaque or similar display, provided it does not exceed two square feet in area; and

c) A certification from the Director of the Bureau of Cultural Affairs, or their designee, stating that the proposed work is not inconsistent with the City of Atlanta's Public Art Program.

1) If the City Council is provided with the above certifications, it may approve, conditionally or otherwise, a work of public art upon finding that the proposed installation does not negatively impact the public interest with respect to aesthetics, sign clutter, or public safety. In making this determination, the Council must consider the required certifications; the spatial relationship of the proposed work to the building or premises on which it is located and to the surrounding area; vehicular and pedestrian traffic safety; the presence of nearby signs; and the size, dimensions, and other physical characteristics of the proposed artwork.

2) In applying these criteria, the Council shall not restrict or regulate the content or message of the proposed work.

S. Renewable Energy Device

1. Definition

Devices for the generation of energy, such as solar panels, wind generators and similar devices.

DIVISION 4.7. **TEMPORARY USES**

Sec. 4.7.1. **General Provisions**

A. Permitted Temporary Uses

1. The Consolidated Use Tables in *Sec. XX* establish the allowed temporary uses and structures in each Use District.
2. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the lot or principal structure.

B. Rules for all Temporary Uses

1. All temporary uses must follow the procedures in *Sec. XX. Temporary Use Review* unless otherwise stated in this Section.
2. A temporary use must not have substantial detrimental impacts to neighboring properties.
3. Temporary events requiring an outdoor events permit according to City of Atlanta Code of Ordinances, Chapter 142 are not reviewed by the Office of Zoning and Development and are not required to meet the standards of this Division.

Sec. 4.7.2. **Definitions and Standards**

A. General Temporary Event

1. Definition

A temporary outdoor amusement enterprise, exhibit, entertainment, music venue, meeting, or outdoor area for religious ceremonies, other than those requiring an outdoor events permit according to City of Atlanta Code of Ordinances, Chapter 142.

B. Active Construction Structure

1. Definition

A temporary structure needed for active construction projects. Typical examples include construction offices, portable toilets, security fencing, scaffolding, cranes, concrete mixers, storage sheds, and similar structures that are only on the premises until completion of construction.

2. Standards

Active construction structures may not be placed within building setbacks that are less than 20 feet.

C. Temporary Outdoor Sales

1. Definition

A temporary stand, tent, or booth intended to accommodate the display and sale of products to consumers.

2. Standards

a. All Use Districts

i. Temporary outdoor sales is not allowed in any yard subject to a transition, frontage, or screening requirement in *Sec. XX Transitions and Screening* or *Sec. XX Specific Use Standards*.

ii. Temporary outdoor sales are not permitted on vacant lots without a Special Use Permit as specified in *Sec. XX Special Use Permit*.

iii. The use is not allowed to impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance on the sidewalk at all times.

iv. The use is not allowed to operate between the hours of 11:00 p.m. to 6:30 a.m.

CHAPTER 5.

OVERLAY DISTRICTS

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DIVISION 5.1. **GENERAL PROVISIONS**

Sec. 5.1.1. **Intent**

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

Sec. 5.1.2. **Applicability**

A. Overlay District requirements apply to any lot with an Overlay District designation on the official zoning map. Some lots may have multiple Overlay Districts that apply.

B. If an Overlay District standard conflicts with a standard in the underlying zoning district or other chapters of the Zoning Ordinance, the more stringent standard applies.

#001

Posted by **Jennifer Friese 1** on **02/06/2026** at **2:37pm** [Comment ID: 1928] - Link

Question

Agree: 0, Disagree: 0

This is a change from the current code - now the BLO standards are NOT applied to protected districts R1-R5 & SPI-s - why the change? And are the BLO standards now also applied to Historic and Landmark districts?

> Reply by **Jennifer Friese 1** on **02/06/2026** at **2:52pm** [Comment ID: 1930] - Link
>
> *Suggestion*
>
> *Agree: 0, Disagree: 0*
>
> Sorry, I found my answer below - I misread, thought this was just BLO

#002

Posted by **KKGeorgia** on **02/06/2026** at **10:53am** [Comment ID: 1922] - Link

Question

Agree: 1, Disagree: 0

Does this provision apply to historic/landmark district overlays? I.e., the more stringent provision will apply?

> Reply by **SiteAdmin** on **02/08/2026** at **1:33pm** [Comment ID: 1938] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> No. There are specific provisions in Chapter 6 for historic districts, as specified in your question there.

DIVISION 5.2. **GENERAL OVERLAYS**

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

A. Findings, Purpose, and Intent

1. The Beltline is a major initiative to link green space, trails, transit and economic development in Atlanta serving as a catalyst for transformative growth and investment encircling the urban core of the city by invigorating an underutilized rail corridor and surrounding underutilized industrial properties to create a better connected, more diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play.

2. The Beltline represents a unique opportunity: to enhance the quality of life in the city; preserve and revitalize existing neighborhoods; make greater mixed-use development feasible; strategically introduce or increase density and optimize resources in select locations; increase the affordable housing inventory; promote air quality; reduce auto dependency; and concurrently advance economic development through an increased tax base.

3. The City finds that taking special consideration to ensure that the redevelopment of properties adjacent to and within walking distance of the Beltline Corridor entails a compatible mixture of residential, commercial, cultural and recreational uses, and design standards conceptualized in the Beltline Redevelopment Plan is crucial to promote and ensure the public health, safety and welfare of its citizens. The City recognizes that as the Beltline attracts new development, the orientation and character of that growth should encourage pedestrian and transit-oriented uses and activities designed to support an urban character to foster the most positive impact on affected communities. By establishing the Beltline Overlay District, the city intends to institute a regulatory approach that anticipates, manages, and encourages quality Beltline development opportunities and impacts. Therefore, policies to promote these objectives within the Beltline Overlay District area will serve to:

    a. Implement certain recommendations contained in the comprehensive study known as the Beltline Redevelopment Plan as adopted by the City of Atlanta;

    b. Preserve a continuous corridor along the Beltline route of sufficient dimension for the implementation of transit, multi-use trails and green space;

    c. Promote and maximize opportunities for safe and accessible green spaces, plazas, public art, and cultural and institutional buildings;

    d. Preserve opportunities for connecting trails reaching beyond the Beltline to create a broad network of trails throughout the City;

    e. Encourage a grid of smaller blocks and connected streets to improve access to the Beltline, reduce congestion, and further the urban character of the area;

    f. Preserve the historic physical character of the industrial districts along the Beltline by promoting adaptive re-use of historic structures and encouraging new construction to be consistent with the size, scale, or character of those buildings;

    g. Ensure that new construction is compatible with the character of existing established adjacent single-unit neighborhoods;

#003

Posted by **Forrest** on **03/25/2026** at **3:04pm** [Comment ID: 2316] - Link

Question

Agree: 0, Disagree: 0

Is it not expected with the majority of the current BLO covered in the underlying code, that the DRC will need to be versed on all zoning form and use districts within the overlay? For example, Fenestration/glazing requirements differ for each form district. the current BLO has a simple table of requirements. Also, are active use requirements now listed in each Form District as "activation?"

> Reply by **SiteAdmin** on **03/25/2026** at **3:39pm** [Comment ID: 2320] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes. As part of expanding urban design standards citywide, all such standards have been removed from the BLO. Unlike today—where a single zoning district can span 30 to 40 pages—each district is now presented as a concise 2–3 page spread, making it easier to review based on a site's zoning.
>
> "Active use" has been renamed to "active depth." In addition, unlike today, it applies in some districts to all stories along primary streets and the Beltline.

#004

Posted by **Forrest** on **03/25/2026** at **3:22pm** [Comment ID: 2317] - Link

Question

Agree: 0, Disagree: 0

Current city zoning code includes the Affordable Workforce Housing (IZ). Where will this and other IZ live in the code?

> Reply by **SiteAdmin** on **03/25/2026** at **3:34pm** [Comment ID: 2319] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Please see Sec. 5.3, which is the next section after this.

h. Create new mixed-use and commercial nodes at Beltline station areas that are pedestrian and transit-oriented;

i. Create a diversified urban environment where people can live, work, shop, meet and play;

j. Promote public health and safety by providing a pedestrian-oriented environment that includes active street-level uses, sufficient sidewalk widths, and primary pedestrian access from sidewalks to adjacent building entrances;

k. Promote development of a wide range of housing types appropriate to meet various housing needs and income levels;

l. Facilitate safe, pleasant and convenient pedestrian and bicycle circulation and minimize conflict between pedestrians and alternative transit modes;

m. Provide accessible and sufficient parking in an unobtrusive manner by encouraging shared parking solutions and minimizing commercial parking in residential neighborhoods;

n. Maximize air and water quality, including that which supports tree planting, greenspace and watershed protection, and bicycle parking; and

o. Improve the aesthetics of street and built environments.

B. Applicability

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

1. The existing zoning map and underlying zoning regulations governing all properties within the BeltLine Overlay District will remain in full force and effect. The regulations contained within this chapter will be overlaid upon, and will be imposed in addition to, existing zoning regulations with the exception of existing lots of record that are zoned to any House-Scale District, N1, N2A, N2B, N3A, N3B, N4A, or N4B and not located immediately adjacent to the Beltline Corridor. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with existing underlying zoning regulations, the regulations of this Section will apply.

2. Whenever the following regulations are at variance with historic district regulations of *Ch. 6. Historic & Landmark Districts*, the more stringent regulations will apply with the exception of regulations specific to the Beltline Corridor whereas not to impact designated historic structures or buildings.

C. Boundaries

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

D. Administrative Procedures

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

#005

Posted by **Ben Valente** on **03/31/2026** at **10:47pm** [Comment ID: 2428] - Link
Suggestion
Agree: 0, Disagree: 0
Capitalization

> Reply by **SiteAdmin** on **04/01/2026** at **2:18pm** [Comment ID: 2466] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Stylistically, the "L" is still capitalized in the overlay - not sure why. We will confirm this with ABI.

#006

Posted by **Forrest** on **12/30/2025** at **8:26am** [Comment ID: 1749] - Link
Question
Agree: 0, Disagree: 0
highlighted text?

> Reply by **SiteAdmin** on **12/30/2025** at **11:52am** [Comment ID: 1771] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> This is for internal tracking purposes. It means we have to create a hyperlink when the code is adopted.

#007

Posted by **Forrest** on **12/30/2025** at **8:25am** [Comment ID: 1748] - Link
Suggestion
Agree: 0, Disagree: 0
Typ: "Beltline"

> Reply by **SiteAdmin** on **12/30/2025** at **11:51am** [Comment ID: 1770] - Link
> *Agree: 1, Disagree: 0*
> Thanks.

#008

Posted by **Jennifer Friese 1** on **02/06/2026** at **2:47pm** [Comment ID: 1929] - Link
Suggestion
Agree: 0, Disagree: 0
Oh, here is where R1-R5 are excluded from BLO

E. Use Standards

1. Permitted Uses

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

2. Prohibited Uses

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

a. Drive-through, enclosed and drive-through, unenclosed (either as a principal or accessory use) are prohibited.

b. Drive-ins are prohibited.

c. Fuel sales are prohibited.

d. Data centers are prohibited.

e. Pedestrian bridges or tunnels are prohibited.

3. Permitted Accessory Uses and Structures

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

F. Site Standards

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

1. Properties adjacent to a public space such as a park space, greenway trail or railroad right-of-way (but not the BeltLine Corridor) must meet the following requirements:

   a. Must have a minimum 20-foot wide buffer along the lot line adjacent to said public space in existence or proposed by the City. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director.

   b. May not locate off-street surface parking lots or loading docks between any building and said public space except in cases where meeting this would require the development to be in conflict with other requirements of this Section.

   c. Must include an entrance to all adjacent uses which:

      i. Must face and be visible from said public space.

      ii. Must be directly accessible from said public space.

2. Properties adjacent to the BeltLine Corridor:

#009

Posted by **Forrest** on **12/30/2025** at **8:33am** [Comment ID: 1750] - Link
Suggestion
Agree: 0, Disagree: 0
Self-storage use prohibited in the BLO?

> Reply by **SiteAdmin** on **12/30/2025** at **11:55am** [Comment ID: 1773] - Link
> *Agree: 1, Disagree: 0*
> They are prohibited in the citywide use standards, which read:
> i. Self-storage is not permitted in the Beltline Overlay District.
> This said, we will move all prohibitions to the overlay, so they are not repeated in the overlay and the use standards.
>
> > Reply by **Forrest** on **03/26/2026** at **12:31pm** [Comment ID: 2340] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > Will this reflect the current proposed prohibition for the entire overlay for self-storage facilities. Currently, it's prohibited within 500' of corridor that are zoned Light Industrial.
> >
> > > Reply by **SiteAdmin** on **03/26/2026** at **2:26pm** [Comment ID: 2341] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > It will be a complete prohibition, as specified above.

a. Must have a minimum 20-foot wide buffer along any part of the property adjacent to the BeltLine Corridor. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director except as specified below.

b. Must meet the requirements of the subsection above except as specified below.

c. Any property within or adjacent to the BeltLine Corridor that is being used for transportation purposes or any property that has been acquired primarily for non-transportation use prior to November 20, 2006, will not be regulated by this Section. However, any property within the BeltLine Corridor will be governed by this section if either:

i. Acquired in fee simple or under a long-term ground lease after November 20, 2006; or

ii. Ceases to be used for presently active operational transit purposes after the date of adoption of the Zoning Ordinance.

3. Public or private access paths to connect to any existing or proposed greenway trails, including the BeltLine, must be built to a minimum paved width of 15' for two-directional bicycle and pedestrian use.

4. Storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment are permitted, with the exception of a minimum depth of 20 feet of any ground floor street frontage beginning at any building facade along the public sidewalk.

5. Parking within a building or structure, structures will be permitted subject to meeting all other requirements in the Zoning Ordinance.

6. Properties adjacent to the BeltLine corridor or any railroad right-of-way with an existing or proposed multi-use trail must meet the following requirements: 010

a. Must have a minimum 20-foot wide buffer along the property line adjacent to said public space in existence or proposed by the city. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development. Provided the buffer meets the requirements of *Sec. XX. Outdoor Amenity Space*, a development may count this buffer area as part of the required outdoor amenity space for the lot, even if such setback area is dedicated to the City or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.

b. Must not locate on-site parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with the requirements of this Section.

c. Must include an entry feature to all adjacent uses which:

i. Must face and be visible from the BeltLine Corridor, park space, greenway or any railroad right-of-way with an existing or proposed multi-use rail-trail.

ii. Must be directly accessible from said space from the BeltLine Corridor park space, greenway, abandoned rail line or any railroad right-of-way line with an existing or proposed multi-use rail-trail.

#010

Posted by **Matthew 1** on **04/07/2026** at **12:59am** [Comment ID: 2581] - Link

Suggestion

Agree: 0, Disagree: 0

The BeltLine overlay is strong in its intent, but it should do more to require active trail-facing frontages, direct public access, and transit-supportive housing intensity on BeltLine-adjacent sites. The overlay should make it easier to create a continuous urban edge of homes, shops, plazas, and public spaces along the corridor rather than leaving too much to the underlying zoning.

> Reply by **SiteAdmin** on **04/07/2026** at **10:56am** [Comment ID: 2588] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Please note, the Beltline Corridor will be designated a primary frontage to do exactly what you describe. It will be held to the highest standards of urbanism, along with other signature corridors in the city. Please search "Beltline" through the code for specific requirements.

G. Streetscape Standards

1. All public streetscapes in the Beltline Overlay District are required to meet the standards of *Sec. XX. Streetscapes*, unless otherwise noted in this Section.

2. Where the Beltline Overlay applies, all streetscapes must be TOD unless relief is granted according to *Sec. XX. Streetscapes*.

H. Building Standards

1. The regulations contained in this subsection apply to all buildings and structures, including parking structures.

2. Building floors must be delineated to, and including, the third story above the ground story executed through windows, belt courses, cornice lines or similar architectural detailing.

3. The primary pedestrian entrance to all sidewalk-level uses with street or Beltline Corridor frontage must be architecturally articulated, face, be visible from, and be directly accessible from said required sidewalk along such street or Beltline Corridor. The use of fire-escape, entrance-only and exit-only doors as primary entrances is explicitly prohibited.

I. Relief

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

Sec. 5.2.2. **Campbellton Road (CR)**

A. Findings, Purpose, and Intent

1. The City finds that Campbellton Road is a corridor of residential, commercial, and mixed-use land uses that serves as the main street of southwest Atlanta. Campbellton Road has been identified as an economic development priority area and is in the Campbellton Road Tax Allocation District (TAD). Historically the corridor has served the established neighborhoods of Adams Park, Arlington Estates, Ashley Courts, Baker Hills, Ben Hill, Ben Hill Acres, Ben Hill Forest, Ben Hill Pines, Ben Hill Terrace, Bonnybrook, Brentwood, Briar Glen, Butner/Tell, Campbellton Road, Cascade Green, Continental Colony, Deerwood, Elmco Estates, Fairburn, Fairburn Tell, Fairway Acres, Fort Valley, Greenbriar, Greenbriar Village, Heritage Valley, Huntington, Kings Forest, Lake Estates, Laurens Valley, Meadows, Meadowbrook Forest, Mellwood, Mt. Gilead Woods, Niskey Cove, Niskey Lake, Old Fairburn Village, Pamona Park, Princeton Lakes, Rue Royal, Sandlewood Estates, Southwest Canopy Overlook, Tampa Park, Venetian Hills, Wildwood Forest, and Windsor Forest and now serves newer neighbors in the City of South Fulton and the City of East Point.

2. To ensure that growth is in keeping with the needs and desires of residents there is a need for special consideration to ensure that future development and redevelopment within this area reflect a mixture of uses that promote the public health, safety, and welfare. In establishing this overlay district, the City intends to anticipate, and restrict or encourage as may be appropriate, certain uses as well as the size and scale of those uses, in a manner that:

   a. Is consistent with the Comprehensive Development Plan; and

#011

Posted by **Forrest** on **12/30/2025** at **1:12pm** [Comment ID: 1794] - Link
Agree: 0, Disagree: 0
This should be reflected in the Street Types Map

> Reply by **SiteAdmin** on **12/31/2025** at **8:02am** [Comment ID: 1801] - Link
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

#012

Posted by **jessicahilltroutman** on **03/03/2026** at **3:04pm** [Comment ID: 2139] - Link
Agree: 0, Disagree: 0
Should this read all streetscapes on public streets? As drafted it suggests it applies to publicly accessible private streets.

> Reply by **SiteAdmin** on **03/04/2026** at **9:03am** [Comment ID: 2153] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The streetscape standards are intended to apply to public AND private streets, as drafted. Effectively, this means that private streets must have sidewalks and trees - everything else will be considered a private driveway. There is no requirement for pedestrian lighting on any street. If installed, pedestrian lighting fixtures on public streets must meet City standards, but this does not apply on private streets.

#013

Posted by **Forrest** on **03/25/2026** at **2:55pm** [Comment ID: 2315] - Link
Suggestion
Agree: 0, Disagree: 0
suggest adding table for streetscape standards like the form districts. Easy to access if here and not having to go tot he map.

> Reply by **SiteAdmin** on **03/25/2026** at **3:42pm** [Comment ID: 2321] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The table is on page 3-20, although it is necessary to reference the map to determine street locations. In the case of the BLO, the existing 15-foot (Type D) requirement has been carried forward, with the understanding that it may be reduced to 11 feet through administrative variation (as is currently practiced, based on DRC input).

#014

Posted by **SiteAdmin** on **12/30/2025** at **1:35pm** [Comment ID: 1797] - Link

Resolution
Agree: 0, Disagree: 0
This should say "Special C"

#015

Posted by **jessicahilltroutman** on **02/20/2026** at **8:35am** [Comment ID: 2020] - Link
Agree: 0, Disagree: 0
Requiring a 7' amenity zone and a 10' pedestrian zone for all streets in the BeltLine Overlay may be problematic. Many residential projects include a 6' clear zone rather than 10' and reduce the amenity zone to allow on street parking.

> Reply by **SiteAdmin** on **02/20/2026** at **5:54pm** [Comment ID: 2029] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Thank you for your comment.
>
> As specified in the comment immediately to the left, this should say "Special C" to match the existing 15' standard, which may be reduced to 11' by Administrative Variance, as is current practice.

b. Properly balances increasing residential and retail uses with the district's ongoing commercial and mixed-use development; and

c. Provides greater regulation of businesses within the district that attract large numbers of people working and living on and along the corridor.

B. Applicability

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

C. Use Standards

1. The following uses are prohibited:

   a. General supervised group living;

   b. Cemetery;

   c. Adult establishment uses;

   d. Lounge or nightclub;

   e. Hair or nail salon;

   f. Alternative financial service;

   g. Package store, except in the following locations:

      i. A maximum of 2 package stores are permitted in Subareas 1 and 2

      ii. A maximum of 1 package store is permitted in Subarea 5

   h. Small discount variety store;

   i. Vehicle sale and rental uses;

   j. Vehicle service and repair uses;

   k. Car wash;

   l. Fuel sales;

   m. Drive-through, enclosed or drive-through, unenclosed on lots within 100 feet of Campbellton Road; and

   n. Outdoor amplified sound in Subarea 5.

2. The following uses require a Special Use Permit:

   a. Outdoor display;

   b. Outdoor storage, minor; and

   c. Outdoor storage, major.

D. Subarea 1. Niskey Park

1. Single-Unit Dwelling Units

a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

b. Foundations are required and must be finished with brick, smooth stucco, or smooth finish concrete at least 2 feet above grade.

2. Townhouse Dwelling Units

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

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

3. All Other Buildings and Structures

a. All street-facing building facades must be at least 30% brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.

b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

c. Any fence or wall required by *Sec. XX. Transitions* must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.

d. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

E. Subarea 2. Ben Hill Village

1. Single-Unit Dwelling Units

a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

2. Townhouse Dwelling Units

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

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

3. All Other Buildings and Structures

a. All street-facing building facades must be at least 30% brick per building facade. Stone, cast stone or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.

b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

c. Any fence or wall required by *Sec. XX. Transitions* must be constructed of high quality materials including one or a combination of the following: decorative blocks, brick, stone, cast-stone, stucco over standard concrete masonry blocks, glass block, or other material approved by the Director.

d. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

F. Subarea 3. Greenbriar Town Center

1. All Buildings and Structures

a. All street-facing building facades must be at least 51% brick per building facade. Thin brick is prohibited. Natural stone, split-faced concrete masonry units or integrally colored split-faced concrete masonry units, cast stone trim or three-part stucco may comprise the remaining portion of each street-facing building facade.

b. All other building facades may be constructed using materials in the above list with the addition of synthetic stone, synthetic stucco, metal panels, and synthetic cast stone trim.

G. Subarea 4. Harbin Square

1. Single-Unit Dwelling Units

a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

2. Townhouse Dwelling Units

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

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

3. All Other Buildings and Structures

a. All street-facing building facades must be at least 51% brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.

b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

c. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

d. Vending machines, paper stands, and other similar devices must be located interior to all buildings.

e. Lights outlining or detailing a building or windows are prohibited.

H. Subarea 5. Campbellton East

1. Standards for All Buildings

a. Buildings with residential uses on the ground story must use a minimum of 2 different cladding materials on street-facing building facades.

b. Street-facing building facades must have a minimum height of at least 24 feet.

2. Single-Unit Dwelling Units

a. All street-facing building facades must be brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

b. Foundation walls at least 2 feet above finished grade are required and must be finished with brick, smooth stucco, or smooth-finished concrete.

3. Townhouse Dwelling Units

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

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

4. All Other Buildings and Structures

a. All street-facing building facades must be at least 51% brick per building facade. Stone, cast stone, or three-part hard coat stucco may comprise the remaining portion of each street-facing building facade.

b. All other building facades must be brick, stone, cast stone, three-part hard coat stucco, architecturally treated concrete masonry units, split-faced concrete, split-faced brick, horizontal wood clapboard siding, or horizontal cementitious lap siding.

c. Shingled slanted roof lines are prohibited on non-residential structures. Metal roofs are permitted. Exposed gutters are prohibited for use with flat roofs. All flat roofs must have a parapet and cornice and must be continuous on all building facades.

d. Vending machines, paper stands, and other similar devices must be located interior to all buildings.

e. Lights outlining or detailing a building or windows are prohibited.

Sec. 5.2.3. **Marietta Street Artery (MSA)**

A. Findings and Intent

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

1. Is consistent with the Comprehensive Development Plan;

2. Properly balances increasing residential and retail uses with the district's ongoing commercial and industrial development; and

3. Provides greater regulation of businesses within the district that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours.

B. Applicability

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

C. Use Standards

1. The following uses are prohibited:

   a. Vehicle sale and rental uses;

   b. Vehicle service and repair uses;

   c. Car wash;

   d. Fuel sales;

   e. Drive-through, unenclosed, when located more than 200 feet from Northside Drive public right-of-way;

   f. High-impact industrial and manufacturing;

   g. Self-storage;

h. Storage yard;

2. The following standards are required for all nonresidential uses with a floor area greater than 7,500 square feet:

   a. A Special Use Permit is required for any use where alcoholic beverages are sold or consumed on the premises. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in *Section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages")*.

   b. Applicants must submit a scaled and sealed site plan showing the entire project area as well as all other buildings, structures, and parking structures or locations on the site.

   c. Applicants must submit a Transportation Management Plan (TMP) containing strategies to reduce single occupancy vehicle trips generated by the proposed use. The TMP must include, but not be limited to, the following traffic reduction strategies:

      i. Incentives for public transit ridership such as transit cards;

      ii. Carpooling and vanpooling;

      iii. Ridesharing;

      iv. Commuter bicycling and walking programs;

      v. Alternative, staggered, compressed or flexible work hours for commercial uses;

      vi. Improvements to alternative modes such as vanpooling;

      vii. Financial incentives given to those who use commute alternatives;

      viii. Parking management programs;

      ix. Commute alternatives information and marketing;

      x. Shared parking arrangements;

      xi. Provisions addressing a mixture of uses if present on-site;

      xii. Pedestrian links to adjacent uses; and

      xiii. Programs to promote and maintain participation in the use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.

   d. Applicants must submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP must include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

3. Where private club and lounge is permitted, the following use standards apply:

   a. The use must be at least 7,500 SF;

b. The building where the use is located must have a minimum of 6 stories; and

c. No residential uses are allowed in the same building as the use.

Sec. 5.2.4. **Tuxedo Park (TP)**

A. Intent

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

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

B. Applicability

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

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

C. Standards

1. Subdivisions

a. The Tuxedo Park neighborhood, as designated by the City of Atlanta, is considered a historic neighborhood for the purposes of *Part 15 - Land Subdivision Ordinance*. Subdivisions within this overlay district are not subject to *Sec. 15-08.002(a)(2)* or *Sec. 15-008(5)(d)* of the Land Subdivision Ordinance, but must comply with all other applicable requirements of that ordinance, as well as the following:

i. New subdivisions may not create a new public street.

ii. All new lots may be no wider than the widest lot on the same side of the street between the two closest street intersections.

iii. All new lots zoned to the H-2 Form District may be no narrower than the narrowest lots on the same side of the street between the two closest street intersections, or 150', whichever is greater.

iv. All new lots zoned to the H-3 Form District may be no narrower than the narrowest lots on the same side of the street between the two closest street intersections, or 100', whichever is greater.

v. All new lots must conform to the range of lot depths established by the lots on the same side of the street between the closest street intersections. However, no new lot may be created unless it contains a depth that is at least twice the length of its width; and

b. All new lots must be oriented so that the shortest side of the lot faces the street.

2. Development Controls

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

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

Sec. 5.2.5. **Upper Westside (UW)**

A. Findings and Intent

1. The district is a unique part of Atlanta containing a wide mix of land uses that range from single-unit residential, to mixed-use, to industrial. These are traditionally organized into a development pattern consisting of distinct low density residential areas separated by rail corridors, roadways, commercial and industrial uses, or major public facilities.

2. Recently, the district has experienced significant growth, especially in its traditional industrial and commercial areas, where piecemeal redevelopment is now common. Often, this redevelopment abuts residential areas.

3. The City finds that rapid evolution of portions of the district from industrial and commercial uses to a diverse mixture of residential, commercial, industrial, and open space uses requires special consideration to ensure that future development and redevelopment provides a mix of uses that promotes the public health, safety, and welfare.

4. The City also finds that rapid rail and Atlanta Beltline transit opportunities in the district are currently limited, making the use, block, streetscape, access management, and transportation management provision of this chapter appropriate given these transportation realities.

5. Therefore, in establishing this district it is the intent of the City to:

   a. Implement provisions of the Comprehensive Development Plan, which incorporates certain recommendations contained in studies of this area, including the Upper Westside Masterplan and Beltline Subarea 8 and 9 Master Plans;

   b. Balance increasing residential, retail, and offices uses with the district's ongoing industrial and commercial uses and existing residential neighborhoods;

   c. Provide more regulation of businesses that are incompatible with other uses in the district due to excessive noise, dust, smoke, traffic, vibration, light, or similar impacts;

   d. Provide more regulation of businesses that attract large numbers of people in combination with alcohol sales by the drink during late evening and early morning hours;

e. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles, in keeping with Vision Zero Policy adopted by the City.

f. Encourage the increased use of alternative modes of transportation and mobility such as walking, biking, and public transportation;

g. Support the creation of an interconnected street network of small blocks and inter-parcel access to evenly distribute traffic, improve access throughout the district, reduce congestion, and further walking, bicycling, and transit use; and

h. Provide more regulation of certain auto-oriented uses, especially traffic congestion, roadway safety, and resulting conflicts with pedestrians, bicyclists, and transit riders.

B. Applicability

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

1. The official zoning map and underlying zoning regulations governing all properties within the district will remain in full force and effect. The regulations in this Section will be overlaid upon, and will be imposed in addition to, these underlying zoning regulations.

2. The provisions of this Section apply to all properties in the district, except properties to be used exclusively for household living with 1 or 2 dwelling units.

3. Whenever the following overlay regulations vary from the underlying zoning regulations, another overlay, or conditions of rezoning, the more restrictive will apply.

C. Boundaries

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

D. Definitions

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

1. **Official city project.** A project identified or designed in one of the following:

   a. **Priority city project.** A project that has undergone study, design, and design refinement and can be implemented without significant modification, including:

      i. Projects fully or partially funded by the City of Atlanta or its agencies or authorities, including Atlanta Beltline, Inc., Atlanta Housing, Atlanta Public Schools, Invest Atlanta, and similar agencies or authorities;

      ii. Projects undertaken by MARTA in city rights-of-way which have been authorized by the city;

      iii. Projects fully or partially funded with state or federal grants;

      iv. Transportation, park, stormwater, or other infrastructure concept reports, scoping studies, designs, or similar materials that include city rights-of way or other lands, and that have

#016

Posted by **jessicahilltroutman** on **03/05/2026** at **1:56pm** [Comment ID: 2157] - Link
Agree: 0, Disagree: 0
Why are these definitions included? They are not used in this draft of the UW district.

> Reply by **SiteAdmin** on **03/05/2026** at **3:46pm** [Comment ID: 2158] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> These will be moved to Chapter 10. Thanks!

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

b. **Secondary city project.** A project identified in one or more of the following, but which has not undergone the professional design required to advance beyond a conceptual planning phase:

i. The Comprehensive Development Plan (CDP), including all supplements and incorporations by reference;

ii. The Capital Improvements Program (CIP);

iii. The Capital Improvement Element (CIE);

iv. The Community Work Program (CWP);

v. SPLOST or bond project lists;

vi. Connect Atlanta Plan or Atlanta Transportation Plan (ATP); and

vii. Cycle Atlanta 1.0 or Cycle Atlanta 2.0.

c. **Conflicts.**

i. When the same project is identified in both a priority city project and secondary city project, the design show in the priority city project will be the official city project.

ii. When the same project is identified in 2 or more priority city projects, the design that is designed and funded will be the official city project.

iii. When the same project is identified in 2 or more secondary city projects, the design that is most recent will be the official city project.

E. Use Standards

1. The following uses are prohibited:

a. Adult establishment uses;

b. Alternative financial service;

c. Truck stop;

d. Vehicle sale and rental;

e. Car wash;

f. Fuel sales;

g. High-impact industrial and manufacturing;

h. Freight terminal;

i. Storage yard;

j. Waste-related service uses;

#017

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:03am** [Comment ID: 2696] - Link

Suggestion

Agree: 0, Disagree: 0

In the current UW Overlay, billboards are prohibited uses which we would like added back to this list for consistency with the UW Overlay's purposes. Prohibiting billboards was one of the core motivations for the community for creating the Overlay.

> Reply by **SiteAdmin** on **04/09/2026** at **1:06pm** [Comment ID: 2801] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> For legal reasons, billboards cannot be classified as a “use.” The existing prohibition is located on page 8-113. All standards related to billboards must be addressed within the sign ordinance.

2. Where the use is permitted, the following use standards apply: 019

   a. Drive-through, unenclosed must meet the following requirements:

      i. Drive-through, unenclosed is not permitted on any lot within 2,000 feet of Howell Mill Road.

      ii. Along public streets, curb cuts for driveways exclusively serving a drive-through are not allowed.

      iii. Along arterial streets, collector streets, and Chattahoochee Avenue, curb cuts for driveways directly or indirectly serving a drive-through are not allowed within 300 feet of a public street intersection (measured along the right-of-way along the same side of the same street from the intersecting street right-of-way).

   b. Drive-through, enclosed on a lot within 2,000 feet of Howell Mill Road must meet the following requirements:

      i. Drive-through, enclosed that is accessory to any food and beverage use is only permitted when:

         a) The food and beverage use is located in a multi-story building with at least 10,000 square feet of floor area; and

         b) The multistory building contains 3 or more occupiable stories directly above the entire food and beverage use, excluding any drive-through or outdoor dining area.

   c. Drive-018ough, enclosed in all other locations must meet the following requirements:

      i. Drive-through, enclosed is not allowed within 1,500 feet of another property containing a drive-through.

   d. General household living use with multiple dwelling units with more than 25,000 square feet of floor area must meet the following requirements:

      i. Applicants must submit a Transportation Management Plan (TMP) meeting the requirements of *Sec. XX. Transportation Management Plan*.

   e. Food and beverage uses must meet the following requirements:

      i. Food and beverage uses located within 50 feet of any of the following Form Districts are not allowed to operate between the hours of 12:00 a.m. to 6:30 a.m. unless the use already operated before 6:30 a.m. daily before the date this Overlay District went into effect:

         a) Any House-Scale District,

         b) N1,

         c) N2A,

         d) N2B, or

         e) N4A.

#018

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:07am** [Comment ID: 2698] - Link
Suggestion
Agree: 0, Disagree: 0
In the current UW Overlay, this distance requirement provision does not apply only to enclosed drive throughs. The 1,500 ft distance requirement should apply to all drive throughs.

> Reply by **SiteAdmin** on **04/09/2026** at **12:57pm** [Comment ID: 2800] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> We will fix this.
>
> Thanks

#019

Posted by **Matthew 1** on **04/07/2026** at **12:54am** [Comment ID: 2579] - Link
Suggestion
Agree: 0, Disagree: 0
The Upper Westside overlay moves in the right direction, but it should go further in limiting drive-throughs and other auto-oriented uses while strengthening requirements for trail access, small blocks, and interparcel connectivity. This area needs a clearer shift from car-oriented redevelopment toward a mixed-use district where walking, biking, and transit are practical and attractive.

> Reply by **SiteAdmin** on **04/07/2026** at **11:00am** [Comment ID: 2590] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> Please note that small blocks would become a citywide requirement under this code. These standards are too important to be limited to a single overlay. See Sec. 8.3.1 for the citywide block, trail, and connectivity standards.

ii. Outdoor dining or outdoor amplified sound is not allowed to operate outside enclosed permanent structures between the hours 11:00 p.m. to 6:30 a.m.

f. Outdoor storage, major must meet the following requirements:

i. Outdoor storage, major is not allowed within 200 feet of an arterial street, collector street, or Chattahoochee Avenue (measured in a straight line from the edge of the applicable right-of-way to closest portion of any fleet or equipment storage use).

ii. Outdoor storage, major in all other locations must be screened from view from the street by a continuous opaque evergreen hedge at least 36 inches high at time of planting. In lieu of the hedge, a screening wall at least 5 feet high may be installed in zoning districts that allow them.

g. Package store must meet the following requirements:

i. Package store over 1,200 square feet in floor area is not permitted within 1,500 feet of another property containing a package store over 1,200 square feet in floor area.

ii. Drive-through, enclosed or drive-through, unenclosed is prohibited.

h. Self-storage must meet the following requirements:

i. Self-storage used exclusively by residents, employees, or owners of the development, where individual storage units are not rented to the general public, must meet the following requirements:

a) The total floor area used for self-storage must not exceed 10% of the total project floor area.

b) The total project floor area must be calculated to include the total floor area of all existing and proposed uses, including within any Unified Development Plan; and

c) Self-storage is not allowed within 60 feet of any street-facing building facade.

d) No occupancy permit will be issued for self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the floor area of the self-storage.

ii. Self-storage where individual storage units are rented out to the general public must meet the following requirements:

a) The total floor area used for self-storage must not exceed 25% of the total project floor area.

b) The total project floor area must be calculated to include the total floor area of all existing and proposed uses, including within any Unified Development Plan.

c) No occupancy permit will be issued for self-storage before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all said other permitted uses holding occupancy permits must equal or exceed the floor area of the self-storage.

iii. Active depth (see *Sec. XX. Active Depth*) is required in the following locations:

a) For street-facing building facades, at least 60 feet of active depth must be provided.

b) For building facades facing an existing public park or multi-use trail, or a proposed public park or multi-use trail identified in a plan adopted by City Council, at least 30 feet of active depth must be provided.

i. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash must meet the following requirements:

i. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash are not allowed on any lot located within 2,000 feet of Howell Mill Road (measured in a straight line from the centerline of Howell Mill Road to the closest portion of the lot).

ii. Vehicle service and repair, light, vehicle service and repair, heavy, and car wash are not permitted on any lot located with 1,500 of another lot with vehicle service and repair, light, vehicle service and repair, heavy, or car wash.

j. Data center must meet the following requirements:

i. Data centers that are not part of a Unified Development Plan must not exceed 150,000 SF floor area per floor, and:

a) Must not be located within 2,000 SF of another data center, and

b) Must obtain a Special Use Permit.

ii. Data centers that are part of a Unified Development Plan:

a) Must not exceed 300,000 SF floor area per floor;

b) Must not be located within 2,000 SF of another data center not part of the Unified Development Plan; and

c) Must obtain a Special Use Permit.

iii. Art or green walls, or architecturally treated custom precast concrete may be installed along blank walls facing public rights-of-way in lieu of meeting glazing requirements.

iv. Parapets, cornices, and other design features can be used to articulate roof lines.

v. For new buildings:

a) For every 75 feet of building length on a single face, there must be a variation in the facade to include, but not limited to, projections, recesses, changes in patterns or materials, or green walls.

b) Buildings with facades facing the public right-of-way must have architectural articulation and architectural design elements of the facades up to the first 3 stories of the building or within a minimum height of 24 feet as measured from the sidewalk level. Architectural articulation and architectural design elements such as a variety in facade treatment, materials, textures, colors, or windows and door patterns to provide visual interest are allowed.

c) Barb-wire, chain link coated and uncoated, or razor wire fencing is prohibited.

d) Aluminum siding and synthetic stucco is prohibited.

e) Mechanical equipment must be located in the side or rear yard of the principal structure and where possible in the location least visible from a public right-of-way or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public right-of-way or park.

vi. For converted buildings:

a) Only buildings older than 50 years may be converted.

b) Barb-wire, chain link coated and uncoated, or razor wire fencing is prohibited.

c) Architectural articulation and architectural design elements such as a variety in facade treatments, materials, textures, colors, or window and door patterns to provide visual interest are allowed.

vii. Concurrency requirement:

a) The total floor area used for data center must not exceed 50% of the total proposed floor area for the site.

b) The total floor area for the site includes the total floor area of all existing and proposed uses, including within any Unified Development Plan.

c) No occupancy permit will be issued for a data center before one or more occupancy permits have been issued for other permitted uses in the project. Furthermore, the combined floor area of all other permitted uses holding occupancy permits must equal or exceed the floor area of the data center.

viii. Active use requirement:

Active uses that confirm to *Sec. XX. Active Depth* must be provided as follows, even when not otherwise applicable. Data center is not considered an active use:

a) An active depth of 60 feet is required for any building that faces a public street.

b) An active depth of 30 feet is required for any building that faces an existing public park or multi-use trail.

k. The following standards are required for all nonresidential uses with a floor area greater than 7,500 square feet:

i. A Special Use Permit is required for any use where alcoholic beverages are sold or consumed on the premises. This requirement does not apply to establishments that are licensed to sell alcoholic beverages only by the package, hotels, city food markets, city park organizations, continuing education centers, government centers, parks, park facilities, outdoor markets, retail grocery supermarkets, schools, or suite hotels, as those terms are defined in *section 10.1 of the Code of Ordinances (article 1, chapter 10 "Alcoholic Beverages")*.

#020

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:09am** [Comment ID: 2699] - Link

Question

Agree: 0, Disagree: 0

Can y'all confirm that the Concurrency Requirements and Active Use Requirements listed here for Data Centers are not able to be waived or varied?

> Reply by **SiteAdmin** on **04/09/2026** at **12:31pm** [Comment ID: 2789] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Correct. Use standards are not available for variance before the BZA.
>
> This said, City Council has the legal authority to waive ANY zoning requirement by legislation.

ii. Applicants must submit a scaled and sealed site plan showing the entire project area as well as all other buildings, structures, and parking structures or locations on the site.

iii. Applicants must submit a Transportation Management Plan (TMP) meeting the requirements of *Sec. XX. Transportation Management Plan*.

iv. Applicants must submit a Public Safety Management Plan (PSMP) containing strategies to ensure public safety for customers or visitors to the proposed use and to the broader community. The PSMP must include, but not be limited to, public and private security strategies that are sufficient for the size of the establishment or premises, including parking areas.

F. Site Standards 023 024 025 026 027

1. Public or private multi-use paths must be built to the same standard required by the Beltline Overlay District, see *Sec. XX. Site Standards*. 028

2. Properties adjacent to a public space such as a park space, greenway trail, railroad right-of-way which has been abandoned, or a railroad right-of-way with an existing or proposed rail-trail must meet the following requirements:

   a. Must have a minimum of a 20-foot-wide buffer along the lot line adjacent to said public space. Said buffer must be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Office of Zoning and Development, or

   b. Must provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and meet the following requirements:

      i. Streets must meet the requirements of *Div. XX. Streetscape*.

      ii. Pedestrian walkways must be at least 6 feet wide, and bike and jog paths must conform to the Beltline Overlay District, see *Sec. XX. Site Standards*.

      iii. Wherever possible, streets, pedestrian walkways and bike and jog paths must connect to other streets, pedestrian walkways, bike and jog paths and parks.

   c. Must not locate off-street parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with any applicable requirements to screen loading areas, loading dock entrances, and building mechanical and accessory features, or any applicable requirements for parking lot barriers and landscaping.

   d. Must include an entrance to all adjacent uses which:

      i. Must face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.

      ii. Must be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail.

      iii. Wherever possible must open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.

021 022

#021

Posted by **Elizabeth Hollister** on **04/08/2026** at **8:27pm** [Comment ID: 2749] - Link
Suggestion
Agree: 0, Disagree: 0
The UW Overlay has portions in PZ3, but the majority of the boundary is in PZ2 which has either no minimums or low parking minimums. We are requesting that UW Overlay or PZ2 include more restrictive parking requirements than PZ2 currently contemplates for any restaurants, bars, lounges, or nightclubs that are over the 1200 sf threshold.

> Reply by **SiteAdmin** on **04/09/2026** at **11:49am** [Comment ID: 2768] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will take it into consideration.

#022

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:35pm** [Comment ID: 2755] - Link
Suggestion
Agree: 0, Disagree: 0
Block Standards: The existing UW Overlay, the threshold for creating new streets is set at 600 foot block length along existing public or private streets, applied across all uses including I-1 and I-2. Within the UW Overlay, include a block length requirement for Workforce Districts along existing streets.

#023

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:17am** [Comment ID: 2701] - Link
Suggestion
Agree: 0, Disagree: 0
In the current UW Overlay, new on street parking and new streets are not allowed to count towards open space requirements. We'd like to see that prohibition carry over to this UW Overlay unless that concept has been disallowed across all the underlying zoning categories.

> Reply by **SiteAdmin** on **04/09/2026** at **12:52pm** [Comment ID: 2799] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This UWCID prohibition would apply citywide under ATL Zoning 2.0.

#024

Posted by **Elizabeth Hollister** on **04/08/2026** at **11:02am** [Comment ID: 2706] - Link
Suggestion
Agree: 0, Disagree: 0
The current UW Overlay incorporates the BL Overlay sidewalk standards with 5 foot

amenity zone and 10 foot clear zone for sidewalk. Similar to how the new BL Overlay is proposed, this UW Overlay should have a Streetscapes Standard section that designates all commercial corridors in the UW Overlay as Special C for Streetscapes.

#025

Posted by **Elizabeth Hollister** on **04/08/2026** at **11:24am** [Comment ID: 2712] - Link
Suggestion
Agree: 0, Disagree: 0
In the current UW Overlay, decorative pedestrian lights are required along public streets. We're requesting that that standard continue to be required on Special C streets in the UW Overlay and following the spacing prescribed in the Streetscape Standards section.

> Reply by **SiteAdmin** on **04/09/2026** at **12:43pm** [Comment ID: 2794] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#026

Posted by **Elizabeth Hollister** on **04/08/2026** at **11:52am** [Comment ID: 2714] - Link
Suggestion
Agree: 0, Disagree: 0
The current UW Overlay limits two way driveways to 24 feet in width unless approved by ATLDOT Commissioner. This new code allows industrial use driveways to be 40' wide with the possibility of going up to 52' with an administrative variation. This is concerning in our area given the mixed use density around industrial uses and high numbers of pedestrian and cyclists. We'd like to request that driveway width continued to be capped at 24' in the UW Overlay which would still allow an administrative variation of 31'.

> Reply by **SiteAdmin** on **04/09/2026** at **12:33pm** [Comment ID: 2790] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The standards for industrial driveway curb cuts are max. 20 ft, as shown on page 8-18. We have standardized the width citywide based on ATLDOT guidance.

#027

Posted by **Elizabeth Hollister** on **04/08/2026** at **11:55am** [Comment ID: 2715] - Link
Suggestion
Agree: 0, Disagree: 0
The current UW Overlay provides for sidewalks to cross driveways while maintaining a consistent grade. We'd like to see this concept carry over to this new UW Overlay: "All sidewalk paving materials shall be continued across any intervening driveway

curb cut at the same prevailing grade and cross slope as the adjacent sidewalk walk zone."

> Reply by **SiteAdmin** on **04/09/2026** at **12:35pm** [Comment ID: 2791] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This UWCID provision would become a citywide requirement under ATL Zoning 2.0. See page 3-22.

#028

Posted by **Elizabeth Hollister** on **04/08/2026** at **12:16pm** [Comment ID: 2716] - Link
Suggestion
Agree: 0, Disagree: 0
The current UW Overlay includes the idea that total space for bikes, peds, trails, and landscape buffer in a location with an identified City Project must add up to 15 feet. This new provision for multi-use trails is welcome. However, the only Beltline spec we found for multi-use trails was for access paths directly to the Beltline which required 15 ft paved width. We'd rather specify that multi-use paths in the UW Overlay must have a minimum paved width of 10 feet and that the extra 5 feet of required space be set aside for amenities/buffer.

> Reply by **SiteAdmin** on **04/09/2026** at **12:36pm** [Comment ID: 2792] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> We will review this existing provision and determine how to best incorporate it.

G. Transportation Management Plan

1. For uses in the Upper Westside Overlay District requiring a Transportation Management Plan (TMP), the Office of Buildings will not issue any Certificate of Occupancy permits for any use until the developer, or their specified agent, has submitted to the Office of Zoning and Development a TMP meeting the requirements of this Section.

2. The TMP must contain strategies to reduce single occupancy vehicle trips generated by the project and must be in accordance with the Transportation Management Plan development guide, a document maintained by the Atlanta Department of Transportation.

3. On the face of the permit plans for improvement of real property subject to the TMP requirement, the applicant must acknowledge by signature, for itself and successors and assigns on the permit plans, that it will satisfy the requirements of this Section and certify which strategies will be used to reduce single occupancy vehicle trips.

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

DIVISION 5.3. **AFFORDABLE HOUSING OVERLAYS**

Sec. 5.3.1. **General Provisions**

A. Applicability

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

B. Definitions

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

1. **Affordable workforce housing unit.** A residential dwelling unit that complies with the affordability requirements in the applicable Affordable Housing Overlay District.

2. **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities or affiliated entities and any transferee of all or part of the real property at one location, which after the effective date of this Zoning Ordinance, develops a total of 10 or more new residential dwelling units at one location in an Affordable Housing Overlay District.

3. **At one location.** All real property of an Applicant in an Affordable Housing Overlay District if:

    a. Such properties are contiguous at any point;

    b. Such properties are separated only by a right-of-way or utility corridor right-of-way, at any point; or

    c. Such properties are separated only by other real property of the Applicant which is not subject to this Division at the time of any building permit, site plan, and development or subdivision application by the applicant.

4. **Land use declaration.** A land use restrictive covenant that will encumber property in a manner that will require the development and active marketing of a percentage of dwelling units as affordable workforce housing units.

5. **Land use restrictive agreement (LURA).** A Land Use Restrictive Agreement between the City and the Applicant that will encumber property in a manner that will require the development and active marketing of a percentage of units as affordable workforce housing units.

6. **Market rate unit.** A residential dwelling unit that is not an affordable workforce housing unit.

7. **Qualified administrator.** An organization identified by the City of Atlanta Office of Housing and Community Development demonstrating the necessary capacity to provide long term stewardship of home ownership affordable workforce housing units by identifying purchasers that meet income requirements, and administering ongoing compliance.

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

C. Active Marketing of Units

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

1. Rental Units

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

2. Homeownership Units

a. Applicant must exercise its best efforts, in coordination with the City of Atlanta Office of Housing and Community Development, for a period of 6 months following the issuance of the Certificate of Occupancy, to market the units at levels set forth in the applicable Affordable Housing Overlay District to a qualified administrator as defined in this Division, unless no qualified administrator can be identified, in which case the applicant may market to income-qualified buyers at the levels set forth in the applicable Affordable Housing Overlay District, and provide documentation for approval by the City of Atlanta's housing and Community Development of the proposed buyer's income eligibility prior to closing. Upon expiration of the 6-month period, the applicant will have a right to sell any remaining units at market price provided the applicant has provided the following:

   i. Notice to the City of Atlanta Office of Housing and Community Development of the intent to sell workforce owner housing units at market rate, and

   ii. Documentation to support the failure to sell the workforce owner housing units as evidenced by sales offers declined by the applicant or buyer's requests to terminate sales contracts at the workforce housing maximum prices, or any other documentation satisfactory to the City of Atlanta Office of Housing and Community Development.

b. In the event the applicant obtains the right from the City of Atlanta's Office of Housing and Community Development to sell a unit at a market price pursuant to this definition, any obligation to the City of Atlanta created by a land use restrictive agreement (LURA) with respect that particular unit will be deemed to be extinguished.

D. On-Site Affordability Requirement

1. Required Duration of Affordability

The affordability requirement applies for the greater of 20 years from the date of the issuance of the certificate of occupancy; or such longer period from the date of the issuance of the certificate of occupancy, as permitted by state law at the time of the issuance of the building permit. 029

2. Design and Configuration of Units

a. The affordable workforce housing units must be substantially similar in construction and appearance (e.g., square footage, type and brand of appliances, materials used for countertops, flooring, etc.) to the market rate units, and must not be in isolated areas in the development, but must be interspersed among market rate units.

b. The number of bedrooms in the Affordable Workforce Housing Units (e.g. 1 bedroom, 2 bedroom, 3 bedroom) must be proportionate to the number of bedrooms in the market rate units.

3. Concurrency

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

E. Calculation of Affordability Requirement

1. Rental Units

a. The area median income (AMI) requirements for a rental unit must be based on AMI data for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area published annually by the United States Department of Housing and Urban Development (HUD), adjusted for household size.

b. The monthly rent amount (not including utilities and mandatory fees) for each affordable workforce housing unit must not exceed the limits published by the City of Atlanta Office of Housing and Community Development on an annual basis.

c. The rental limits will be based on AMI data published periodically by HUD to ensure that tenant households pay no more than 30% of their household's monthly gross income, adjusting for the number of bedrooms in the units.

2. Homeownership Units

a. The area median income (AMI) requirements for a home ownership unit must be based on the AMI data for Atlanta-Sandy Springs-Marietta Metropolitan Statistical Area published annually by the United States' Department of Housing and Urban Development (HUD), adjusted for household size.

b. The maximum sales price must not exceed the Workforce Owner Housing Maximums established by the City of Atlanta Office of Housing and Community Development, adjusted by household size.

#029

Posted by **Matthew 1** on **04/07/2026** at **12:56am** [Comment ID: 2580] - Link

Suggestion

Agree: 0, Disagree: 0

The affordable housing overlays should prioritize on-site affordable units over in-lieu fees in high-opportunity areas like the BeltLine and extend affordability well beyond the current 20-year minimum. Atlanta should use these overlays to produce long-term mixed-income neighborhoods near jobs, parks, and transit, not temporary affordability that can disappear after one generation

> Reply by **SiteAdmin** on **04/07/2026** at **10:57am** [Comment ID: 2589] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.
>
> We will share it with the appropriate City agencies.

F. Plans to Conform

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

G. Certificate of Occupancy

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

H. Deed Restriction of Homeownership Units

1. In the event an affordable workforce housing unit is sold to an income-qualified buyer and not a qualified administrator, the applicant must ensure the unit is deed restricted so that the unit may only be sold to a household having an income, as certified by the buyer or buyer's lender and verified by the City of Atlanta Office of Housing and Community Development, that meets the affordability requirements.

2. The deed restriction must indicate the original AMI designation for the unit and establish that the maximum sales price may not exceed the updated workforce owner housing maximums for the original AMI designation at the time of the sale as established by the City of Atlanta Office of Housing and Community Development, adjusted by household size.

I. Calculation of In-Lieu Option

1. In-lieu fees are a public record and are calculated yearly to reflect the current market. Rates will be published and available on the City of Atlanta Department of City Planning website no later than June 1 of each year and will be effective July 1 of that same year.

2. The in-lieu fees for affordable workforce rental units are based on the approximate cost of construction of replacement affordable workforce housing units that were not built on-site plus administrative costs.

3. The in-lieu fees for affordable workforce homeownership units are based on the difference between the average home value for the area and the affordable purchase price for households meeting the AMI requirement for an affordable workforce housing unit.

4. The in-lieu fee for a project must be equivalent to the applicable in-lieu fee category, as published on the City of Atlanta Department of City Planning website, multiplied by the percentage of total units in the project that are required to meet the affordable dwelling housing unit requirement.

J. Density Bonus

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

2. In the event the Applicant chooses not to use any or all of the density bonus on-site, such density bonus may be severed in the form of development rights, pursuant to the procedures set forth in *Sec. XX. Transfer of Development Rights*. In the event construction of all or a portion of the density bonus would exceed the maximum FAR set forth in the City's Comprehensive Development Plan, if any, Applicant will only be entitled to apply for Transfer of Development Rights for such excess portion.

3. Evidence of a development exercising the density bonus on-site will be entitled to an increase of the maximum parking requirements of *Sec. XX. Vehicle Parking*, if necessary, but only commensurate with the number of spaces required in accordance with the density bonus granted. Evidence of a development exercising the option to increase the density on-site will only be obligated to comply with the minimum outdoor amenity space requirements set by the underlying zoning district for the development.

K. Parking Incentive

1. Where a project has a minimum parking requirement according to *Sec. XX. Vehicle Parking*, a development in compliance with the affordability requirements of this Division will be entitled to a reduction in the minimum parking requirements.

2. For residential uses, there will be no minimum parking requirement.

3. For nonresidential uses in a mixed-use development, the minimum parking requirement set by *Sec. XX. Vehicle Parking* will be reduced by 25%.

L. Application Review

1. Where review is required by a Design Review Committee, a development that will meet the on-site affordability requirement will be entitled to an expedited review. Once a complete application is submitted, all Design Review Committee comments must be given to the City of Atlanta Office of Zoning and Development within 14 days.

2. A development that will meet the on-site affordability requirement will be given major project status and will be afforded a "Major Projects Meeting" in which representatives from all departments that will review the development for permitting will meet with the applicant to identify potential issues and articulate expectations and requirements for permitting.

M. Monitoring and Enforcement

1. The City of Atlanta's Office of Buildings will enforce the affordability requirement prior to issuance of the certificate of occupancy. The Office of Housing and Community Development will enforce the affordability requirement after issuance of the certificate of occupancy and oversee compliance of qualified administrators.

2. Each development must comply with reporting requirements set forth in the LURA or the land use declaration, as applicable, as described in *Sec. XX. Definitions*.

3. No development will maintain its eligibility for incentives under this Division unless a valid LURA or land use declaration, as applicable, remains in effect and unless the development continuously meets the affordability requirement during the entire period of the LURA or land use declaration, as applicable. The City may take any other legal remedies allowed under the LURA or land use

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

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

N. Reporting

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

O. Severability

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

Sec. 5.3.2. **Affordable Workforce Housing (H)**

A. Applicability

1. All improvement of real property in the Beltline (BL) Overlay District, as defined by *Sec. XX. Beltline (BL) Overlay District*, regardless of the number of parcels, upon which 10 or more new residential rental dwelling units will be constructed at one location, must comply with the requirements of this Section.

2. Affordable Workforce Housing regulations apply to any lot with a Affordable Workforce Housing (H) Overlay District designation on the zoning map.

3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

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

Therefore, policies to promote these objectives will serve to:

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

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

C. On-site Affordability Requirement

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

D. In-Lieu Option

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

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

A. Applicability

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

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

2. The provisions of this Section do not apply to residential rental developments governed by *City Code Section 54-1(c)* (publicly-subsidized multi-family residential property), in which case said code section will govern the provision of affordable housing.

3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

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

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

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

2. Ensure diverse housing options continue to be available for persons households at or below AMI;

3. Maintain a balanced community by encouraging the finite supply of developable land to provide housing opportunities appropriate to meet various needs and income levels;

4. Ensure the availability of housing with better access to jobs in the city and thereby promoting household economic mobility through increased access to MARTA and other public transit;

5. Improve the opportunity for working people to elevate their economic status;

6. Encourage the construction of affordable workforce housing by offering zoning incentives for the provision of affordable workforce housing as a portion of residential development to address both existing and anticipated future housing needs in the Westside Affordable Workforce Housing Overlay District;

7. Afford developers of residential development the flexibility to meet the broad objectives of the City's policies to assist in providing a percentage of affordable workforce housing units as a portion of development; and

8. Provide opportunities to have on-site, privately produced, owned and managed, long-term affordable units.

C. On-Site Affordability Requirement

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

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

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

D. In-Lieu Option

1. In lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City to be deposited into the Westside Affordable Workforce Housing In-Lieu Fee Trust Fund prior to issuance of a building permit.

2. In-lieu fees are calculated according to *Sec. XX. Calculation of In-Lieu Option.*

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

A. Applicability

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

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

2. The provisions of this Section do not apply to developments governed by *City Code Section 54-1(c)* (publicly-subsidized multi-family residential property), in which case said code section will govern the provision of affordable housing.

3. Whenever the following regulations are at variance with historic district regulations of *Chapter 6. Historic and Landmark Districts*, the more stringent regulations apply whereas not to impact designated historic structures or buildings.

B. Findings and Statement of Intent

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

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

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

2. Ensure diverse housing options continue to be available for persons or households at or below AMI;

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

C. On-Site Affordability Requirement

1. Rental Units

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

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

c. At least 5% of the total residential rental units must be actively marketed for lease to households having an income, as certified by the prospective tenant at the time of execution of the applicable lease agreement, that does not exceed 30% of AMI.

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

2. Homeownership Units

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

b. Units actively marketed for sale in accordance with the terms of the Land Use Declaration will be considered to be in compliance with the requirements of this Section.

D. In-Lieu Option

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

2. In-lieu fees are calculated according to *Sec. XX. Calculation of In-Lieu Option.*

DIVISION 5.4. **ARCHITECTURAL DESIGN OVERLAYS**

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

A. Applicability

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

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

1. General

a. These standards apply when the underlying zoning is a House-Scale (H-) or Neighborhood-Scale (N-) Form District.

b. Buildings with more than two dwelling units, or containing commercial, civic, and institutional uses, may instead use the Urban General (UG-) standards.

2. Exterior Walls

a. Exterior wall materials must be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, or stone.

b. Horizontal wood and cementitious clapboard siding must have a maximum exposed width of 6 inches.

c. No more than two exterior wall materials are permitted, not including windows, doors, or foundations.

d. Brick and stone may not be located above clapboard siding.

3. Windows

a. Windows facing a primary street, side street, or side lot line must be double-hung.

b. Each double-hung window must have wood trim between 4 and 6 inches wide and a bottom sill. Windows installed in groups must include center mullions that are 2 inches wider than the side trim.

c. Windowsills facing a primary or side street must be set between 2.5 and 3 feet above the finished floor elevation.

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

4. Roofs

a. Primary roof forms must be gable or hipped with a pitch of at least 4:12.

b. Secondary roof forms:

i. May be shed roofs with a pitch of at least 3:12.

ii. May not exceed 25 percent of the building footprint.

iii. Must be located to the rear of the primary structure.

iv. May not extend above the top of the primary roof form. 030

c. Flat roofs are not allowed.

d. Rooftop decks, roof walks, and similar occupiable roof areas are not allowed facing a primary or side street, nor within 20 feet of a primary street-facing façade.

5. Foundations

a. Foundations facing a primary or side street must be exposed between 2 and 4 feet above finished grade. Slab on grade foundations are not allowed.

b. Exposed foundations facing a primary or side street must form a distinct design element and must contrast with the exterior wall material.

c. All exposed foundations must be faced with brick, stone, or hard-coat stucco. Standard unfinished concrete block and stacked stone are not permitted.

C. Standards for Urban General Form Districts

1. General

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

2. Exterior Walls

a. The first 3 stories of facades facing a primary or side street must be articulated with windows, belt courses, cornice lines, or similar architectural detailing.

b. Exterior wall materials facing a primary or side street must be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, stone, cast stone, architectural metal panels, or true hard-coat stucco.

c. Exterior wall materials facing a side or rear lot line may be horizontal wood clapboard siding, horizontal cementitious clapboard siding, brick, stone, cast stone, architectural metal panels, true hard-coat stucco, concrete masonry units, split-faced concrete, or split-faced block.

d. Horizontal wood and cementitious clapboard siding must have a maximum exposed width of 6 inches.

e. No more than two exterior wall materials are permitted, excluding windows, doors, and foundations.

f. Brick, stone, cast stone, concrete masonry units, split-faced concrete, and split-faced block may not be located above architectural metal panels, clapboard siding, or true hard-coat stucco.

g. True hard-coat stucco may not be located above clapboard siding.

#030

Posted by **Matthew 1** on **04/07/2026** at **12:51am** [Comment ID: 2578] - Link

Suggestion

Agree: 0, Disagree: 0

The architectural overlays are too prescriptive in ways that can raise costs and make missing-middle or mixed-use infill harder, especially where they ban flat roofs, rooftop decks, slab-on-grade foundations, and flexible facade approaches. I recommend allowing more design flexibility as long as projects still meet the code's goals for street presence, durability, and neighborhood compatibility.

> Reply by **SiteAdmin** on **04/07/2026** at **11:02am** [Comment ID: 2591] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> These existing standards apply in areas that don't want to be official historic districts, but that do want to ensure compatible new development.
>
> Please see English Avenue and Vine City for examples of recent missing middle housing built under these standards, including this project: https://www.kronbergua.com/our-portfolio/boone

3. Windows

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

4. Roofs

Roof forms must be either:

a. Gable, pitched, or hipped with a minimum pitch of 4:12; or

b. Flat and enclosed by a parapet wall at least 3 feet high along all street-facing facades.

5. Foundations

a. Residential foundations facing a primary or side street must be exposed at least 2 feet above finished grade.

b. Residential slab-on-grade foundations are not permitted along primary or side streets.

c. Exposed foundations facing a primary or side street must form a distinct design element and must contrast with the exterior wall material.

d. All exposed foundations must be faced with brick, stone, or hard-coat stucco. Standard unfinished concrete block and stacked stone are not permitted.

Sec. 5.4.2. **Traditional Commercial (TC) Overlays**

A. Applicability

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

B. Building Facades

1. Buildings equal or less than 7 stories must have facades divided into 3 distinct horizontal parts as follows:

   a. A base, which must include the ground story.

   b. A shaft, which must include the second story through the bottom 1/2 of the floor immediately below the top story.

   c. A cap, which must include a belt course located at the line defining the top 1/2 of the top story or a cornice located on a parapet wall above the top story.

2. Buildings with 8 or more stories must have facades divided into 3 distinct horizontal parts as follows:

   a. A base, which must include the ground story and the second story, but must not extend above the third story.

   b. A shaft, which must extend from above the base, but must not extend into the top story of the building.

c. A cap, which must, at a minimum, include the top story and may include up to the top 3 stories.

3. Within the shaft, windows are subject to the following:

a. Must be equal in size.

b. Must be greater in height than width.

c. Must be arranged in a grid pattern.

i. The total surface area of the street-facing facade treated as windows must be between 45% and 85%.

C. Balconies

1. Street-facing balconies must not extend greater than 18 inches beyond the building facade and must not be inset greater than 18 inches into the facade.

2. Non-street facing balconies sidewalk do not have any requirements.

3. The underside of balconies must not have exposed wood framing.

4. Awnings and canopies are subject to the following:

a. Must be cloth, canvas, metal or glass.

b. Must not be internally lit.

c. Must be directly above a window or storefront and must reflect the shape of the window or storefront.

D. Windows

1. Street-facing windows must be one of the following types: True divided, simulated divided, or one-over-one. Flat "snap-in" muntins and mullions and those between layers of glass are prohibited.

2. Windows, including display windows, but not transoms, must be greater in height than in width.

3. When dropped ceilings are located below the head of a window, display window or transom at the ground story, the dropped ceiling must be recessed a minimum of 18 inches from the window opening.

4. Street facing windows not located at sidewalk-level are subject to the following:

a. Must include sills of masonry, stone, cast stone, or terra cotta.

b. Must include windowpanes recessed a minimum of 3 inches from the adjacent facade.

E. Facade Treatment

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

2. Street-facing cornices, wall details and decorations must be brick, stone, cast stone, terra cotta, or painted metal except that cornices, wall details and decorations located at a height greater than 45 feet above the required sidewalk may be fiberglass or composite materials. Cornice lines must be predominantly horizontal in character.

3. Non-street facing facades must be brick, cast stone, unpainted stone, unpainted terra cotta, stucco, or concrete masonry units, with the exception of widows and openings in parking structures.

CHAPTER 6.

HISTORIC & LANDMARK DISTRICTS

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DIVISION 6.1. **GENERAL**

A. Statement of Intent

Within zoning districts now existing or hereafter created, it is the intent of this Chapter to permit in general areas of substantial historic, architectural, or cultural significance, or for individual buildings or sites designated as having such significance, the continuation, creation, and regulation of the following categories of zoning protection:

1. Landmark Buildings and Sites;
2. Historic Buildings and Sites;
3. Landmark Districts;
4. Historic Districts; and
5. Conservation Districts.

The council finds that many buildings, sites and districts as herein defined, having a special character or a special historic or aesthetic interest or value, or representing the finest architectural products of distinct periods in the history of the city, have been destroyed or uprooted, notwithstanding the feasibility of preserving and continuing the use of such buildings, sites and districts, and without adequate consideration of the irreplaceable loss to the people of the city of aesthetic, educational, economic and historic values represented by such buildings, sites and districts. In addition, distinct areas may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the finding of the council that the standing of this city as the capital of government, culture, business and education and as a major tourist and convention center must be maintained and enhanced by preserving the historical and architectural heritage of the city and by preventing the destruction of such cultural assets.

It is hereby declared as a matter of public policy that the identification, protection, enhancement, perpetuation and use of buildings, sites and districts of special character or of a special historic or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, education and general welfare of the people. Accordingly, the public policy objectives of this Chapter are as follows:

1. To effect and accomplish the protection, enhancement and perpetuation of such buildings, sites and districts which represent or reflect special elements of the city's cultural, social, economic, and architectural history;
2. To safeguard the city's historic, cultural heritage, as embodied and reflected in such buildings, sites and districts;
3. To stabilize and improve property values in such buildings, sites and districts;
4. To foster civic pride in the beauty and noble accomplishments of the past;
5. To protect and enhance the city's attractions to tourists and visitors and thereby support and stimulate business and industry;
6. To strengthen the economy of the city;

#001

Posted by **steele145@comcast.net** on **04/08/2026** at **5:34pm** [Comment ID: 2738] - Link
Suggestion
Agree: 0, Disagree: 0
Historic/Landmark districts/sites should continue to be the most protected category! Type B transition allows too much massing when adjacent to a protected Historic/Landmark district/site. The adjacent transitions on more densely zoned lots adjacent to Landmark or Historic districts or sites that have underlying zoning of house or neighborhood scales should be Type A only, that best matches the existing standard.

> Reply by **SiteAdmin** on **04/09/2026** at **12:07pm** [Comment ID: 2778] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. However, not all historic and landmark districts are low density. Some, such as Poncey-Highland, allow high-rise development. For this reason, the code defers to the underlying intensity of the zoning district when establishing required transitions.

#002

Posted by **KKGeorgia** on **02/05/2026** at **12:27pm** [Comment ID: 1911] - Link
Suggestion
Agree: 5, Disagree: 0
This is crucial. Preserving historic buildings and neighborhoods is a vital public interest for all the reasons stated here. Preserving neighborhoods also preserves Atlanta's essential tree canopy and residential green space. Please make sure that historic/landmark district rules are thoroughly and effectively enforced with real consequences for violations.

> Reply by **SiteAdmin** on **02/05/2026** at **3:27pm** [Comment ID: 1914] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your feedback. Please note that ATL Zoning 2.0 does not change any historic preservation standards. This chapter simply reflects the existing requirements, reformatted to align with the ATL Zoning 2.0 structure and style.

> > Reply by **Jennifer 4** on **02/10/2026** at **7:31am** [Comment ID: 1942] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > but Zoning 2.0 DOES change the level of protection LDs and HDs get from required Transitions from adjacent denser development - currently they all enjoy the benefit of a traditional THP - Zoning 2.0 would allow a choice of Transitions, some of which shift massing closer to the LDs and HDs - I understand that not all LDs and HDs are House

Scale of N1, N2 or N4 but the ones that are comparable to these categories should ONLY have a Type A transition - then we could say that Zoning 2.0 isn't changing the Historic & Landmark Districts.

Reply by **SiteAdmin** on **02/10/2026** at **2:17pm** [Comment ID: 1950] - Link

Answer

Agree: 0, Disagree: 0

Strictly speaking, historic preservation standards are only found in this Chapter 6.

We are aware of your suggestions shared in Chapter 8 to not allow a Type B transitional adjacent to low intensity historic districts.

#003

Posted by **Sue Olszewski** on **04/04/2026** at **4:00pm** [Comment ID: 2502] - Link

Agree: 1, Disagree: 0

Historic/Landmark districts/sites should continue to be the most protected category. The adjacent transitions on more densely zoned lots adjacent to Landmark or Historic districts for sites that have underlying zoning of house or neighborhood scales should be Type A only, that best matches the existing standard. A Type B transition allows too much massing when adjacent to a protected Historic/Landmark district/site.

Reply by **SiteAdmin** on **04/05/2026** at **12:59pm** [Comment ID: 2530] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

Please note there are many different types of historic and landmark districts. Such, such as the Poncey-Highland Historic District, allow skyscrapers.

7. To promote the use of buildings, sites and districts for the education, pleasure and general welfare of the people of the city;
8. To promote attention to sound design principles in areas of new development and redevelopment;
9. To raise the level of community understanding and expectation for quality in the built environment; and
10. To implement the Comprehensive Development Plan of the City of Atlanta.

B. Definitions

As used in this Chapter, unless specifically stated otherwise, the following terms shall mean and include:

Alteration. Any change of any kind whatsoever to the exterior of a building, structure or site, or any change of any kind whatsoever to a designated interior of a building, structure or site, or any change of any kind whatsoever to a nondesignated interior of a building, structure or site which is visible from the public way, except ordinary repair and maintenance, and except demolitions. An alteration shall be deemed to be a "minor alteration" if it is an alteration which does not significantly affect the historic, cultural or architectural integrity, interpretability or character of a building, structure, site or district. In general, minor alterations would include the kind of work which is normally done without the aid of a professional drafter or professional quality plans. An alteration shall be deemed to be a "major alteration" if it is an alteration which does affect the historic, cultural, or architectural integrity, interpretability, or character of a building, structure, site or district. In general, major alterations would include the kind of work which is normally done with the aid of a professional drafter or professional quality plans. All variances as defined herein shall be deemed to be "major alterations."

Archaeological. Relating to the science or study of the material remains of past life or activities and the physical site, location or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

Area. Any geographic Division of real property.

AUDC. The Atlanta Urban Design Comission (the Commission).

Building. Any structure.

Commission. The Atlanta Urban Design Commission.

Contributing Building, Structure or Site. A building, structure or site which reinforces the visual integrity or historic interpretability of a district, historic area or historic zone.

Demolition. An act or process that destroys or razes in whole or in part a building, structure or site, including an interior space within a district, or permanently impairs its structural integrity.

Designated Interior. An interior, or portion of an interior, of a Landmark Building or Site which is accessible to the public and which meets the criteria for nomination and designation to a Landmark Building or Site provided for in this Chapter.

Director (of the Commisison). The Executive Director of the Atlanta Urban Design Commission.

District. A combination or combinations of a building, structure or site whose boundaries are specifically delineated and which have a unifying theme.

Economic Return. A profit, capital or other appreciation that accrues from investment or labor from use or ownership of a building, structure, site or district.

Historic Area. An historic zone, as defined herein.

Historic Zone. Any structure, site, building or district which, individually or collectively, meets the criteria for nomination and designation to any category of historic protection provided for in this Chapter.

Integrity. A characteristic of a building, structure, site or district in which a sufficient amount of the character-defining materials and design features survives in a manner that allows the observer to interpret how the building, structure, site or district looked during its significant period of history.

Interpretability. The ability to recognize or visualize, through appearance, the historic significance or character of an historic resource.

Inventory. A systematic listing of cultural, historical, architectural or archaeological resources following standards for inclusion on said listing set forth in this Chapter.

Noncontributing Building, Structure or Site. A building, structure or site which detracts from the visual integrity or the historic interpretability of an historic district, area or historic zone.

Ordinary Repair and Maintenance. Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials, or, where the same materials are not available, those materials available which are as similar as possible to the original.

Person. Any individual, firm, association, authority, organization, club, partnership, trust, company, corporation, owner, or authorized agent.

Property. Any building, structure, site, district or other real estate of any kind.

Public Way. Any public right-of-way, or other place, whether privately or publicly owned, upon which the public is regularly allowed or invited to be.

Site. Real property upon which is or was located a significant event, a park, an open space, a landscaped area, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains an historical or archaeological value and integrity, regardless of the value of any existing structures.

Structure. Anything existing, constructed or erected with a fixed location in or on the ground or attached to something having a fixed location in or on the ground.

Variance. Any nonuse change to the requirements contained in this Chapter except for those changes which otherwise require a certificate of appropriateness. Provided, however, that for regulatory purposes and not definitional purposes, all variances from this Chapter shall require a type III certificate of appropriateness.

C. Miscellaneous Provisions

1. All Landmark Buildings or Sites (LBS-), Historic Buildings or Sites (HBS-), Landmark Districts (LD-), Historic Districts (HD-), and Conservation Districts (CD-) in existence at the effective date of this Ordinance will continue in force and effect. Original land descriptions and other definite data previously applicable to said Landmark Buildings or Sites (LBS-), Historic Buildings or Sites (HBS-), Landmark Districts (LD-), Historic Districts (HD-), and Conservation Districts (CD-) will remain the same and will continue to apply.

2. **Relationship to Zoning.** The adoption of an ordinance enacting the designation of a building, site or district as a Landmark Building or Site, and Historic Building or Site, Landmark District, or Historic District, pursuant to article D of Chapter 4 of part 6 of the Code of Ordinances, including designated transitional areas, if any, may either:

   a. Supplant zoning districts or portions of zoning districts existing at the time of creation of a particular building, site or district designation; or

   b. Supplement existing zoning district regulations which remain in force and effect, except to the extent that the particular amendment may modify004:h existing regulations.

3. **Preparation of Ordinances.** Ordinances for Landmark Buildings or Sites, Historic Buildings or Sites, Landmark Districts, or Historic Districts shall be prepared as is provided in Sec. 6-4047(A) of the Code of Ordinances.

4. **Variances.** Matters which would typically be considered variances shall, for Landmark Buildings and Sites, Historic Buildings and Sites, Landmark Districts, and Historic Districts, be deemed to require certificates of appropriateness in areas having such designations. All such variances shall be heard and decided by the commission pursuant to the standards and procedures for variances generally as are provided in *Div. 9.6, Quasi-Judicial Review*.

5. **Other Procedures.** Applications for zoning amendments and special use permits regarding any property designated for historic protection under any category of protection contained in this Chapter, shall be submitted to the Commission for review before any final action is taken on such matters. No action resulting from such applications shall have the effect of eliminating the requirement for certificates of appropriateness which are otherwise required by this Chapter.

6. **Variances for the preservation of mature trees.** Variances to reduce or increase any required side yard setback governed by a historic or landmark district may be granted by the Commission for the sole purpose of preserving mature trees as defined by Chapter 158 of this Code upon making the following findings:

   a. That variance is necessary in order to preserve a mature tree (or trees) with a caliper diameter of 6 inches or more which would be lost if the setback requirements were strictly applied. Such a variance may only be granted if the city arborist certifies to the Commission in writing that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s) or similar dysfunction.

   b. Any variance granted under the provisions of this Section shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction despite the granting of the variance, they shall be replaced, at the property owner's or applicant's

#004

Posted by **KKGeorgia** on **02/05/2026** at **12:30pm** [Comment ID: 1912] - Link

Question

Agree: 4, Disagree: 0

It is essential that historic/landmark district rules govern if the underlying zoning changes. Please confirm that is what this provision means.

> Reply by **SiteAdmin** on **02/05/2026** at **3:26pm** [Comment ID: 1913] - Link
>
> *Answer*
>
> *Agree: 2, Disagree: 0*
>
> This existing provision (b) means that the standards of the historic overlay apply only where the overlay establishes a specific requirement. Where the overlay is silent, the standards of the underlying zoning district continue to govern.

expense, in accordance with a tree replacement plan prepared by the city arborist. The property owner or applicant shall be required to notify the city arborist of the death of the tree(s) within 30 days.

c. Variances granted under the provisions of this Section may be granted by the Commission only upon its finding that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

d. Variances granted under these provisions are specifically exempt from the provisions of *Sec. XX, Criteria for Review and Decision, Variance, General.*

D. Categories of Protection

1. **Establishment of Categories.** There shall be five (5) categories of protection for historic properties in the City of Atlanta, as follows:

   a. Landmark Building or Site (LBS-);

   b. Historic Building or Site (HBS-);

   c. Landmark District (LD-);

   d. Historic District (HD-); and

   e. Conservation District (CD-).

2. **Criteria.** The criteria to be applied to determine whether any building, site or district qualifies for inclusion into a category of protection for historic properties established by this part shall be as follows:

   a. **Minimum eligibility criteria.** At a minimum, all Landmark Buildings, Sites and Districts, Historic Buildings, Sites and Districts, and Conservation Districts shall be determined by the commission to be architecturally, historically or culturally significant and eligible for protection if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

      i. Are associated with events that have made a significant contribution to the broad patterns of our history; or

      ii. Are associated with the lives of persons significant in our past; or

      iii. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

      iv. Have yielded, or may be likely to yield, information important in prehistory or history.

   b. **Individual category criteria.** A building, site or district shall additionally meet the following criteria for that category of protection to which it is nominated:

      i. **Landmark Building or Site.** A Landmark Building or Site is one of exceptional importance to the city, state or nation and whose demolition would represent an irreparable loss to

the city. A Landmark Building or Site shall meet the criteria specified within at least one (1) of the following three (3) groups:

a) Group I: Historic significance: Each Landmark Building or Site qualifying under this group must meet at least one (1) of the following criteria:

1) A building or site closely associated with the life or work of a person of exceptionally high significance to the city, the state or the nation.

2) A building or site associated with an extremely important historical event, or trend of national, state or local significance.

3) A building or site associated with an extremely important cultural pattern or social, economic or ethnic group in the history of the city, the state or the nation.

b) Group II: Architectural significance: Each Landmark Building or Site qualifying must meet at least five (5) of the following criteria:

1) A building or site that clearly dominates or is strongly identified with a street scene or the urban landscape.

2) A building or site which is the work of an exceptionally important master architect or builder.

3) A building or site which is an exceptionally fine example of a style or period of construction that is typical of the City of Atlanta.

4) A building or site which is an example of a style that is extremely rare in the City of Atlanta.

5) A building or site which is an example of an exceptionally fine unique style or building type.

6) A building or site whose design possesses exceptionally high artistic values.

7) A building or site whose design exhibits exceptionally high quality craftsmanship.

8) A building or site associated with an exceptionally significant technology or method of construction, including the use of materials in a significant way.

9) A building or site which has an exceptionally high degree of integrity.

10) A building or site which has virtually all character-defining elements intact.

11) A building or site whose original site orientation is maintained.

c) Group III: Cultural significance: Each Landmark Building or Site qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other individual criteria from group I or II above:

1) A building or site that has served at a major, city-wide scale as a focus of activity, a gathering spot, or other specific point of reference in the urban fabric of the city.

2) A building or site by its location is broadly known or recognized by residents throughout the city.

3) A building or site which clearly conveys a sense of time and place and about which one has an exceptionally good ability to interpret the historic character of the resource.

ii. **Historic Building or Site.** An Historic Building or Site is one that is close to a Landmark Building or Site in importance, but lacks some of the exceptional qualities of a Landmark. An Historic Building or Site shall meet the criteria specified within at least one (1) of the following three (3) groups:

a) Group I: Historic significance: Each Historic Building or Site qualifying under this group must meet at least one (1) of the following criteria:

1) A building or site associated with the life or work of a person of moderately high significance to the city, the state or the nation.

2) A building or site associated with a moderately important historical event or trend of national, state or local significance.

3) A building or site associated with a moderately important cultural pattern or social, economic or ethnic group in the history of the city, the state or the nation.

b) Group II: Architectural significance:

1) A building or site that strongly influences or is identified with a street scene or the urban landscape.

2) A building or site which is the work of a recognized master architect or builder.

3) A building or site which is a very good example of a style or period of construction that is typical of the City of Atlanta.

4) A building or site which is an example of a style that is rare in the City of Atlanta.

5) A building or site which is an example of a very good unique style or building type.

6) A building or site whose design possesses very high artistic values.

7) A building or site whose design exhibits very high quality craftsmanship.

8) A building or site associated with a very significant technology or method of construction, including the use of materials in a very significant way.

9) A building or site which has a moderately high degree of integrity.

10) A building or site which has major character-defining elements intact and in which basic form and materials survive. Original materials may be covered, but evidence indicates they are intact. Although some minor alterations may have occurred, they are generally reversible.

11) A building or site whose original site orientation is maintained.

c) Group III: Cultural significance: Each Historic Building or Site qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other individual criteria from group I or II above:

1) A building or site that has served at a major neighborhood-wide scale as a focus of activity, a gathering spot, or other specific point of reference in the community.

2) A building or site that by its location is broadly known or recognized by residents throughout a neighborhood.

3) A building or site which clearly conveys a sense of time and place and about which one has a good ability to interpret the historic character of the resource.

iii. **Landmark Districts.** A Landmark District is one of exceptional importance to the city, the state or the nation, having exceptionally strong associations with the criteria for district designation. A Landmark District shall meet the criteria specified within at least one (1) of the following three (3) groups:

a) Group I: Historic significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria:

1) A district that includes structures and spaces closely associated with the lives or works of persons of exceptionally high significance in the history of the city, the state or the nation.

2) A district that includes structures and spaces closely associated with extremely important historical events, or trends of national, state or local significance.

3) A district that includes structures and spaces closely associated with an extremely important cultural pattern or social, economic, or ethnic group in the history of the city, the state or the nation.

b) Group II: Architectural significance: Each Landmark District qualifying under this group must meet at least five (5) of the following criteria:

1) A district that includes structures and spaces which are exceptionally strongly related, either functionally or aesthetically.

2) A district that includes exceptionally important elements of the streetscape which are functionally or aesthetically related.

3) A district that includes structures and spaces which are the works of exceptionally important master architects or builders.

4) A district that includes an exceptionally fine collection of buildings which express a unity of architectural style.

5) A district that includes an exceptionally fine collection of buildings which express a variety of architectural styles.

6) A district that includes exceptionally fine examples of a style or period of construction which is typical of the City of Atlanta.

7) A district that includes exceptionally fine examples of a style that is rare in the City of Atlanta.

8) A district that includes a collection of structures and spaces which possess exceptionally high artistic values.

9) A district that includes a collection of structures and spaces which exhibit exceptionally high quality craftsmanship.

10) A district that includes a collection of structures associated with an exceptionally significant technology or method of construction, including the use of materials in a significant way.

11) A district that includes a collection of structures and open spaces with an exceptionally high degree of visual integrity.

12) A district that includes a collection of structures in which virtually all retain their character-defining design elements.

13) A district that includes a collection of structures in which virtually all retain their original site orientation.

14) A district that includes relatively few intrusions or noncontributing structures that detract from the visual integrity of the area.

c) Group III: Cultural significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:

1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the city. These may include distinct land forms, views, vistas, "edges," or focal points.

2) The district clearly conveys a sense of time and place and about which one has an exceptionally good ability to interpret the historic character of the district.

3) The district has very few intrusions or noncontributing structures that detract from the sense of time and place.

iv. **Historic Districts.** An Historic District is one of importance to the city, the state, or the nation, or to a neighborhood in the city, having strong associations with the criteria for district designation. Each Historic District shall meet the following criteria specified within at least one (1) of the following three (3) groups:

a) Group I: Historic significance: Each Historic District qualifying under this group must meet at least one (1) of the following criteria:

1) A district that includes structures and spaces closely associated with the lives and works of persons of moderately high significance to the history of the city, the state or the nation.

2) A district that includes structures and spaces closely associated with important historical events or trends of national, state or local significance.

3) A district that includes structures and spaces closely associated with an important cultural pattern or social, economic or ethnic group in the history of the city.

b) Group II: Architectural significance: Each Historic District qualifying under this group must meet at least five (5) of the following criteria:

1) A district that includes structures and spaces which are very strongly related, either functionally or aesthetically.

2) A district that includes very important elements of the streetscape which are functionally or aesthetically related.

3) A district that includes structures and spaces which are the works of important master architects or builders.

4) A district that includes a very good collection of structures that express a unity of architectural style.

5) A district that includes a very good collection of structures that express a variety of architectural styles.

6) A district that includes very good examples of a style or period of construction that is typical of the City of Atlanta.

7) A district that includes very good examples of a style that is rare in the City of Atlanta.

8) A district that includes a collection of structures and spaces which possess very high artistic values.

9) A district that includes a collection of structures which exhibit very high quality craftsmanship.

10) A district that includes a collection of structures associated with a very significant technology or method of construction, including the use of materials in a significant way.

11) A district that includes a collection of structures and spaces with a high degree of visual integrity.

12) A district that includes a collection of structures in which most retain their character-defining design elements, although some alterations have occurred.

13) A district that includes a collection of structures in which most retain their original site orientation.

14) A district that includes moderately few intrusions which detract from the visual integrity of the area.

c) Group III: Cultural significance: Each Landmark District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:

1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the city or neighborhood.

2) The district conveys a sense of time and place and about which one has a good ability to interpret the historic character of the district.

3) The district has moderately few noncontributing structures that detract from the sense of time and place for the area.

v. **Conservation Districts.** A Conservation District is one that has retained an adequate amount of its historic character for interpretation, although some alterations may have occurred. A Conservation District shall meet the criteria specified within at least one (1) of the following three (3) groups:

a) Group I: Historic significance: Each Conservation District qualifying under this group must meet at least one (1) of the following criteria:

1) A district that includes a number of structures and spaces moderately associated with the lives or works of persons of general significance in the history of the city, the state or the nation.

2) A district that includes structures and spaces associated with moderately important historical events or trends of national, state or local significance.

3) A district that includes structures and spaces associated with a moderately important cultural pattern or social, economic or ethnic group in the history of the city.

b) Group II: Architectural significance: Each Conservation District qualifying under this group must meet at least five (5) of the following criteria:

1) A district that includes structures and spaces which are moderately related, either functionally or aesthetically.

2) A district that includes elements of the streetscape which are functionally or aesthetically related.

3) A district that includes structures and spaces which are the works of recognized master architects or builders.

4) A district that includes a good collection of structures that express a unity of architectural styles.

5) A district that includes a good collection of structures that express a variety of architectural styles.

6) A district that includes good examples of a style or period of construction which is typical of the City of Atlanta and for which other examples also exist.

7) A district that includes a collection of good surviving examples of styles that are moderately rare in the neighborhood.

8) A district that includes a collection of structures and spaces which possess generally high artistic values.

9) A district that includes a collection of structures and spaces which exhibit generally high quality craftsmanship.

10) A district that includes a collection of structures associated with a generally significant technology or method of construction or for which materials are used in a moderately significant way and for which other examples exist.

11) A district that includes a collection of structures and spaces with a moderate degree of visual integrity.

12) A district that includes a collection of structures in which major character-defining elements are intact and in which basic form and materials survive, although some alterations have occurred. Original materials may be covered, but evidence indicates they are intact.

13) A district that includes structures to which alterations may have occurred to significant ornament and detail and even some openings.

14) A district that includes a collection of buildings in which many retain their original site orientation, however some may have been relocated from their original positions.

15) A district that includes only a moderate number of intrusions which detract from the visual integrity of the area.

c) Group III: Cultural significance: Each Conservation District qualifying under this group must meet at least one (1) of the following criteria and at least three (3) other criteria from group I or II above:

1) A district that is readily definable by manmade or natural boundaries that are recognized throughout the neighborhood.

2) A district that conveys a sense of time and place and about which one has a moderate ability to interpret the historic character of the district.

3) A district that has few noncontributing structures that detract from the sense of time and place of the district. Although these structures are noticeable as intrusions, the historic character of the area is generally interpretable.

E. Nominations

1. Applications

a. **Authority to apply.** Nominations initiated by the Director do not require an application. Except for nominations initiated by the Director, an application shall be required to begin the nomination process set forth in this Section The following persons are empowered to file an application with the Director for the nomination of a building, site or district to any category of protection provided by this part: the Atlanta City Council; for buildings or sites, the owner(s) of the building or site to be nominated, or an authorized agent; for districts, the

owners of at least 10 properties, or the owners of 10% of the total number of properties within the proposed district, whichever is less, for each proposed district. Applications required by this Section shall not be construed as zoning amendment applications required in *Div. 9.2, Legislative Review* of the Zoning Ordinance.

b. **Form of application.** When required as set forth above, applications for nominations shall be in the following form: Applications by the City Council shall be in the form of a resolution requesting that the Director initiate a nomination. Applications by property owners shall be made on forms prescribed by the Director and available to the public. No such owner application shall be deemed to be complete until all supporting documentation required in the nomination process has been provided in a form prescribed by the Director. Further, all owner applications shall be verified by each owner or each owner's authorized agent.

c. **Processing of application.** After an application is received in proper form, the Director shall begin the nomination procedures set forth in this part within a reasonable time after receipt based upon the availability of the research and information necessary for the nomination and the availability of staff resources.

2. Initiation of Nomination Process

The process of nomination is initiated by a written notice of intent to nominate a building, site or district to any category of protection provided by this Chapter. Said notice, which shall be prepared and mailed by the Director, shall be sent by first class mail to the owner or owners of each such building or site, or in the case of districts to each individual owner of property within such district. Said notice shall describe the building, site or district proposed for nomination, including its location or boundaries; shall specify the category of protection to which it is proposed for nomination; shall specify the existing zoning classification, or boundaries, and historic protection, if any; shall state that the property could be nominated to another category of protection during the nomination process; shall announce the time, date and place of the public hearing by the commission to consider said nomination; shall include a statement notifying the property owner(s) of the automatic interim controls provided for in *Subsection* (3) below; and shall include a copy of the interim control ordinance. In addition to the written notice of intent to nominate which initiates the nomination process, the Director shall also, at least 15 but not more than 45 days prior to the hearing before the commission, cause to be published a notice within a newspaper of general circulation within the territorial boundaries of the city. This published notice shall state the time, date, place and purpose of the hearing. This published notice shall also include the location or boundaries of the property or properties, the existing zoning classification and historic protection, if any, the category of protection proposed, and a statement that the property could be nominated to another category of protection during the nomination process.

3. Interim Control

a. **Findings and purpose.** The governing body finds that immediate but temporary interim controls prohibiting any alteration or demolition of any building or site for which a notice of intent to nominate has been mailed are required in furtherance of the city's comprehensive historic preservation program. Temporary preservation of the status quo is essential to effectively evaluate each proposed nomination and to allow consideration of appropriate designations of all proposed landmark or historic districts, buildings or sites, and to prevent circumvention of the intent of this part.

b. **Control regulations.** Therefore, any property or properties for which a notice of intent to nominate has been mailed shall receive the full legislative protection of, and be controlled by, the regulations governing that category of protection to which said property is proposed to be nominated, as specified in this Section and *Ch. 6. Historic and Landmark Districts* of the Zoning Ordinance governing protection and treatment of properties so categorized. Said protection shall become automatically effective without further action of any kind immediately upon the date and time that the Director of the Urban Design Commission mails the notice of intent to nominate required by subsection (b) above. Except as provided below, the period of this mandatory interim protection shall not exceed 120 days commencing on the date and time of the mailing of said notice of intent to nominate. This interim control period allows and is based upon approximately 45 days for public hearing, evaluation of, and action on the proposed nomination by the commission and approximately 75 days for public hearing and review by the zoning review board, action by the zoning committee, and final action by the City Council and the mayor as specified in this part. This 120-day period may be extended by resolution of council only if said extension is due to delay in the legislative process and only for a period of time equal to any such delay, but in no event shall the total interim control period permitted by this Section exceed a maximum of 180 days.

c. **Enforcement.** The Director of the commission shall deliver a copy of each notice of intent to nominate to the Director of the Office of Buildings at or before the time and date each notice is mailed by the Director of the commission. The Director, Office of Buildings shall immediately take all steps necessary to accomplish the requirements of this Section, and is prohibited from accepting any application or issuing any permit of any kind for any building, site or district specified in each notice of intent of nominate, unless the Director of the Office of Buildings certifies that such permits are necessary due solely to unanticipated emergency public safety reasons or are approved pursuant to a valid certificate of appropriateness as provided for in this Section and in *Ch. 6, Historic and Landmark Districts* of the Zoning Ordinance of the Code of Ordinances. Violations of this Section shall be punishable as provided for in *Sec. XX, Penalties* of the Code of Ordinances, as amended.

4. Preparation of Report

Prior to the commission's public hearing to consider any nomination(s) to any category of protection, the Director shall conduct research and compile a written report in the nature of findings and recommendations regarding the historic, architectural or cultural significance of each proposed nomination. This report shall include a statement on each of the following to the extent that they apply to the proposed nomination(s):

a. The criteria upon which the nomination of the building, site or district and its boundaries is based, including a finding that the proposed nomination either does or does not meet the minimum criteria required for nomination and designation;

b. A description of the building(s) or site(s), as well as features of significance, including date of construction, architect or builder, and architectural style and materials used;

c. A description of the boundaries of each building, site or district, including any proposed transition zone, which may be in the form of either a metes and bounds description or a plat or map. For all district nominations, the proposed boundaries shall be drawn to include all contributing properties reasonably contiguous within an area. Where reasonably feasible in relation to the purpose of each district, boundaries shall include frontage on both sides

of streets, and shall divide the proposed district from other districts at rear lot lines, side lot lines, or at other points where divisions will create minimum inter-district friction. Internal boundaries may subdivide the district into subareas and transition areas for regulatory purposes. All descriptions shall be attached to the written report;

d. If the proposed district is visually related to surrounding areas in such a way that actions in the surrounding area might have potentially adverse environmental influences on the district, proposed boundaries for such transitional areas shall be shown, and shall be called transitional zones;

e. The existing zoning classification of the proposed designation;

f. A reference to that Section of the Zoning Ordinance of the City of Atlanta which permits the transfer of development rights of Landmark Buildings or Sites, or Historic Buildings or Sites; and

g. All economic incentives which may be available to assist in the preservation of each Landmark Building or Site, or Historic Building or Site.

5. Commission Action

a. **Public hearing.** The commission shall hold a public hearing to consider the nomination of each building, site or district proposed as a Landmark Building or Site, Historic Building or Site, Landmark District, Historic District, or Conservation District. Notice of the hearing shall be given as provided in subsection E.2 of this Section. The commission shall review and consider the staff report prepared pursuant to subsection E.4 of this Section as well as any other relevant information or documentation presented to it. The commission may solicit expert testimony regarding the historic, architectural or cultural importance of the building, site or district under consideration for nomination.

b. The commission shall afford to the owner or agent of any property which is being considered for nomination or any interested member of the public a reasonable opportunity to present testimony and documentation regarding the historic, architectural or cultural importance of the building, site or district proposed for nomination.

c. **Successive nominations.** A two-year waiting period shall be required before a building or site can be renominated for designation to the same category from which it was disapproved by the council.

d. **Decision and transmittal.** The commission shall make a decision in public with respect to each proposed nomination in the form of a written resolution within fifteen (15) days after the initial public hearing date. The resolution of nomination by the commission shall set forth those findings of fact which constitute the basis for the nomination and shall affirmatively state that the building, site or district meets or exceeds the criteria required for nomination. Upon adoption of the resolution of nomination by the commission, the Director of the commission shall promptly transmit such resolution, including all supporting documentation, to the chair of the zoning committee of the City Council and to the commissioner of the Department of City Planning. The Director shall also notify by first class mail the owner or owners of the property or properties which are the subject of said resolution of nomination of the decision of the commission.

F. Designations

1. **Preparation of Designation Ordinance.** Upon the nomination by the commission of any building, site or district to any category of protection provided by this part, the Director of the Urban Design Commission, in consultation with the Office of Zoning and Development, shall prepare a proposed zoning designation amendment accomplishing the intent of the resolution of nomination. For proposed Landmark or Historic District(s) the ordinance shall include proposed detailed regulations to be applied and which may be designed to supplant or to modify any existing regulations, including regulations pertaining to the use of land, buildings or structures within the districts, including any and all subareas of the districts according to *Sec. XX, Nominations* of the Code of Ordinances. Such regulations may be drafted to require, for a particular district or its subareas, if any, certificates of appropriateness in addition to those required in *Sec. XX, Certificates of Appropriateness; Generally* of the Code of Ordinances. Such regulations may be prepared with the advice and assistance of the owner or owners of all such properties within the district, neighborhood groups, historic preservation groups, or other organizations or individuals qualified by interest, training and experience in achieving the objectives set forth in this Chapter. The Director shall present this proposed ordinance to the chair of the zoning committee for consideration.

2. **Zoning Committee Action.** Upon receipt of a resolution of nomination and proposed designation legislation, the zoning committee shall proceed at or before its next regular meeting to act upon the proposed designation ordinance.

   The zoning committee may, by majority vote, modify any nomination by the Urban Design Commission to another category provided that the reasons for such modification by the zoning committee shall be made a part of the record of the committee proceedings. The proposed designation ordinance, along with supporting documentation, shall then be presented by the chair of the zoning committee at the next regular meeting of the City Council at which time said proposed ordinance shall be referred to the zoning review board for public hearing.

3. Public Hearing.

   a. A public hearing on each proposed designation ordinance, except for Conservation Districts, shall be held by the zoning review board. Since the adoption by the City Council and approval by the mayor of an ordinance that designates a building, site or district to any category of protection provided in this part except Conservation Districts is a zoning action which establishes either (1) an overlay zoning district with accompanying district regulations and map or (2) an overlay zoning regulation, notice as is provided in this Chapter shall be followed for all such designation actions; provided however, that designation of Conservation Districts, and interim protection(s) afforded any property or properties pursuant to *Sec. XX, Nominations* of the Code of Ordinances are not zoning actions and does not require the above-referenced notice and hearing procedures.

   b. In addition to the requirements of *Div. 9.6, Quasi-Judicial Review* of the Zoning Ordinance of the Code of Ordinances relating to amendments to the zoning ordinance, and prior to action by the zoning review board on any proposed designation of a building, site or district to any category of protection permitted by the Chapter, except Conservation Districts, the Department of City Planning, through the Office of Zoning and Development, shall evaluate each such proposed designation and shall also consider the following matters:

i. City goals and policies as are contained in the comprehensive development plan;

ii. Impact of proposal on transportation, urban design, other planning and development goals and objectives of the city;

iii. Potential impacts of tax abatements and other financial incentives which may be available to the property owner to assist in preservation; and

iv. Potential impacts of tax abatements and other financial incentives on the city budget.

In conducting such evaluation, the department of city planning shall request assistance and information from other city departments and agencies, including the department of finance, as may be appropriate to the specific proposal under construction.

4. **Final Action.** After public hearing by the zoning review board, each proposed designation ordinance shall be returned to the zoning committee for action and then reported to the City Council for final action.

5. Post-Adoption Actions.

a. Within 20 days after any designation ordinance becomes law, the Director of the commission shall send to the owner or owners of record of each such property so designated, by first class mail, a copy of the ordinance, a statement of the regulations governing their property, and a statement of the economic incentive which may be available for their property.

b. Within 20 days after any designation ordinance becomes law, the Director of the commission shall send notice of such action to the following officials and agencies:

i. Commissioner of the Department of City Planning;

ii. Commissioner of the Department of Transportation;

iii. Commissioner of the Department of Parks and Recreation;

iv. Commissioner of the Department of Watershed Management;

v. Director, Office of Zoning and Development;

vi. Director, Office of Buildings;

vii. Commissioner, Department of Grants and Community Development;

viii. Police chief;

ix. Fire chief; and

x. State historic preservation officer.

c. Within 20 days of any designation ordinance becomes law, except designations of conservation districts, the Director of the commission shall file in the office of the clerk of the Superior Court of Fulton County of in the office of the Clerk of the Superior Court of DeKalb County, as is appropriate to said property, a certificate of notification that such property has such designation, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the City Council and mayor.

d. The Director of the commission may cause to be created a suitable plaque appropriately identifying each designated building, site or district. Such plaques shall be affixed to private property only with the written consent of the owner or owners of said property.

G. Certificates of Appropriateness; Generally

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1. **When Required, Generally.** In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in the Zoning Ordinance, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in *Sec. XX, Designations*, be required for any of the following actions within each of the following categories:

   a. Landmark buildings and sites:

      i. To change the exterior appearance of any Landmark Building or Site;

      ii. To change the interior appearance of any Landmark Building or Site which has a designated interior;

      iii. To erect a new structure or to make an addition to any Landmark Building or Site;

      iv. To demolish or move any Landmark Building or Site in whole or in part; or

      v. To vary any applicable regulation.

   b. Historic buildings and sites:

      i. To change the exterior appearance of any Historic Building or Site;

      ii. To erect a new structure other than a replacement structure referred to in *Sec. XX, Same; Types and Procedures*, or to make an addition to any Historic Building or Site which is visible from the public way; or

      iii. To vary any applicable regulation.

   c. Landmark Districts:

      i. To change the exterior appearance of any structure within any Landmark District;

      ii. To erect any new structure or to make an addition to any structure within a Landmark District;

      iii. To demolish or move any structure, in whole or in part, within a Landmark District; or

      iv. To vary any applicable regulation.

   d. Historic Districts:

      i. To change the exterior appearance of any structure within an Historic District;

      ii. To erect a new structure or to make an addition to any structure within an Historic District;

#005

Posted by **Matthew** on **04/07/2026** at **10:07am** [Comment ID: 2583] - Link

Suggestion

Agree: 1, Disagree: 0

Chapter 6 should create a faster administrative approval path for clearly compatible infill, adaptive reuse, and small housing additions in historic districts. Right now, the certificate-of-appropriateness process is broad and Type III applications can take up to 90 days for hearing plus 21 days for decision, which can discourage good urban infill even when historic character is being respected.

> Reply by **SiteAdmin** on **04/07/2026** at **10:51am** [Comment ID: 2586] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> No changes are being made to historic district regulations as part of ATL Zoning 2.0. Any updates to these districts would need to be undertaken following adoption.

iii. To demolish or move any contributing structure in whole or in part, within an Historic District; or

iv. To vary any applicable regulation.

2. **Conservation Districts Exempted.** Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property. Upon application of the owner of any property within any such Conservation District for a building or other development permit, the Director, Office of Buildings shall promptly refer such applicant to the Urban Design Commission. The applicant shall provide the Director of the commission with complete plans regarding the permit for which application has been made, and the Director of the commission shall present the plans at the next regular meeting of the Urban Design Commission. At said meeting, the commission shall review the subject plans and shall transmit, through the Director, the written recommendations of the commission regarding such permit application to the applicant, with a copy to the Office of Buildings. The recommendations shall be sent by first class mail to the owner within five days following the date of the commission review. Such recommendations constitute an advisory review only, and the owner may elect to modify plans in order to incorporate said recommendations, or may elect to proceed with the original plans for the permit application. If the commission fails to provide said written advisory comments to the owner(s) within 30 days of the owner(s) initial application to the Office of Buildings, the Office of Buildings shall issue the permit(s) at the request of the owner without compliance with this subsection.

3. **Demolition or Moving of Historic Building and Sites Exempted.** A certificate of appropriateness is not required to demolish or move any Historic Building or Site. However, prior to the demolition or moving of any historic building or site, an application shall be required in accordance with the following procedures:

   a. Each applicant shall submit on the same day to both the Office of Buildings and the Director of the Urban Design Commission all applications, plans and information required by the Office of Buildings to obtain such a permit.

   b. In addition, the applicant shall submit, at the same time and in the same manner, a site plan and drawings, including elevations, indicating the floor area and height of the proposed new building and the impact of the proposed building or alteration on the historic site, as the term "building" is defined in *Ch. 10, Definitions*, and provided that such building has a total square footage at least equal to the square footage of the footprint of the building or site proposed to be demolished or moved.

   c. The Urban Design Commission shall have 45 days following the receipt of all materials required in *3.a* and *3.b* above to review the application and provide to the applicant written comments advising the applicant about actions which could be taken to maintain the integrity of the Historic Site.

   d. During the 45-day commission review, the Office of Buildings shall process and review the application in accordance with its usual procedures, but shall issue no permit prior to the expiration of said 45-day period.

e. Immediately after the expiration of said 45-day commission review period of an alteration or demolition permit application, and whether or not the commission's comments are favorable, but providing that the application otherwise meets existing regulations generally applicable to such permits, the Director of the Office of Buildings shall issue to the applicant a written certificate stating that the demolition permit application is in order; and a demolition permit will be issued when the applicant is issued a foundation permit for the building which is to be placed on the site, and further stating that the certificate shall remain in force for period of 18 months or until the City of Atlanta enacts legislation designating the site as a Landmark Building or Site, whichever occurs sooner.

f. The requirements of this Section are intended to ensure that no Historic Building and Site be demolished unless the owner(s) has the intent and financial ability to construct a new building replacing the Historic Building or Site proposed to be demolished.

H. Same; Types and Procedures

There shall be four (4) types of certificates of appropriateness. When a certificate of appropriateness is required under the provisions of *Sec. XX, Certificates of Appropriateness; Generally*, general requirements for certificates of appropriateness, or under the regulations of a particular Landmark or Historic Building or Site, or under the regulations of a particular Landmark or Historic District, the following procedures shall govern, according to the type of certificate of appropriateness required to obtain the result(s) desired by the applicant, as follows:

1. **Type I: Certificates of Appropriateness for Ordinary Repairs and Maintenance.** Ordinary repair and maintenance of a Landmark Building or Site, Historic Building or Site, or property located in Landmark or Historic Districts, shall require a type I certificate of appropriateness. Said type I certificates may be approved by the Director. Applications for said certificates shall be submitted to the Director on forms provided by the Director and in accordance with the following requirements.

   a. Those activities which constitute ordinary repair and maintenance include but are not restricted to:

      i. Repair using the same material and design as the original;

      ii. Repainting, using the same color;

      iii. Reroofing, using the same type and color of material; and

      iv. Repair of streetscapes and driveways using the same type and color of materials.

   b. A clear photograph of the building, object or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, or structure must be furnished with the application.

   c. Appeals from the decision of the Director regarding the issuance of type I certificates may be taken by any aggrieved person by filing with the Director a notice of appeal specifying the grounds thereof within five (5) days after the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from. The commission shall fix a reasonable time for the hearing of the appeal and give notice thereof as well as due notice to the parties of record in interest. Upon the hearing any party may appear in person or by

agent or by an attorney. The commission shall decide the appeal within a reasonable time. An appeal shall be sustained upon an expressed finding by the commission that the Director's action was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers the commission may reverse or affirm, wholly or partly, or may remand to the Director with discretion.

2. **Type II: Certificates of Appropriateness for Minor Alterations.** Minor alterations to Landmark or Historic Buildings or Sites, or buildings or sites within Landmark or Historic Districts, shall require a type II certificate of appropriateness. Said certificate shall be granted according to the following procedures and standards:

   a. **Application.** Applications shall be filed with the Director of the commission on forms which the Director shall promulgate for application purposes. All such applications shall be accompanied by detailed plans, designs, photographs, reports and other exhibits required by the Director. No application shall be deemed to be filed until it is made on forms promulgated by the Director and contains all required supporting plans, designs, photographs, reports and other exhibits required by the Director.

   b. **Acceptance of applications and timing of hearings.** The Director shall publish a calendar of the regular meetings of the commission and shall establish reasonable deadlines for the receipt of applications for each such meeting. All applications shall be scheduled for hearing before the commission no later than 30 days after receipt by the Director of such application, except where a longer period is established in writing and by mutual agreement of the Director and the applicant. The applicant shall be notified of the hearing date at the time the application is filed.

   c. **Meetings of the commission.** All meetings at which the commission shall consider applications for said certificates of appropriateness shall be held in the City Hall building. The Director shall prepare and the commission shall adopt an annual schedule of the regular meeting dates of the commission, which schedule shall be made available to the public on request. The chair of the commission may call special meetings of the commission. However, at any meeting, whether a regular or special meeting of the commission, at which an application for said certificate of appropriateness is to be considered, notice of said meeting shall conform to the notice requirements established by this Section.

   d. **Notice of hearings.** Prior to any meeting of the commission at which an application for a type II certificate of appropriateness shall be considered, the following forms of notice are all required:

      i. The Director shall mail written notice to the applicant, and the property owner, if different, at least 30 days prior to a hearing at which the commission shall consider said application. Such written notice shall be sent by first class mail and shall contain the date, time, place, and purpose of the hearing which will be held by the commission to consider said application for a certificate of appropriateness.

      ii. Notice of all applications for certificates of appropriateness shall be published on the official City of Atlanta web site and in a newspaper of general circulation at least 30 days prior to such meeting. Said notice shall state the date, time, place and purpose of said hearing. The notice shall include the location of the property and the present zoning classification of the property.

iii. A sign shall be posted on each property for which an application for certificate of appropriateness is made to the commission. Such sign shall be posted in a conspicuous place on the property, shall be at least six square feet in area, and shall be posted at least one week prior to the meeting of the commission at which the application will be considered. Said sign shall state the date, time, place and purpose of the hearing which will be held by the commission.

e. **Time limit on decision of commission.** Decisions of the commission on said applications shall be made within 45 days from the date on which the Director receives a complete application from the applicant.

f. **Failure to decide in due form within time limits.** Failure by the commission to decide said application within the 45-day time limit described above shall be deemed to be approval of the application for said certificate of appropriateness; and upon request of the applicant, the Director, Office of Buildings shall issue any permit dependent upon such application for certificate of appropriateness, if otherwise lawful, and shall record as authorization for such action the provisions of this paragraph.

g. **Testimony.** At any meeting at which an application for said certificate of appropriateness is considered, the commission shall provide the applicant, collectively with anyone else speaking in support of the application, no fewer than ten minutes for the presentation of data, evidence, and opinion. Collectively, those speaking in opposition to the application shall also have no fewer than ten minutes for the presentation of data, evidence, and opinion, and such time provided shall be equal to that of the collective duration of time provided to the applicant and those speaking in support of the same application.

h. **Records of meetings and maintenance of files.** Records of the proceedings of all meetings of the commission shall be made and maintained as is provided in article D of Chapter 4 of part 6 of the Code of Ordinances of the City of Atlanta. Copies of all certificates of appropriateness granted, together with all pertinent exhibits and reports of the commission, shall be maintained by the Director. Copies of such documents shall be made available to the Director, Office of Buildings as are necessary for the inspection and enforcement of the terms and conditions contained therein.

i. **Decisions.** The commission may grant the application for certificate of appropriateness, grant it with specified conditions, or deny it. The applicant shall be deemed to have effective notice of the decision of the commission on the date on which the commission enters such decision. The Director shall reduce said decision of the commission to writing and shall include all findings of fact and reasons for approval, conditional approval, or denial of said application. A copy of this written confirmation of the decision of the commission shall be transmitted to the applicant and to the Director, Office of Buildings within five working days after such decision is made.

j. **Conditional approval of applications.** Where the commission grants conditional approval of an application for a certificate of appropriateness, the Director, Office of Buildings shall issue permits for developments only in strict compliance with such conditions as have been imposed by the commission.

k. **Standards of review.** The commission, in reviewing all applications for type II certificates of appropriateness, shall apply the standards specified in *Sec. XX, Same; Further Standards*.

The burden of proof is on the applicant to establish before the commission that the required standards have been met. If the commission finds that said standards are satisfied, after said public hearings, the commission shall issue the appropriate type II certificate of appropriateness conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards are satisfied, the type II certificate of appropriateness shall be denied.

3. **Type III: Certificates of Appropriateness for Major Alterations.** Major alterations to Landmark or Historic Buildings or Sites, or buildings or sites within Landmark or Historic Districts, shall require a type III certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

   a. **Applications, timing of hearings, meetings of the commission, etc..** Requirements (a), (b), (c), (g), (h), (i) and (j) contained within and required for type II certificates of appropriateness above, subsection (2), shall also be required for all type III certificates of appropriateness, and are hereby incorporated into this subsection.

   b. **Notice of hearings.** Prior to any meeting of the commission of which an application for a type III certificate of appropriateness shall be considered, the following forms of notice are required:

      i. Notice of all applications for certificates of appropriateness shall be published on the official City of Atlanta web site and in a newspaper of general circulation at least 30 days prior to such meeting. Said notice shall state the date, time, place and purpose of said hearing. The notice shall include the location of the property and the present zoning classification of the property.

      ii. **Posting the property.** In addition to the published notice above, the Director shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing. Such posting shall be in a conspicuous place on the property by a sign or signs (as provided below) not less than six square feet in area, bearing information as to the time, date and place of the hearing and the nature of the proposed change.

         One such sign shall be placed adjacent to each street the property abuts, as described in the application for changes in zoning status, for each 600 feet for which the property abuts such street, provided that not less than one sign shall be erected, that where there are intersections with another street or streets at least one sign shall be placed between such intersections, and that if there is a remainder from multiples of 600 feet, an additional sign shall be erected.

         Notwithstanding the above requirements, if the property under consideration does not abut a street and is not a part or parts of property abutting a street, no posting is required. If said property is part or parts of properties abutting a street, posting shall be required above, with the notice indicating the relation of the parts proposed for hearing to the parts abutting streets.

      iii. **Notice by regular mail.** The Director shall also cause notice of the time, date, place, and purpose of the hearing to be given by regular mail, with mailing at least 30 days prior to the hearing. Such mail shall be addressed to the property owner and to property owners

(as ownership and address appears on the tax records of Fulton/DeKalb County) of all property within 300 feet of the property involved in the proposed change.

c. **Time limits on hearings of the commission.** Hearings of the commission on type III applications shall be held within 90 days from the date on which the Director receives in due form a complete application from the applicant. The commission shall make a decision on said applications within 21 days of the date of the final public hearing held on said application.

d. **Standards of review.** The commission, in reviewing all applications for type III certificates of appropriateness, shall apply the standards specified in *Sec. XX, Same; Further Standards*. The burden of proof is on the applicant to establish before the commission that the required standards have been met. If the commission finds that said standards are satisfied, after said public hearings, the commission shall issue the appropriate type III certificate of appropriateness, conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards are satisfied, the type III certificate of appropriateness shall be denied.

e. **Exemption for condition of unreasonable economic return or public health and safety.** In any case in which the commission has denied a type III certificate of appropriateness because of the applicant's failure to meet the standards required in subsection (3.d.) above, the applicant may, within 30 days of the date of said denial, apply to the commission for a condition of unreasonable economic return or public safety exemption. Said application(s) for exemption shall follow all the procedures and standards set forth in subsection (4) below, governing type IV certificates of appropriateness.

f. **Failure to decide in due form within time limits.** Failure of the commission to decide said application within the time limits set forth in *Subsection 3.c* above will be deemed to be approval of the application for said certificate of appropriateness, and upon request of the applicant, the Director, Office of Buildings shall issue any permit dependent upon such application for certificate of appropriateness, if otherwise lawful, and shall record as authorization for such action the provisions of this paragraph.

4. **Type IV: Demolitions.** Demolition of a Landmark Building or Site, a building or site in a Landmark District, or a contributing building or site in an Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type IV certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

a. **Conditions.** Type IV certificates of appropriateness shall be issued by the commission only when one (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:

i. The demolition is required to alleviate a threat to public health and safety; or

ii. The demolition is required to rectify a condition of unreasonable economic return.

b. **Standards and criteria.** The standards and criteria required to be shown in order to establish the existence of the conditions specified in *Subsection 4.a* above shall be as follows:

i. **Threats to public health and safety.** To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

a) Demonstrate through independent analyses and supporting information that a major and imminent threat to public safety exists;

b) Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives; and

c) Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return as described in *Subsection 4.b.ii* below.

ii. **Unreasonable economic return.** To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the commission must find, both of the following:

a) That the building or site is incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the commission evidence establishing, each of the following factors:

1) The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.

2) The current level of economic return on the property as considered in relation to the following:

i) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

i) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

i) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.

i) Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.

i) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

i) The fair market value of the property immediately prior to is designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.

i) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.

i) Any state or federal income tax returns on or relating to the property for the past two (2) years.

3) That the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:

i) Any real estate broker or firm engaged to sell or lease the property.

i) Reasonableness of the price or rent sought by the applicant.

i) Any advertisements placed for the sale or rent of the property.

4) The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

i) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

i) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.

i) Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

i) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

i) The infeasibility of new construction around, above or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to *Div.XX. Transfer of Development Rights*.

5) Economic incentives or funding available to the applicant through federal, state, city or private programs.

b) That the applicant has the present intent and the secured financial ability, demonstrated by documentary evidence and by those plans and materials which would otherwise be required in order to secure a foundation permit from the Office of Buildings, to replace the Landmark Building or Site with a replacement building, as the term "building" is defined in *Ch. 10. Definitions*, which has a total square footage at least equal to the square footage of the footprint of the building or site proposed to be demolished or moved.

c. **Procedures.** The following procedures shall be followed for all type IV certificates of appropriateness:

i. **Application.** Applications for type IV certificates of appropriateness shall be filed with the Director of the commission on forms which the Director shall promulgate for application purposes.

The applicant shall be required to present documentation or other evidence at the time of application on each standard and criteria listed in subsection 4.b above sufficient to permit the commission to adequately analyze the application in relation to said standards.

The Director shall be required to notify the applicant of any deficiencies in the documentation or other evidence provided. Failure of the applicant to submit said required documentation or evidence shall be construed as a failure on the part of the applicant to meet that standard for which the documentation or evidence is lacking.

After receipt of a completed application in which all required information is attached, the commission shall make a determination on said application in accordance with the time frames set forth herein.

For type IV applications based upon a purported condition of a threat to public health and safety, a copy of the application and all supporting documents shall be delivered within five (5) days of receipt of a complete application by the Director of the commission to the Director, Office of Buildings.

The Office of Buildings shall evaluate each such application in accordance with the standards contained in this Section and will prepare a written evaluation and report. Said report shall be presented to the commission at or before the commission's initial public hearing on the application.

ii. **Notice of public hearing.** Notice of the public hearings required for type IV certificates shall be as is provided for in *Sec. 6.1.H.3.b* above.

iii. **Hearings on certificates.** The commission shall hold an initial public hearing on every type IV certificate of appropriateness application within 45 days of receipt of the completed application required in subsection c.i above. Such hearing shall be subject to the same testimony requirements set forth in *Sec. 6.1.H.2.g.* above. Records of the hearing(s) shall be maintained as is required by *Sec. 6.1.H.2* above. At said hearing, one of the following procedural courses shall be followed:

a) For type IV applications based on a condition of a threat to public health and safety, the commission, after hearing from all interested persons, including the Office of Buildings, shall determine whether a certificate shall be granted based upon the standards for said applications set forth in this Section.

Said decision shall be made in public within 21 days from the date the commission holds its initial public hearing and shall be made as is required by *Sec. 6.1.H.2.i* above.

b) For type IV applications based on a condition of unreasonable economic return, the applicant shall have the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of such a demolition in

accordance with the standards and criteria set forth in subsection 4.b.ii above. As a part of the showing, the commission shall cause to be established a three-person economic review panel. Said economic review panel shall be comprised of three (3) real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation.

The panel shall consist of one (1) person selected by the commission, one (1) person selected by the applicant and one (1) person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third person within 30 days of the date of the initial public hearing, the third appointee shall be selected by the commissioner of the department of community development within five (5) days after the expiration of the 30-day period; and the commissioner shall notify the Director in writing of their selection.

All of the evidence and documentation presented at the initial public hearing shall be made available to and reviewed by the economic review panel. Further, the commission shall announce at the initial public hearing that further evidence or documentation from any interested party may be made a part of the record by submitting such evidence or documentation to the Director by a date certain, and the Director shall transmit said materials to the economic review panel. The economic review panel shall convene at its discretion and shall review the evidence of unreasonable economic return in relation to the standards and criteria set forth in subsection 4.b.ii. The economic review panel may, in its discretion, convene a meeting to hear testimony or oral argument by any interested party, provided that notice for such meeting shall be as is provided for in subsection 3.b above. Within 45 days after the economic review panel is established, the panel shall complete an evaluation of unreasonable economic return, applying the standards and criteria set forth in subsection 4.b.ii and shall complete and forward a written report on this evaluation to the commission.

At the next regular commission hearing following receipt of the report from the economic review panel, the commission shall reconvene its public hearing to take final action on the application. If, after reviewing all of the evidence, the commission finds that said standards and criteria set forth in subsection 4.b.ii are satisfied, the commission shall issue the appropriate type IV certificate of appropriateness, conditionally or otherwise. If the commission finds that the applicant has failed to present sufficient evidence that the standards and criteria are not satisfied, said certificate shall be denied. Provided, however, that the commission's decision shall be consistent with the conclusions reached in the economic review panel's report unless, based on all of the evidence and documentation presented to the commission, the commission finds by a vote of a three-fourths majority of a quorum present that the economic review panel acted in an arbitrary manner, or that their report was based on an erroneous finding of a material fact. Provided, further, however, that if the report of the economic review panel is that an economic hardship exists, then the commission may defer action on the certificate for a period of 90 days while the commission prepares or causes to be prepared a plan to save the building from demolition pursuant to subsection 4.c.iii.d immediately below.

d. **Preservation plan.** After a finding by the commission that the conditions for either a threat to public health and safety or an unreasonable economic return have been met, the commission may, within 60 days, prepare or cause to be prepared a plan under which the subject building or site (1) is preserved in a manner to effectuate the purposes of this Chapter, and (2) is capable of providing a reasonable economic return to the property owner(s). The plan may include complete or partial tax abatements, tax credits, authority for alteration or construction not inconsistent with the purposes of this Chapter and other actions allowable by law.

This plan will be reviewed by the economic review panel to determine if the plan is capable of providing a reasonable economic return. If the commission does not produce a plan within 60 days, the commission shall issue a certificate of appropriateness for demolition. If the commission develops a plan which is judged by the panel as capable of earning a reasonable economic return, the commission may deny the certificate of appropriateness for demolition.

If a plan is developed, but the plan is deemed by the economic review panel as incapable of earning a reasonable economic return, the commission may, within 30 days of the decision of the panel, recommend to the mayor that the city or a willing private buyer acquire a specified appropriate protective interest, including obtaining title or easements in the building or site involved. If, within an additional 15 days, the city does not initiate eminent domain proceedings to obtain ownership of the appropriate protective interest and neither the city nor a private buyer has made a firm offer to enter into a contract with the owner to acquire such interest, the commission shall issue a certificate of appropriateness for demolition. The commission shall also issue a certificate of appropriateness if an offer is forthcoming but is not equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

The owner may reject any offer for purchase. However, the commission may deny a certificate of appropriateness if the owner rejects an offer which is equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

e. **Salvage plan.** In connection with any type IV certificate of appropriateness, the commission may prepare and submit to the applicant, at or before the issuance of any said permit, a salvage plan. Said plan may suggest salvage and preservation, for reuse in restoration elsewhere, specified classes of building materials, architectural details and ornaments, fixtures and the like. Also, in connection with any type IV certificate, the commission may require the preservation of trees, shrubs and other landscaping of substantial significance.

I. Same; Further Standards

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in *Sec. XX, Statement of Intent*, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in Article D of Chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

1. Every reasonable effort shall 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 shall 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 shall 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. Contemporary design for alterations and additions to existing properties shall 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.
7. Wherever possible, new additions or alterations to buildings, structures or sites shall 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.
8. Considerations on proposed moving of structures, in whole or in part, shall 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 shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural or cultural character.

J. Judicial Review Of Decisions On Certificates Of Appropriateness

Any person aggrieved by a final decision of the commission on a certificate of appropriateness, or any officer, department or board of the city, may appeal from such decision in the manner prescribed in O.C.G.A. § 36-66-5.1. The executive Director of the commission shall have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(1) and the City of Atlanta Department of Law shall have the authority prescribed in (c)(2). "Any person aggrieved" shall have the same meaning as set forth in *Sec. XX, Appeals from Decisions of the Board of Zoning Adjustment*.

K. Further Provisions

1. **Inspections.** The Director shall from time to time inspect, in cooperation with a designee of the Director, Office of Buildings, work undertaken pursuant to decisions of the commission. The Director shall take all necessary and legal steps to assure conformity to the requirements thereof.

In any cases where the Director of the commission becomes aware of work being undertaken on any designated property without or in violation of a certificate of appropriateness, the Director of the commission shall immediately notify the Director, Office of Buildings, who shall issue an immediate stop-work order. Further, the Director, Office of Buildings shall furnish the Director of the commission a quarterly report concerning all designated properties, number and nature of inspections made, number of correction notices issued, and steps being taken to remedy violations.

2. **Maintenance and Enforcement.** The owner or owners, or the owner's agent, of each building or site designated to a category of protection pursuant to this Chapter shall keep in good repair all of the exterior portions of such building or site and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portion of such building or site to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair. Further, said owner or owners shall keep in good repair all portions of the building or site which, if not so maintained, may cause or tend to cause such portions to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair. The provisions of this Section shall be in addition to all other provisions of law requiring any such building or site to be kept in good repair. The Director, Office of Buildings shall be responsible for the enforcement of the maintenance provisions contained within this Section.

3. **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be construed to be the minimum requirements or maximum limitations, as the case may be, commensurate with promotion of the purpose of historic preservation. Whenever the requirements of these regulations are at a variance with the requirements of any other governmentally adopted statute, rule, regulations, ordinance or code, the most restrictive or that imposing the higher standard shall govern.

4. **Penalties.** Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in *Sec.* 1-8 of the Code of Ordinances of the City of Atlanta, as amended. Each day's continuance of a violation may be considered a separate offense. The owner of any building, structure or site, or part thereof, where anything in violation of this Chapter exists, and any architect, builder, contractor or agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

5. **Separability of Provisions.** Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any Section thereof other than the Section or provision specifically declared to be invalid.

DIVISION 6.2. **CABBAGETOWN (LD1)**

A. Statement of Intent

The intent of the Cabbagetown Landmark Districts is as follows:

1. To preserve the environmental and physical appearance of the area, including industrial, commercial and residential structures, created from the late 19th century to the mid-20th century, and existing spatial relationships between buildings and streets; and to ensure that any new development is compatible with existing historic architectural and spatial characteristics that prevail.
2. To preserve the unique historical relationship between commercial and residential uses, that evolved in the late 19th century and early 20th century, and to ensure that ensuing development reflects and maintains this unique relationship.
3. To ensure that additions, alterations, renovations, and new construction observe the characteristics of each subarea of the district and maintain a continuing harmony with the historic character of the entire district.
4. To continue and encourage residential uses in the district.
5. To preserve the existing landscape and topographical features which exhibit or will assist in maintaining significant historic elements of the village.
6. To enhance changes to principal façades and protect the historic appearance of the Cabbagetown mill village development.
7. To encourage compatible economic development and neighborhood revitalization.
8. To prevent the displacement of residents and to encourage affordable housing.
9. To preserve and enhance the important aesthetic appearance of the district.
10. To substantially promote the public health, safety, and welfare.
11. To promote, encourage, and enhance the interaction of residents in the district with applicants seeking review and approval as directed by these regulations.

B. Scope of Regulations

1. Except when otherwise explicitly provided, the provisions of *Division 6.1* of this part will apply to this district. Whenever the regulations of *Division 6.2* conflict with the provisions of *Division 6.1*, the regulations of *Division 6.2* will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.2, Cabbagetown*), the interpretation provision set forth in *Sec. XX, Further Provisions* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Cabbagetown Landmark District are as shown on the official zoning map. The district is divided into 5 subareas, as shown on said official zoning map, which will be known as:

1. The Mill (SA1).
2. Mill housing (SA2).
3. Shotgun and Cottage housing (SA3).
4. Neighborhood commercial/services (SA4).
5. Transitional commercial/industrial area (SA5).

D. Organization

The regulations are composed of two parts. The first part includes those general regulations that apply to more than one subarea in the Cabbagetown Landmark District. The second part includes those specific regulations that are unique to each subarea.

E. Certificates of Appropriateness.

Certificates of appropriateness within this district are required as follows:

1. When required:

a. To change the exterior appearance of any portion of a structure within the district;

b. To erect a new structure or to make an addition to any structure within the district;

c. To demolish or move any contributing structure, in whole or in part, within the district;

d. To construct on-site or off-site parking; and

e. To erect a new building that replaces a non-contributing building, provided that the applicant, prior to the demolition of said non-contributing building, must have complied with the requirements of *Sec. XX, Certificates of Appropriateness; Generally*.

2. Type required:

a. When a Certificate of Appropriateness is required under the provisions of subsection E.1 above, the procedures for determining the appropriate type of certificate will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance. Provided, however, that a partial demolition of a contributing building requires a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

b. If the proposed alteration for minor facade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of *Sec. XX, General Regulations*, *Sec. XX, The Mill (Subarea 1)*, *Sec. XX, The Mill (Subarea 2)*, *Sec. XX, Shotgun and Cottage Housing (Subarea 3)*, *Sec. XX, Neighborhood Commercial and Services (Subarea 4)*, and *Sec. XX, Transitional Commercial (Subarea 5)*, as applicable, then the Director of the Commission will issue the Type II certificate. If the proposed alteration does not meet said requirements,

the Executive Dirctor of the Atlanta Urban Design Commission will deny the application. Appeals from any such decision of the Director regarding the approval or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a)* for Type I Certificates.

F. General Regulations

The following regulations apply to more than one subarea in the Cabbagetown Landmark District, which includes all five subareas. Certificates of appropriateness required above must be obtained from the Commission or the Director, as applicable, in accordance with the following regulations:

1. **Minimum Standards.** These regulations constitute the minimum standards that must be followed and will be applied by the Commission and Director. The Commission will apply the standards in *Sec. XX, Same; Further Standards* only if the standards set forth elsewhere in this Division 6.2 do not specifically address the application.

2. **Applications.** Materials necessary for complete review of an application will be submitted with the application as set forth by the Director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements will be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

3. **Additional Notification.** The applicant will be given contact information for interested Cabbagetown community organizations and will be directed to provide the organization with a copy of the submitted application and attachments within three days of submission to the Commission.

4. **Cabbagetown Design Guidelines.** The Commission will adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines will: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.

5. **The Compatibility Rule:**

    a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing building in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

b. For the purposes of the compatibility rule, height and width must be measured at the front façade.

c. In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure must be eliminated in the application of the compatibility rule.

d. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

6. **Variances.** Variance requests will be heard by the Commission which will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances must be the same as those specified in *Div. 9.6, Quasi-Judicial Review* of this Part 16.

7. **Financial Hardship Exemptions:**

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.

b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.

c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present income of the property owner(s) and those occupying the property;

ii. The age of the property owner;

iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements;

v. The costs associated with adherence to these regulations;

vi. The degree of existing architectural significance and integrity of the structure; and

vii. The purpose and intent of this Division.

d. The Commission will consider these factors and will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

8. **Minimum Lot Requirements.** There must be front, rear, and side yard setbacks. The distance of said setbacks must be determined by the compatibility rule.

9. **Subdivision of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots will be approved by the Director of the Office of Zoning and Development unless said matter has first been submitted to and approved by the Commission. No subdivision of lots will be approved unless the Commission will make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots. The compatibility rule will apply.

10. **Subdivision of Lots Other than Lots for One- and Two-unit Dwellings.** No new lots for multi-unit, commercial, or industrial uses allowed within the Cabbagetown District may be created except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve the creation of any new lot unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.

11. **Consolidation of Lots.** No lots may be consolidated except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve any consolidation of lots unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The Commission will further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule will apply.

12. **Design Standards and Criteria for New Principal Buildings.** The following regulations will apply to new construction of principal buildings.

    a. **General Criteria:**

        i. All new construction must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction must occur.

        ii. The general façade organization and proportions will be subject to the compatibility rule. All of the following building elements must be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:

            a) Roofs, chimneys, and roofing materials;

            b) Siding;

            c) Eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;

            d) Corner boards, fascia boards, bottom boards, decorative trim, and attic vents;

            e) Doors and door transoms;

            f) Windows and window transoms;

g) Porches, including supports, columns, balustrades, steps, and roofs; and

h) Foundation walls, foundation piers, and water tables.

i) All the elements listed above must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

iii. Streetscapes, front yards, porches, and front doors facing and parallel to the street must be provided.

b. **Facades:**

i. Wood, smooth-surface cementitious siding or Masonite siding are allowed. Siding must exhibit a horizontal, clapboard profile. Siding must have no less than a four-inch reveal and no more than a six-inch reveal.

ii. The height of the ground story above street level must meet the compatibility rule. The foundation must be a minimum of 14 inches and a maximum of 4 feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are allowed as foundation facing materials.

iii. Windows must be predominantly vertical in proportion, may not be constructed in combination of more than two units, and must be double-hung wood sash with true divided lights. Window organization and glazing patterns must meet the compatibility rule.

iv. Exterior doors visible from any public right-of-way must be solid wood panel or single-pane fixed glass and must be composed of no more than 50% glass.

v. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, must be shown on the submitted plans, and must be subject to the compatibility rule.

c. **Roofs:**

i. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction must meet the compatibility rule.

ii. Skylight and solar panels are not allowed on the front façade of any structure. "Bubble type" skylights are not allowed anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights or solar panels, where allowed, must minimize their ability to be seen from public rights-of-way and is subject to approval by the Commission.

iii. When chimneys are included, chimneys must be faced in brick, originate at grade and are subject to approval by the Commission.

iv. Boxed gable returns are not allowed.

v. Roofing material must be asphalt shingles. Fiberglass roofs are not allowed. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.

d. **Dormers.** When allowed, dormers will be subject to design review by the Commission and must meet the following requirements:

i. Must be gable or shed design as appropriate to the architectural style of the building and must maintain the siding, roof materials, and trim consistent with the main portion of the building.

ii. Must not engage the ridgeline of the main roof structure.

iii. The front edge of the dormer will not interrupt the primary fascia or soffit line.

iv. May not occupy less than 15% nor more than 35% of the total surface area of the roof pitch on which it is constructed.

e. **Porches:**

i. Front porches must contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.

ii. Decorative metal, resin, fiberglass and plastic columns are not allowed.

iii. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.

iv. Front porch steps must be made of wood, brick, or concrete. Metal steps are not allowed.

f. **Site Development, Streetscapes and Curbs:**

i. The streetscapes must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscapes must match streetscapes widths on the block. If no streetscapes exists on the block, the new streetscapes must be 6 feet wide.

ii. Streetscapes must be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.

iii. Curbing must be granite; poured concrete must not be used.

iv. A paved walkway from the front streetscapes to the front entry of the principal building must be provided.

13. **Design Standards for Alterations and Additions to Contributing Buildings.** Alterations and additions to contributing buildings will be subject to design review by the Commission and must be consistent with and reinforce the historic architectural character of the existing building, must comply with the appropriate regulations for new construction specified in *Sec. XX, General Regulations(13)*, and must comply with the following requirements:

a. All repair work must match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.

b. All replacement materials or building elements must match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.

c. Alterations may not introduce materials or building elements that do not reinforce the architectural character of the building and may not destroy historic materials that characterize the property.

d. The height or width of any alteration or addition may not exceed the height or width of the existing building.

e. Any alterations or additions must be compatible with the massing, scale and architectural features of the property.

14. **Alterations and Additions to Non-contributing Buildings.** Alterations and additions to non-contributing buildings must comply with one of the following:

a. Alterations and additions must be consistent with the architectural style of the existing building and the height or width of any alteration or addition may not exceed the height or width of the existing building, or:

b. Alterations and additions must be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing buildings is located, must comply, as applicable, with Design Standards and Criteria for New Principal Buildings, *Sec. XX, General Regulations(13)*, and the height or width of any alteration or addition may not exceed the height or width of the existing building.

15. **Accessory Structures and Uses.** Accessory structures and uses that are customarily incidental and subordinate to permitted principal structures and uses are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:

a. Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures must be unattached, located to the rear of the principal building within the buildable area of the lot, and may not project beyond the front of the principal building. In addition, they must be located in the least visible location within permissible areas. The Commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;

b. Satellite dishes, devices for the generation of energy, such as solar panels, must be attached to a building and may not be visible from any public right-of-way;

c. Home occupations; and

d. Electric vehicle charging stations equipped with Level 1 or Level 2 EVSE.

16. **Grading and Landscaping:**

a. Grading may 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.

b. New grades must meet existing topography in a smooth transition.

c. Approval of an application for a Certificate of Appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

17. **Fences, Walls, and Retaining Walls:**

    a. Fencing, walls, and retaining walls are subject to design review by the Commission.

    b. Fences may not exceed 4 feet in the front or the side street yards.

    c. Fences and walls may not exceed 6 feet in the side or rear yards.

    d. Fences must be constructed of wood or chain link. Barbed wire and razor wire are not allowed.

    e. Retaining Walls. Retaining walls located adjacent to a public right-of-way must have a maximum height of 2 feet from streetscape grade and must be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not allowed. The combined height of a fence and retaining wall adjacent to a streetscape may not be greater than 4 feet from streetscape grade. The combined height of a fence and retaining wall in a side or rear yard may not exceed 6 feet.

18. **Parking.** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as in this Division or as follows:

    a. On-site parking is not allowed between the principal building and the street.

    b. On-site parking may be located in a rear or side yard.

    c. The driveway of a lot used for residential purposes must extend at least 20 feet behind the front façade of the house.

    d. Carports or garages that serve a single dwelling unit are allowed if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street must apply to the construction of a carport or garage.

    e. The design of carports and garages will be reviewed and approved by the Commission.

    f. Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are allowed paving materials for driveways and surface parking. Asphalt is not allowed.

    g. Use of shared driveways or alleys is encouraged.

19. **Screening:**

    a. Frontages must be screened as specified in Sec. 8.4.3.

    b. Site elements must be screened as specified in Sec. 8.4.4.

G. The Mill (Subarea 1)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following

regulations apply to any new development or the conversion of any existing structures to permitted uses within the Mill Subarea. The regulations are intended to preserve the environmental character and physical appearance of the Mill Subarea and encourage reuse of the existing structures for mixed use where feasible and to assure that any other use that may be allowed for preservation purposes is compatible with the historic character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes; and any new development, or conversion of existing structure to uses allowed within the Mill Subarea, requires the granting of a Certificate of Appropriateness by the Commission before the issuance of a building permit.

    a. Retail banks.

    b. Private clubs.

    c. All food and beverage uses, except drive-throughs are not allowed.

    d. General office, general medical.

    e. Research and development.

    f. All personal services, except funeral homes.

    g. General indoor entertainment and recreation, general outdoor entertainment and recreation, convention hall or event facility.

    h. Religious assembly.

    i. Single-unit, two-unit, and multi-unit residential uses. Residential use of Mill structures will require a Certificate of Appropriateness, which will be granted upon determination that such use is compatible with the overall utilization of the Mill and maintains the integrity of the Mill as a support for the surrounding community.

    j. Urban gardens.

    k. Market gardens.

    l. Short-term rentals, subject to the regulations in *Div. XX. Specific Use Standards*.

    m. No wholesaling is allowed. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relation to adjoining residential subareas.

2. Building Standards:

    a. All alterations must follow the Secretary of Interior's Standards for rehabilitation and must match the original as closely as possible.

    b. New construction must be of red brick exterior in keeping with the scale and character of 19th-century mill construction.

c. The height of any new construction must be limited to the highest point of the existing complex, excluding chimneys.

H. Mill Housing (Subarea 2)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development in Subarea 2. These regulations are intended to preserve the typical 19th-century mill housing character of this subarea and to encourage the continued use of the existing structures for compatible multi-unit use.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:

   a. Single-unit, two-unit, and multi-unit dwellings of the mill housing quadruplex type now existing in the subarea or as must be constructed in the future to be compatible with existing structures as is provided for in this subarea of the Cabbagetown Landmark District regulations.

   b. Parks, playgrounds, and community structures owned and operated by a government agency or Cabbagetown-based non-profit community organization.

   c. Religious assembly.

   d. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

2. **Maximum Building Height and Width.** The height or width of any alteration or addition may not exceed the height or width of the existing building or roofline.

3. Façades:

   a. Exterior doors must be solid panel wood.

   b. All siding must be wood clapboard and must have a reveal of 4 inches.

4. **Roofs:**

   a. New roofing must be asphalt shingles or modified bitumen membrane.

   b. Chimneys must be included in new construction of principal buildings.

   c. Dormers are not allowed in this subarea.

5. **Porches:**

   a. Front porches are required.

   b. Front porch steps must be repaired or replaced to match the original wood steps. Steps in other locations may be of wood, brick, or cast in place concrete. Metal steps are not allowed.

6. **Fences and Walls.** No walls are allowed in this subarea.

I. Shotgun and Cottage Housing (Subarea 3)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth

basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

1. **Shotgun Housing.** Shotgun housing is a style typified by simple structures whose width is no more than that of one room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing Type Is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.

2. **Cottage Housing.** Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.

3. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:

    a. Single-unit detached dwellings.

    b. Two-unit dwellings existing at the time of the original adoption of these regulations. Two-unit dwellings, originally built as duplexes, will be allowed even if the use has lapsed for more than a year.

    c. Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.

    d. Religious assembly.

    e. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

4. **Permitted Accessory Uses and Structures.** In addition to the uses and structures listed in Sec. *XX, General Regulations(16)*, the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:

    a. In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street will require a variance from the Commission, which variance will be granted only upon finding that:

        i. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant will contact the adjoining neighbors about the special exception and provide written letters to the Commission from the adjoining neighbors regarding the propriety of the special exception.

        ii. The area for such activity could not reasonably be located elsewhere on the lot.

        iii. The Commission may condition any variance for such facilities based on concerns regarding visibility from public right-of-way, fencing, screening, or other buffering,

existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.

5. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.

    a. **Special Use Permits.** Private education uses, provided that they do not exceed a maximum floor area of 5,000 square feet. As a condition of the permit one parking space be provided for each 600 square feet of floor area and the site must provide safe and convenient facilities for loading and unloading children which will be approved by the Director of the Atlanta Department of Transportation.

6. **Minimum Lot Size Requirements.** In addition to the setback requirements in *Sec. XX, General Regulations(9)*, in no case will any portion of a building be closer to a public streetscape than any portion of any contributing building of like use on the block face.

7. **Maximum Building Height and Width.** The compatibility rule will apply.

8. **Floor Area Ratio.** The floor area ratio may not exceed 0.50.

9. **Roofs:**

    a. Roofing materials must be asphalt shingles or batten seamed metal.

    b. Metal shingles are allowed if they are appropriate to the house style.

10. **Dormers:**

    a. Dormers are not allowed on shotgun houses.

    b. Dormers are not allowed on the front façade of cottage housing unless original to the structure.

    c. A single dormer is allowed on one secondary elevation of cottage housing if it is placed to minimize its visibility from the public rights-of-way.

11. **Reserved.**

12. **Porches:**

    a. Decks are allowed on the side or rear of the house if not visible from the street.

    b. Rear decks must be no wider than the house.

    c. Side and rear porches are allowed if appropriate to the house style.

13. **Fences and Walls:**

    a. Walls are not allowed in a front yard, or a side yard adjacent to a public right-of-way.

    b. Variances for the height of fences or walls may be granted by the Commission.

    c. Walls must be constructed of wood.

14. **Driveways and Surface Parking Lots:**

    a. Driveways must not exceed 10 feet in width and must have a curb cut no more than 10 feet, exclusive of flair.

    b. At least one-third of any driveway or surface parking lot must be pervious.

    c. Poured concrete paving for driveways must consist of two ribbons for tire tracks separated by a planting strip.

    d. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.

J. Neighborhood Commercial/Services (Subarea 4)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the neighborhood commercial/services subarea. These regulations are intended to preserve the neighborhood commercial/services subarea and to encourage the continued use of the existing structures for commercial and service use in combination with residential uses and in support of the residential community within the Cabbagetown Landmark District. These regulations further intend to ensure that any conversion in use, which may be allowed for preservation purposes in existing structures, is compatible with the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises may be used only for the following principal purposes:

    a. Multi-unit dwellings, if a minimum of 25% of the total heated floor area of each structure is constructed and used for non-residential uses as allowed in *Sec.XX, Neighborhood Commercial and Services (Subarea 4)(1), (2), or (3)*.

    b. Any of the following uses provided that they do not exceed 2,000 square feet of floor area:

        i. All food and beverage uses.

        ii. Laundry services.

        iii. General personal service.

        iv. General retail, artisan workshop, grocery store.

        v. Hair of nail salon, body art studio.

    c. Any of the following uses provided that they do not exceed 5,000 square feet of floor area:

        i. Private clubs

        ii. Private library or museum, private community center.

        iii. Religious assembly.

        iv. General offices.

        v. Research and development.

vi. All personal services, except funeral homes or as specified above.

vii. Urban gardens.

viii. Market gardens.

ix. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

d. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Blood donor stations are not allowed. No wholesaling is allowed within the Cabbagetown Landmark District. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

   a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.

   b. No storage is allowed in any portion of a structure adjacent to any public streetscape, public park or plaza.

   c. No off-premises storage of merchandise is allowed in this subarea either as a principal or accessory use.

3. **Special Use Permits.** The following uses are permissible only by special use permit, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.

   a. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious assemblies of 14 days or more duration.

   b. Childcare centers, kindergartens, and special schools provided that they do not exceed a maximum floor area of 5,000 square feet.

   c. Retail establishments provided that they do not exceed a maximum floor area of 5,000 square feet, and in the case of small discount variety stores, not to be located within 5,280 feet of another small discount variety store.

4. **Temporary Uses.** Temporary uses less than 14 days in duration are allowed.

5. **Minimum Lot Requirements.** In addition to the building setback requirements in *Sec. XX, General Regulations(9)*, in the case of new construction between two contributing buildings, the side yard setbacks must be at least 3 feet from the lot line.

6. **Maximum Building Height:**

   a. The compatibility rule will apply, but in no case may the height of a building or structure exceed 28 feet.

b. Additionally, no portion of any building will protrude through a transitional height plane beginning 24 feet above the buildable area boundary, as determined by the application of the compatibility rule, which is nearest to the common residential subarea boundary and extending inward over Subarea 4 at an angle of 45 degrees.

7. **Transitions and Transition Screens:**

   a. **Side Yards.** Adjacent to residential use without an intervening street, 10 feet is required, that may not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front must be provided.

   b. **Rear Yard.** There must be a rear yard of 10 feet when adjacent to a residential use district that may not be used for parking, paving or loading or servicing.

   c. **Screening.** Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than 6 feet in height must be provided and maintained in sightly condition (see *Sec. XX, Signs not Requiring a Permit)*.

8. **Lot Coverage.** The lot coverage may not exceed 80%.

9. **Storefront Glazing:**

   a. All street-facing ground story development, with the exception of religious institutions and fire stations, must provide at least 75% glazing, measured as specified in Sec. 3.13.1.

   b. Variances in glazing requirements may be approved by the Commission.

   c. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.

10. **Lot Standards:**

   a. The primary pedestrian entry feature to all uses and business establishments with ground story street frontage must:

      i. Face and be visible from the street;

      ii. Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;

      iii. Remain unlocked during normal business hours for nonresidential uses; and

      iv. Face and be visible to an arterial street when located adjacent to such arterial streets.

   b. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.

   c. A street address number must be located above the principal building entry feature, must be clearly visible from the streetscape, and must be a minimum of 6 inches in height.

11. **Storefront Lighting and Security Features:**

a. Security, decorative, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.

b. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

12. **Roofs.** Roofing materials must be asphalt shingles or batten seamed metal.

13. **Dormers.** Dormers are not allowed unless original to the structure.

14. **Porches.** Front porches are allowed.

15. **Fences and Walls:**

a. Chain link or similar elements may not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link fencing, where allowed, must be clad in either black or dark green coating. Canopies and associated service areas may not be located between a building and the street.

b. No fences are allowed between the principal building and the streetscape.

c. Walls must be wood, smooth finish stucco or brick.

d. No walls, except retaining walls, are allowed between a building and the streetscape, with the exception of walls that screen commercial dumpsters and loading areas, which must have a maximum height of 6 feet.

e. The Commission may by variance permit retaining walls that are greater than 2 feet in height between the building façade line and the street.

16. **Curb Cuts, Driveways, and Parking Lots.** The standards of *Division 8.3*, except *Sec. 8.3.3*, apply unless otherwise specified as follows:

a. At least one-third of any driveway or surface parking lot must be pervious.

b. Alternate paving materials may be approved upon review by the Commission if such materials are pervious and do not detract from the historic character of the landmark district.

c. All streetscape-paving and curbing materials must be continued across any intervening driveway.

d. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.

e. Circular drives must not be located between any buildings and any public street.

f. Except as authorized above in this subsection, parking lots or driveways are not allowed between the streetscape and a building, and must be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens, and special schools may be located between the streetscape and the building if approved by the Commission.

g. No drop-off lanes are allowed along public streets.

17. **Lighting, Security, and Maintenance Requirements for Surface Parking Lots.** All surface parking lots must have the following minimum requirements:

    a. Parking facilities must be lit as specified in Div. 8.5.

    b. Parking facilities must be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots may not be operated when any damage impairs the drivability of the parking lot.

18. **Minimum Landscaping for Parking Lot and Barrier Requirements.** Each of the provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 30 Parking Lot Requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:

    a. All landscaped areas must be planted with evergreen ground cover or shrubs with a maximum mature height of 30 inches.

K. Transitional Commercial (Subarea 5)

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations will apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the abutting commercial uses may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

1. **Permitted Principal Uses and Structures.** A building or premises must be used only for the following principal purposes:

    a. A building or premises must be used for the principal uses specified within *Sec. XX, Permitted Principal Uses and Structures* of this part, with the exception of Paragraph 1 allowing adult establishment and Paragraph 17 allowing signs, general advertising.

    b. Multi-unit Dwelling Units. Multi-unit dwellings are permissible if a minimum of 25% of the total heated floor area of each building is constructed and used for non-residential uses as allowed in *Sec. XX, Transitional Commercial (Subarea 5)(1), (2) or (3)*.

    c. Any of the following uses provided they do not exceed 4,000 square feet of floor area:

        i. All food and beverage uses.

        ii. Laundry services.

        iii. General personal service.

        iv. General retail, artisan workshop, grocery store.

        v. Hair of nail salon, body art studio..

    d. Any of the following uses provided that they do not exceed 10,000 square feet of floor area:

        i. Private clubs

        ii. Private library or museum, private community center.

iii. Religious assembly.

iv. General offices.

v. Research and development.

vi. All personal services, except funeral homes or as specified above.

e. Urban gardens.

f. Market gardens.

g. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

h. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Service stations are not allowed. Secured-storage facilities are not allowed. Car washes are not allowed. Body shops and Sales lots for automobiles are not allowed. Blood donor stations are not allowed. No wholesaling is allowed within the Cabbagetown Landmark District. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

2. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.

b. No storage is allowed in any portion of a structure adjacent to any streetscape, public park or plaza.

c. No off-premises storage of merchandise is allowed in this subarea either as a principal or accessory use.

3. **Special Permits.** The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in *Sec. XX, Special Permits, General(3)*.

a. Special Use Permits:

i. General indoor entertainment and recreation, general outdoor entertainment and recreation, convention hall or event facility.

ii. General warehouse and distribution, freight terminal, micro-distribution hub.

iii. Temporary events of 14 days or more duration.

iv. Private education uses, provided that they do not exceed 10,000 square feet of floor area.

v. General retail, artisan workshop, provided that they do not exceed 10,000 square feet of floor area.

vi. Grocery stores provided that they do not exceed 10,000 square feet of floor area.

vii. Small discount variety stores, provided they do not exceed 10,000 square feet and provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.

viii. Structures and uses required for operation of a public utility except uses involving storage, train yards, warehousing, switching, or maintenance shops as a primary purpose.

4. **Temporary Uses.** Temporary uses less than 14 days in duration are allowed.

5. **Residential.** For alterations to any residential structure in Subarea 5, the General Regulations and the specific regulations for Subarea 3 will apply.

6. **Site Limitations:**

   a. **Minimum Building Façade Height.** Buildings must have a minimum façade height of 18 feet along each façade visible from any public right-of-way.

   b. **Maximum Building Height.** Buildings that are between 0 and 50 feet of a Subarea 3 boundary must have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary must have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary must have a maximum height of 52 feet. Mezzanines and lofts will be considered a story.

   c. Transitions and Transition Screens:

      i. **Transitional Height Planes.** Where this district adjoins Subarea 3 without an intervening street, heights within this district must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.

      ii. **Transitions.** Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, may not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.

         a) Side Yards. Adjacent to residential use without an intervening street, 20 feet is required, that may not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back must be provided.

         b) Rear Yard. There must be a rear yard of 20 feet when adjacent to a residential use district that may not be used for parking, paving or loading or servicing.

      iii. Transition Screens:

         a) Screening. Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than 6 feet in height must be provided and maintained in sightly condition (see *Sec. XX, Signs not Requiring a Permit)*.

7. **Lot Coverage.** The lot coverage may not exceed 80%.

8. **Relationship of Buildings to Street:**

    a. The delineation of building stories at the second story above the ground story must be executed through windows, belt course, cornice lines, or similar architectural detailing.

    b. The primary pedestrian entry features to all uses and business establishments with the street-facing ground story must:

        i. Face and be visible from the street.

        ii. Face and be visible to an arterial street when located adjacent to such arterial streets.

        iii. Be directly accessible, visible, and adjacent to the streetscape, street setback, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.

        iv. Remain unlocked during normal business hours for nonresidential uses.

    c. Buildings must provide continuous street-facing ground story commercial, office, or residential uses.

9. **Building Façade Lines:**

        i. **On Arterial Streets.** Must be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.

        ii. **On All Other Streets.** Must be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.

    a. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, and must be a minimum of 6 inches in height.

10. **Storefront Glazing:**

    a. All street-facing ground story development, with the exception of religious institutions and fire stations, must provide at least 75% glazing, measured as specified in Sec. 3.13.1.

    b. Variances in glazing requirements may be approved by the Commission.

    c. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.

11. **Storefront Lighting and Security Features:**

    a. Security, decorative, parking deck, and other lighting adjacent to residential uses must minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.

    b. Any security, decorative, parking deck, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

12. **Fences and Walls:**

a. Chain link fencing or similar elements may not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link, where allowed, must be clad in either black or dark green coating. Canopies and associated service areas may not be located between a building and the street.

b. Fences and walls that are not located between the principal building and the streetscape must have a maximum height of 6 feet.

c. No fences are allowed between the principal building and the streetscape.

d. No walls, except retaining walls, are allowed between a building and the streetscape.

e. Walls must be faced with stone, brick, or smooth stucco.

f. The Commission may by variance permit retaining walls that are greater than 2 feet in height between the building façade line and the street.

13. **Streetscapes:**

a. Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

b. No awning or canopy may encroach more than a maximum of 5 feet over the streetscape.

c. Pedestrian street lights must be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the amenity zone or the street setback.

d. Streetscapes in this subarea within 20 feet of Subarea 3 must taper when necessary to provide a smooth transition to the existing streetscape in an adjacent subarea. In the event that the abutting subarea has no existing streetscape, the streetscape must taper to the width required by that subareas regulations, a width of 6 feet (measured from the street curb), or as approved by the Commission.

e. Every effort must be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the streetscapes.

f. Trash receptacles, where installed, must be the Victor Stanley Model S-42 or similar looking standard trash receptacle and must be placed within the amenity zone.

14. **Street Setbacks:**

a. Any area between the street-facing building façade line and the required streetscape is a street setback. Street setbacks:

i. Are allowed between the required streetscape and the building façade.

ii. Are required along arterial streets at a minimum width of 5 feet, unless on-street parking is provided where there currently is none.

iii. May not exceed a width of 15 feet.

iv. Must be hardscaped.

b. The following elements may be located within the street setback so long as any proposed element is approved by the Commission:

   i. Accessory outdoor dining that may be separated from the streetscape only with planters, shrubs, or fencing which must have a maximum height of 36 inches.

   ii. Balconies, streetscapes, porches, ramps for accessibility, and stoops.

   iii. Terraces must have a maximum ground story elevation of 24 inches above the streetscape elevation and must be surrounded by permanent safety fencing with a maximum height of 42 inches. See *Subsection XX, Application(25)b*.

   iv. Landscaping and water features.

   v. Lighting.

15. **Curb Cuts and Parking Structures:** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:

   a. All streetscape-paving and curbing materials must be continued across any intervening driveway.

   b. Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the Commission.

   c. Circular drives must not be located between any buildings and any public street.

   d. Except as authorized above in this subsection parking lots or driveways are not allowed between the streetscape and a building, and must be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the streetscape and the building if approved by the Commission.

   e. One-third of all surface parking lots must be constructed of pervious materials.

   f. Garages and carports that serve a single or two-unit residential structure must be to the rear of the principal building. Garages that serve a multi-unit structure may be attached to the principal building, but entry features to garages may not be on the front façade or the half-depth façade of the principal building.

   g. Parking deck façades must conceal automobiles from visibility and must have the appearance of a horizontal storied building.

   h. Parking decks must provide either continuous street frontage with ground story commercial, office, or residential uses, or a minimum five-foot landscaped buffer strips between the structure and the pedestrian zone, except at ingress and egress points into the structure. The landscaped buffer strips must be planted with street trees spaced a maximum distance of 20 feet on center, which must also meet the tree requirements set out in *Sec. XX, Transitional Commercial (Subarea 5)(16)*. The landscaped buffer strips must also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal must be approved by the City Arborist. All landscaping must be kept in a sightly manner.

i. All developments must have walkways with a minimum width of 4 feet provided along the edge of all ground story parking and drive areas and must be linked to the pedestrian zone.

j. No drop-off lanes are allowed along public streets.

16. **Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots.** All surface parking lots and structures must have the following minimum requirements:

    a. Parking facilities must be lit as specified in Div. 8.5.

    b. Parking deck lighting must be a maximum of 7 feet high and may not be visible from any public right-of-way.

    c. Parking facilities must be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes must be clearly defined and maintained as such. Parking lots may not be operated when any damage impairs the drivability of the parking lot.

17. **Minimum Landscaping for Parking Lots and Barrier Requirements.** The provisions of the Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, and Section 158-61 Parking lot planting requirements will apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements will apply:

    a. All landscaped areas will be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.

18. **Electric Vehicle Charging Stations.** A building, commercial establishment, or other property, which provides automobile parking facilities must provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations are required for a parking facility

DIVISION 6.3. **DRUID HILLS (LD2)**

A. Statement of Intent

The intent of the Druid Hills Landmark District is as follows:

1. To recognize the masterpiece of design that is the 1893 plan for Druid Hills created for Joel Hurt's "ideal residential suburb" by Frederick Law Olmsted, the father of American landscape architecture. A plan subsequently formalized by his sons, the Olmsted Brothers, and completed by the Druid Hills Corporation.

2. To preserve the environmental character and physical appearance of the area, including parkways, houses and buildings created during the 1895 to 1941 period of development; existing general landscaping features; and existing spatial relationships between the buildings and streets and to ensure that any new development is compatible with the present architectural and spatial attributes that prevail.

3. To preserve the residential character of the area except when nonresidential uses may be required to preserve houses and buildings built during the historically significant period of development and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.

4. To ensure that new construction observes the general setback and height restrictions of the original development and is in harmony with the historic character of the district.

5. To ascribe special recognition to the manner in which the several churches contribute so substantially to the beauty of the district.

B. Division into Subareas

The Druid Hills Landmark District is divided into four subareas for regulatory purposes. The four subareas are as follows:

1. The Ponce de Leon Corridor (SA1).

2. Fairview Road (SA2).

3. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway (SA3).

4. Emory University (SA4).

C. General regulations.

The following general regulations will apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; (3) Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway and (4) Emory University. Any proposed development, new construction, addition, alteration, or demolition will require a Certificate of Appropriateness as noted below and must conform to the following regulations:

1. **General Standards.** In the Druid Hills Landmark District, the Commission will apply the following general standards only if the standards set forth elsewhere in this Div. 6.3 do not specifically address the application:

a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

b. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.

c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.

d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.

f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.

g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

i. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. **Certificates of Appropriateness:**

a. Except as otherwise provided herein, the procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.

b. Notwithstanding any other provision herein, no Certificate of Appropriateness will be required unless, at a minimum, the work would otherwise require a building permit.

c. No Certificate of Appropriateness is required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than 6 inches.

d. Type I certificates of appropriateness will be reviewed and decided by the Director of the Commission and are required for the following:

i. In-kind repair or replacement of roofing material, and in-kind repair of driveways, walkways, other similar paving, windows, and exterior doors.

e. The following Type II certificates of appropriateness will be reviewed and decided by the Director of the Commission and are required for new paving not visible from the public right-of-way, fences, walls, and retaining walls.

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a)* for Type I certificates.

f. The following Type II certificates of appropriateness will be reviewed and decided by the Commission and are required for the following:

i. Any alteration to any façade of any principal structure or accessory structure and all site work, except as noted in *Sec. XX, General Regulations(2)(b), (c), (d), and (e)* above.

ii. Clearance or removal of any tree with a diameter breast height of 6 inches or greater, except as noted in *Subsection (2)(c)* above, and shrub massings or hedges over 3 feet high.

iii. Any major alteration in the landscape or topography which is visible from the public right-of-way.

g. Type III certificates of appropriateness will be reviewed and decided by the Commission and are required for:

i. All new principal structures.

ii. All additions to existing principal structures and accessory buildings, including decks.

iii. All new accessory structures.

iv. Subdivision, consolidation or replatting of lots.

v. The conversion of any existing building to a nonresidential permitted principal use or use permitted by special use permit.

h. Type IV certificates of appropriateness will be reviewed and decided by the Commission and are required for the demolition or moving of any contributing principal structure or contributing accessory building. A partial demolition of a contributing principal structure or contributing accessory building will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's or buildings historic interpretability or importance.

3. **Parking.** The standards of Div. 8.3 apply, unless otherwise specified as follows:

a. On-site parking spaces are not allowed in any front yard or within 50 feet of the public right-of-way in any side street yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit will apply. For the purpose of this regulation, the front yard will be that area between the public right-of-way and the forward line of the principal structure.

b. No on-site parking is allowed within 20 feet of any lot line.

4. **Minimum Landscape Requirements.** The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District must maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way must:

a. Follow the standards set forth in *Sec. XX, General Regulations(1)*;

b. Be consistent and compatible with the overall landscape plan and design on the property and block;

c. Maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;

d. 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;

e. Ensure that any new grades will meet the existing topography in a smooth transition;

f. Retain any existing historic mobility systems, including driveways, walkways and paths;

g. Ensure that any new mobility systems and substantial reconstruction of existing mobility systems is consistent and compatible with the existing mobility systems on the property and block with respect to layout, scale, materials, and topographic siting;

h. Ensure that any on-site parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate mobility space; and

i. Comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:

i. When the removal of trees is permitted by the Commission, each tree removed must be replaced with a tree of an appropriate species having a minimum caliper of two-and-one-half inches; and

ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees must comply with (a)—(g) above.

iii. Compliance with (i) above does not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.

5. **Minimum Drainage Standards.** Structures must be located so as to preserve the natural terrain of the district. Proper drainageways must be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department transportation.

    a. No structure is allowed within any 100-year floodplain.

    b. No single-unit structure is allowed on natural slopes greater than 25%.

    c. No structure, other than single-unit, is allowed on slopes greater than 15%.

6. **Minimum Architectural Standards.** Any new construction, additions, renovations or alterations in the District must maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and must follow the standards set forth by *Sec. XX, General Regulations(1)*.

7. **Fences, Walls and Retaining Walls.** Subject to the provisions of *Sec. XX, Signs not Requiring a Permit(5)* and the following limitations:

    a. Fences and walls are not allowed in the front yard, yards adjacent to public streets, or between any principal structure and a public street.

    b. Fences and walls not exceeding 6 feet in height may be erected in the side or rear yard.

    c. Fences and walls must be constructed of vertical iron pickets, brick, stucco, vertical wood pickets, or coated chain link.

    d. The front facing portion of fences must be no less than 40% open.

    e. Retaining walls are allowed if existing on the block face. Such retaining walls must be no taller than the existing retaining walls on the block face or the minimum height required to retain the adjacent grades. All retaining walls must be faced with brick, stone or stucco.

8. **Subdivisions, Consolidations and Replats.** The platting pattern of the Druid Hills Landmark District is an integral, defining, and essential part of the historic character of the District. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *Sec. XX, Lots(d)(6)*, no subdivision, consolidation or replat will be approved unless the Commission finds:

    a. The proposed subdivision, consolidation, or replat conforms to the platting pattern in the Druid Hills Landmark District with regard to lot size, dimensions, orientation, and configurations as it existed in 1982, as documented in maps attached to the 1982 designation of the Druid Hills Landmark District, and maps attached to the 2001 Druid Hills Landmark District expansion; and

    b. The resulting lot(s) are so laid out that any existing structures meet the District regulations and that any new structures can be situated and constructed upon such lots to meet the District regulations.

9. **Contributing/Non-contributing Property List:**

    a. All contributing buildings, structures or sites within the District will be shown on the List adopted herewith entitled "Druid Hills Landmark District—Street Address Range and C/NC Property Determination List" (List). Said List will identify each building, structure or site within

the District that meets the definition of "Contributing Building, Structure or Site" set forth in *Sec. XX, Definitions*.

b. The Director will periodically review said List to correct errors or omissions to said List, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.2, Druid Hills* and *Div. 6.1, General* of the Zoning Ordinance, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner or owners of the affected property within 5 calendar days of the initiation of the action by the Director.

c. An action by the Director to correct errors or omissions, or to update, the List as authorized in *Subsection XX, General Regulations(9)(a)* above will result in the immediate prohibition of any new or amended applications of any kind affecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta department, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection XX, General Regulations(9)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such affected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection XX, General Regulations(9)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

d. All actions by the Director to correct errors or omissions, or to update, said List must be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:

   i. Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and

   ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.2, Druid Hills* and *Div. 6.1, General* of the Zoning Ordinance.

   In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

D. Ponce de Leon Corridor Regulations

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development or the conversion of any existing structures to permitted uses within the Ponce de Leon Corridor.

These regulations are intended to preserve the environmental character and the physical appearance of the corridor in order to encourage the continued use of the existing structures for residential use where feasible, and to assure that any nonresidential use which may be permitted for preservation purposes in existing structures is compatible with the historic character of the district as a whole.

1. **Permitted Principal Uses and Structures:**
    a. Single-unit dwelling and two-unit dwelling.
    b. Multi-unit dwellings as follows.
        i. The conversion of existing structures containing at least 1,600 square feet of total floor area and conformance with the following criteria:
            a) Each dwelling unit contained within the existing structure must have at least 750 square feet of floor area.
            b) Such conversion may be made on a lot with yards or other open space of lesser dimensions than required herein for any new construction, but such conversion may not increase the degree of nonconformity existing.
        ii. The construction of new structures on either vacant parcels or as additional structures where the existing structure is proposed to remain, such additional construction must conform to the lot and building standards as so specified above and all other regulations of the District.
    c. Maternity supportive housing.
    d. Private education through the secondary level.
    e. General civic, parks and playgrounds.
    f. The following nonresidential uses upon a finding by the Commission that such use of the existing structure is not incompatible with or detrimental to the residential character of the district. The conversion of any existing building for any permitted nonresidential use, where located adjacent to a residential use, may be conditioned upon the requirement of a suitable buffer by the Commission.
        i. Religious assembly
        ii. Private libraries and museums, private education.
        iii. Private clubs on lots of 10 acres or greater.
    g. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
2. **Permitted Accessory Uses and Structures.** Uses and structures are allowed which are customarily incidental and subordinate to permitted uses and structures. These include but are not limited

to the following, subject to limitations and requirements set forth herein or elsewhere in this Division:

a. Greenhouses, garden sheds, private garages and similar structures.

b. Accessory dwelling unit, accessory residential structure

c. Swimming pools, tennis courts and similar facilities.

d. Home occupation, subject to limitations set forth in *Sec. XX, Application(17)*.

e. Structures necessary to support active construction projects on the same property.

f. Except in the case of home occupation, no accessory use may be of a commercial nature.

g. Such structures must be located to the rear of the principal structure and not within any required side or rear yards.

3. **Special Use Permits.** The following nonresidential uses may be granted a special use permit by the City Council only upon a finding of the City Council that: (a) such nonresidential use of the existing structure is not incompatible with or detrimental to the residential character of the district; and (b) that the structure, as it exists or as it is allowed to be modified under this Chapter and the district regulations, can no longer feasibly be used as a residence; provided, however, the burden of proving that the structure can no longer feasibly be used as a residence will be upon the applicant. The Council considerations as to the feasibility of residential use will include, but not be limited to, the original purchase price of the property, the year it was purchased, the asking price for the property, the length of time the property has been on the residential market, the efforts which have been made by the applicant to sell the property for residential use, the number of persons expressing an interest in purchasing the property, any repairs that may be necessary to the structure, and recent sales of similar properties in the vicinity.

   a. General offices with no more than one person for each 300 square feet of floor area within an existing or altered structure.

4. **Area Regulations; Subdivision of Lots.** The minimum size lot resulting from subdivision may be not less than 20,000 square feet except for zero-lot-line subdivisions.

   a. **Minimum Lot Width.** Each lot must have a minimum width of 135 feet as measured along its frontage.

   b. Lot Size:

      i. **Single-Unit Dwellings.** Each lot must contain a lot area of not less than 20,000 square feet.

      ii. **Two-Unit Dwellings.** Each lot must contain a lot area of not less than 25,000 square feet.

      iii. **Multi-unit Dwelling.** Each lot must contain a minimum lot area of not less than 3,600 square feet per dwelling unit.

5. **Lot Coverage:**

   a. **For Single-Unit and Two-Unit Dwellings.** No more than 35% of the lot may be covered by structures, parking and driveways.

b. **For Multi-unit Uses.** Must be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios as it existed in the 1982 Zoning Ordinance on [insert adoption date], and which is incorporated into this Division by reference.

c. **For all Other Permitted Uses.** No more than 45% of the lot may be covered by structures, parking and driveways.

6. **Minimum Setback Requirements**:

a. Building Setbacks:

i. South side of Ponce de Leon beginning at the east side of Moreland Avenue to the Springdale intersection, except for gateway property at the east corner of Ponce de Leon and Moreland, which must maintain its existing setbacks:

Front yard:	80 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.
At public street:	
At Moreland:	60 feet.
At Springdale:	50 feet.
Rear yard:	35 feet.

ii. South side of Ponce de Leon beginning at west side of Springdale intersection to the Oakdale intersection:

Front yard:	83 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.
At public street:	50 feet.
Rear yard:	35 feet.

iii. South side of Ponce de Leon beginning west side of Oakdale intersection to the Fairview intersection:

Front yard:	79 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	30 feet.

At public street:	50 feet.
Rear yard:	35 feet.

iv. South side of Ponce de Leon, Fairview Road NE to Atlanta city limits:

Front yard:	168 feet
Side yards:	
Single-unit:	20 feet.
Two-unit:	25 feet.
Multi-unit:	30 feet.
Other use:	50 feet.
At public street:	50 feet.
Rear yard:	35 feet.

v. North side of Ponce de Leon; Briarcliff Road, NE, to Springdale intersection except for gateway property at northeast corner of Briarcliff which must maintain its existing setbacks:

Front yard:	132 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

vi. North side of Ponce de Leon; Springdale Road, to Oakdale:

Front yard:	119 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

vii. North side of Ponce de Leon; Oakdale Road, NE, to Lullwater intersection:

Front yard:	149 feet
Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

viii. North side of Ponce de Leon; Lullwater Road NE to Atlanta city limits:

Front yard:	129 feet

Side yards:	30 feet plus 5 feet for each additional story above two. At public street intersections, side yard setback must be 50 feet.
Rear yard:	35 feet.

b. **Open Space and Space between Buildings.** Must be computed as for R-G, Chapter 8, Table 1, Land Use Intensity Ratios as it existed in the 1982 Zoning Ordinance on [insert adoption date], and which is incorporated into this Division by reference.

c. **Maximum Building Height.** No building may exceed 45 feet in height.

d. On-site parking is allowed within 10 feet of side and rear yard lines upon approval of the Commission. Such approval will be conditioned upon adequate buffering and screening. No parking is allowed in required yards that adjoin public rights-of-way.

E. Fairview Road Regulations

The following regulations apply to any proposed development on any property located on Fairview Road:

1. **Permitted Principal Uses and Structures:**

   a. Single-unit dwellings.

   b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

   c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

   d. Maternity supportive housing.

2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this Chapter:

   a. Accessory dwelling unit, accessory residential structure

   b. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.

   c. Home occupations.

3. **Minimum Lot Size Requirements:**

   a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.

   b. **Lot Area.** Each lot must contain a minimum lot area of 18,000 square feet.

4. **Lot Coverage.** Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.

5. **Minimum Setback Requirements**:

a. Building Setbacks:

i. North side, Moreland Avenue to Springdale Road, NE:

Front yard:	65 feet
Side yards:	20 feet.
Rear yard:	50 feet.

ii. North side, Springdale Road to Oakdale Road, NE:

Front yard:	90 feet
Side yards:	25 feet.
Rear yard:	100 feet.

iii. North side, Oakdale Road to the east end of Fairview Road, NE:

Front yard:	73 feet
Side yards:	25 feet.
Rear yard:	40 feet.

iv. South side, Moreland Avenue to the eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	35 feet.

v. South side, eastern side lot line of 1281 Fairview Road, NE:

Front yard:	59 feet
Side yards:	20 feet.
Rear yard:	100 feet.

vi. South side, Oakdale road to east end of Fairview Road, NE:

Front yard:	50 feet
Side yards:	25 feet.
Rear yard:	100 feet.

6. **Maximum Building Height.** No building may exceed a height of 35 feet.

F. Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway

The following regulations apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

1. **Permitted Principal Uses and Structures:**

a. Single-unit dwellings.

b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

d. Maternity supportive housing.

2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this Chapter:

   a. Accessory dwelling unit, accessory residential structure

   b. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.

   c. Home occupations.

3. **Minimum Lot Size Requirements:**

   a. **Lot Width.** Each lot must have a minimum lot width of 100 feet as measured along its frontage.

   b. **Lot Area.** Each lot must contain a minimum lot area of 38,000 square feet.

4. **Lot Coverage.** Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.

5. **Minimum Setback Requirements**:

   a. Building Setbacks:

      i. West side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	120 feet.
Side yards:	25 feet.
Rear yard:	50 feet.

      ii. East side of Springdale Road, Ponce de Leon Avenue to city limit:

Front yard:	100 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

      iii. West side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

      iv. East side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard:	110 feet.
Side yards:	20 feet.
Rear yard:	100 feet.

      v. West side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	125 feet
Side yards:	25 feet.
Rear yard:	100 feet.

vi. East side of Lullwater Road, Ponce de Leon Avenue to city limit:

Front yard:	75 feet.
Side yards:	20 feet.
Rear yard:	50 feet.

vii. East side of Lullwater Parkway, to city limit:

Front yard:	140 feet.
Side yards:	25 feet.
Rear yard:	100 feet.

viii. East side of Lullwater Parkway, to city limit:

Lullwater Conservation Garden

6. **Maximum Building Height.** No building may exceed a height of 35 feet.

G. Emory University

The following regulations will apply to any proposed development on any property located in the Emory University Subarea:

1. **Permitted Principal Uses and Structures:**

   a. Parks, playgrounds, active and passive recreation facilities, and associated buildings owned and operated by a governmental agency or private university.

   b. Single-unit residence consistent with the N1-R2 zoning district standards.

   c. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

   d. Maternity supportive housing.

2. **Permitted Accessory Uses and Structures.** Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures.

3. Minimum Lot Size Requirements:

   a. Lot width: 70 feet.

   b. Lot area: 9,000 square feet.

4. **Lot Coverage.** Lot coverage for all structures, parking and driveways may not exceed 35% of the lot area.

5. **Minimum Setback Requirements:**

   a. Distance to public street frontage: 35 feet.

b. Side yards: 7 feet.

c. Rear yard: 15 feet.

6. **Maximum Building Height.** No building may exceed a height of 35 feet.

DIVISION 6.4. **MARTIN LUTHER KING, JR. (LD3)**

A. Statement of Intent

The intent of the Martin Luther King, Jr. Landmark Districts is as follows:

1. To ensure that redevelopment and rehabilitation of the Landmark District will contribute to and enhance the particular significance of the area in which one of Atlanta's most renowned citizens, Martin Luther King, Jr., was born and grew to international prominence;
2. To ensure that those individual buildings of particular significance to the life and legacy of Martin Luther King, Jr. will be preserved and enhanced within the landmark district;
3. To preserve the environmental character and physical appearance of the area, including residential, commercial and institutional structures that were built during the late 19th Century and that were present during the life of Martin Luther King, Jr.;
4. To preserve the existing spatial relationships where significant and to ensure that any new development within the landmark district is compatible with the historic architectural and spatial attributes that prevail;
5. To encourage the preservation of the Martin Luther King, Jr. Landmark District in such a way as to reflect and reinforce the historic neighborhood character and the unique historical relationship between the surrounding residential uses and the commercial uses, and the unique historical relationship between the commercial uses and the rest of the city;
6. To provide for review of changes to street and lot patterns so as to achieve substantial consistency with the historic character of the landmark district while encouraging compatible new development;
7. To ensure that new development is complementary to and compatible with the existing historic structures in the landmark district;
8. To encourage compatible economic development, neighborhood revitalization, and promote the health, safety, and welfare of the landmark district's residents;
9. To promote pedestrian safety by ensuring and revitalizing pedestrian-oriented buildings which create a sense of activity and liveliness along their ground story façades;
10. To facilitate safe, pleasant and convenient ground story pedestrian mobility that minimizes impediments by vehicles;
11. To prevent the displacement of residents and to encourage affordable and equitable housing; and
12. To encourage the use of the Atlanta Streetcar, MARTA and other public transit facilities.

B. Scope of Regulations

The scope of the regulations for the Martin Luther King, Jr. Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.4* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.4* will apply.

2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Martin Luther King, Jr. Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of *Div. 6.4*, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Martin Luther King, Jr. Landmark District are as shown on the official zoning map. The district is divided into five subareas, delineated on said map, as follows:

1. Auburn Avenue Residential District, Subarea 1 (SA1).
2. Residential District, Subarea 2 (SA2).
3. Institutional District, Subarea 3 (SA3).
4. Auburn and Edgewood Avenues Commercial District, Subarea 4 (SA4).
5. Transitional Zone, Subarea 5 (SA5).

D. General Regulations

The following general regulations will apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in *Div. 6.4* do not specifically address the application in whole or in part:

    a. A property must be used for its historic purpose or be placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures* using minimal change to the defining characteristics of the building and its site and environment.

    b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.

    c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.

    d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

    e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

    f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.

i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. **The Compatibility Rule:**

a. **Block Definitions.** The following words and terms, when used in this Division, must have the meanings ascribed to them in this Section:

i. **Block.** An area of land located within a continuous perimeter of public streets. An individual block begins at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, is allowed to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.

ii. **Block Face.** One side of a block, located between two consecutive street intersections.

b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, must match that which predominates:

i. On contributing buildings of like use along the same block face in Subareas 1 and 2.

ii. On contributing buildings on the same block in Subareas 3 and 4.

c. Where quantifiable, such as building height or floor height, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.

d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

e. Building height must be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.

f. For new construction of single-unit or two-unit dwellings, the final average finished grade of the lot must be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard lot line adjacent to the public right-

of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.

g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face must be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage must be utilized.

h. Urban Gardens:

i. Market gardens are limited to parcels which are used for religious assembly or schools.

3. **Certificates of Appropriateness:**

a. **General Provisions:**

i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.

ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

iii. No Certificate of Appropriateness is required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.

iv. No certificates of appropriateness is required for demolition or moving of non-contributing structures.

b. **Type II Certificates of Appropriateness.** Type II certificates of appropriateness reviewed by the Director. The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:

i. Fences, walls and retaining walls;

ii. Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;

iii. New accessory structures and alterations to existing accessory structures;

iv. Shutters and awnings;

v. Security doors and window grates;

vi. Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and

vii. Paving intended for pedestrians including streetscapes, walkways, paths and porches.

If such Type II certificates of appropriateness meet the requirements of this Chapter and other criteria applicable to Type II certificates the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II certificates of appropriateness do not meet the requirements of this Chapter and such other criteria, the

Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a)* for Type I certificates.

c. **Type II Certificates Reviewed by the Commission.** All required Type II certificates of appropriateness not listed above will be reviewed by the Commission. In addition, the following will be reviewed by the Commission as a Type II Certificate of Appropriateness:

i. Alterations to any façade of any principal structure; and

ii. All site work, except as noted in *Sec.XX, General Regulations(3)(b)(i)(7)*.

d. **Type III Certificates of Appropriateness.** The following Type III certificates of appropriateness will be reviewed by the Commission and are required for:

i. All new principal structures;

ii. Additions;

iii. Height or building footprint revisions to previously approved plans that are yet to be constructed;

iv. Lot consolidations, subdivisions and replatting; and

v. Variances and administrative appeals.

e. **Type IV Certificates of Appropriateness:**

i. Type IV certificates of appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.

ii. A partial demolition of a contributing structure will require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

4. **Contributing Buildings List:**

a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Martin Luther King, Jr. Landmark district contributing buildings list." Said contributing buildings list will identify each building, structure or site within Subareas 1, 2, 3, 4 and 5 of the district that meets the definition of "contributing building, structure or site" set forth in *Sec. XX, Definitions*.

b. The Director will periodically review said contributing buildings list to correct errors or omissions to said list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.4* and *Div. 6.1*, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of

all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within five calendar days of the initiation of the action by the Director.

c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in *Subsection General Regulations(4)(b)* above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection General Regulations(4)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection General Regulations(4)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:

   i. Hearings on such review and approval by the Commission will be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and will be decided by the Commission within a reasonable time; and

   ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.4* and *Div. 6.1, General* of the Zoning Ordinance.

   In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

5. **Transitional Zone: Subarea 5.**

   a. The existing zoning map and regulations governing all properties within the Transitional Zone (Subarea 5) of the district will remain in full force and effect. The regulations set forth herein and in *Sec. XX, District Regulations* that pertain to the Transitional Zone (Subarea 5) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations.

   b. Applications for rezonings and special use permits within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Commission. Applications for building permits,

variances, subdivisions, replats or lot consolidations within the Transitional Zone (Subarea 5) will be reviewed and commented upon by the Director.

c. These regulations are intended to control through a review and comment procedure the potential for adverse impact resulting from development and redevelopment in the periphery of Subareas 1, 2, 3 and 4 of the district.

6. **Financial Hardship Exemptions:**

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

c. If the Commission finds that the requirement of *Subsection (6)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:

i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

a) The present and future income of the property owner(s) and those occupying the property;

b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;

c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;

d) The degree of existing architectural importance and integrity of the structure; and

e) The purpose and intent of this Division.

iii. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

7. **Lot Consolidations, Subdivisions and Replatting.** No subdivision, consolidation or replatting of parcels or lots will be approved unless the applicant establishes:

a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in *Div. 6.4*; and

b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the district. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots must conform to the historic platting pattern in these subareas with regard to lot size, dimensions, and configurations.

8. **Variances and Administrative Appeals:**

a. Variance applications and applications for administrative appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*. The Commission will have the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a) through (d)*.

b. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

9. **Prohibited Variances.** Notwithstanding any provision in this Division or part to the contrary, no variance from this Division maximum building height requirements will be permitted or authorized by the Commission, commission staff or any other board, official or entity.

10. **Time Period of Historical Significance.** Where referenced in this Division, the time period of historical significance for the district will be the lifetime of Martin Luther King, Jr. (1929—1968).

E. Use Standards

1. **Permitted Principal Uses and Structures.** The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:

a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses will be allowed only as listed within each Subarea within said table of uses and only in the manner so listed.

b. **Permitted Principal Uses.** A building or premises must be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

c. **Special Use Permits:**

i. Uses permissible only by special use permit are subject to limitations and requirements set forth herein or elsewhere in this part, and are also subject to the applicable procedures and requirements set forth in *Sec. XX, Intent, Classes of Special Permits*, et seq. Special use permits will be required as indicated with "SUP" and will be heard and decided by the City Council.

ii. The Commission may recommend conditions for special use permits regarding fencing, screening or other buffering, existence or location of lighting, hours of use, vehicular

traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

d. **Nonconforming Uses.** This Section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures must be regulated pursuant to *Div. 9.7, Nonconformities* of the Zoning Ordinance. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

e. **Prohibited Uses:**

i. All uses marked with an "--" in Table 1: Martin Luther King Jr. Landmark District Table of Uses are not allowed in the subarea(s) identified unless otherwise authorized in *Subsection XX, Permitted Principal Uses and Structures(2)* or *(3)* below. All uses not listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses are not allowed in all subareas unless otherwise authorized in *Subsection XX, Permitted Principal Uses and Structures(2)* or *(3)* below.

ii. No use or manner of operation is allowed 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.

iii. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is not allowed in this district, subject to the provisions in *Chapter 74, Article IV*, noise control.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES

	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
RESIDENTIAL USES					
Household Living					
General household living as follows:					*Sec. 4.3.2.A.*
1 dwelling per lot	P	P	P	P	
2 dwellings per lot	--	P	P	P	
3 or more dwellings per lot	--	--	P	P	
Live-work	--	--	P	P	*Sec. 4.3.2.A.*
Purpose-built student housing	--	--	P	P	
Group Living					
General supervised group living	--	--	S	S	*Sec. 4.3.2.B.*

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
General unsupervised group living	P	P	P	P	*Sec. 4.3.2.B.*
Dormitory, fraternity, or sorority	--	--	--	P	
Emergency shelter	--	--	S	S	*Sec. 4.3.2.B.*
Maternity supportive housing	P	P	P	P	
PUBLIC AND INSTITUTIONAL USES					
Civic					
General civic	P	P	P	P	
Community center, private	--	P (1)	P	P	
Library or museum, private					
Up to 2,000 SF	--	P (1)	P	P	
Above 2,000 SF	--	--	P	P	
Religious assembly	--	P	P	P	
Private Education					
General private education	--	--	P	--	
College or university, private	--	--	--	--	
Commercial school	--	--	--	P	
Day care, private	--	--	--	P	
Parks and Open Space					
General parks and open space	--	--	P	P	
Cemetery	--	--	--	--	
Utility					
General utility	P	P	P	P	
Commercial wind or solar	--	--	--	--	
Wireless Telecommunication					.
Type I: Modification (6)	--	--	P*	P*	*Sec. 4.3.3.A*
Type II: Small wireless collocation (6)	--	--	P*	P*	*Sec. 4.3.3.A*
Type III: Non-small wireless collocation (6)	--	--	P*	P*	*Sec. 4.3.3.A*
Type IV: Small wireless structure	--	--	--	--	*Sec. 4.3.3.A*
Type V: Non-small wireless structure	--	--	--	--	*Sec. 4.3.3.A*
COMMERCIAL USES					
Adult Establishment					
Adult Establishment	--	--	--	--	*Sec. 4.3.4.A.*
Agriculture					

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Farmers market	--	--	P*	P*	*Sec. 4.3.4.B.*
Indoor growing system	--	--	--	--	
Urban garden	P*	P*	P*	P*	*Sec. 4.3.4.A.*
Entertainment and Recreation					
General indoor entertainment and recreation	--	--	P	P	
General outdoor entertainment and recreation	--	--	--	--	
ATV park	--	--	--	--	*Sec. 4.3.4.C.*
Club, private	--	--	P	P	
Convention hall or event facility	--	--	P	P	
Golf course	--	--	--	--	
Lounge or nightclub	--	--	--	S	*Sec. 4.3.4.C.*
Party house	--	--	--	--	*Sec. 4.3.4.C.*
Sports arena, stadium, or field	--	--	--	--	*Sec. 4.3.4.C.*
Food and Beverage					
General food and beverage					
Up to 2,000 SF	--	P (1)	P	P	
Above 2,000 SF	--	--	P	P	
Bakery, wholesale					*Sec. 4.3.4.D.*
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Bar					*Sec. 4.3.4.D.*
Up to 2,000 SF	--	P (1)	P	P	
Above 2,000 SF	--	--	P	P	
Catering establishment	--	--	P	P	*Sec. 4.3.4.D.*
Delivery-based commercial kitchen	--	--	--	--	*Sec. 4.3.4.D.*
Microbrewery, microdistillery, or winery	--	--	P	P	*Sec. 4.3.4.D.*
Lodging					
General lodging	--	--	P	P	*Sec. 4.3.4.E.*
Bed and breakfast	--	P* (5)	P*	P*	*Sec. 4.3.4.E.*
Short-term rental	P*	P*	P*	P*	*Sec. 4.3.4.E.*
Medical					
General medical	--	--	-	P	

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Hospital	--	--	--	P	
Medical laboratory	--	--	--	--	
Office					
General office					
Up to 2,000 SF	--	P (1)	P	P	
Above 2,000 SF	--	--	P	P	
Sound recording studio					
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Parking					
Commercial parking lot (6)	--	--	S	S	
Commercial parking structure	--	--	P	P	
Personal Service					
General personal service					*Sec. 4.3.4.F.*
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Animal care, indoor	--	--	--	P	*Sec. 4.3.4.F.*
Animal care, outdoor	--	--	--	P	
Body art studio	--	--	--	P	*Sec. 4.3.4.F.*
Funeral home	--	--	--	S	*Sec. 4.3.4.F.*
Hair or nail salon					*Sec. 4.3.4.F.*
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Laundry service					*Sec. 4.3.4.F.*
Up to to 5,000 SF	--	--	--	P	
Retail					
General retail					
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
Alternative financial service	--	--	--	--	*Sec. 4.3.4.G.*
Artisan workshop	--	--	--	P	
Grocery store					
Up to 4,000 SF	--	P (2)	--	P	

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Above 4,000 SF	--	--	--	P	
Hookah or vape store	--	--	--	P	*Sec. 4.3.4.G.*
Package store	--	--	--	P	*Sec. 4.3.4.G.*
Retail bank	--	--	--	P	*Sec. 4.3.4.G.*
Small discount variety store	--	P*	--	P*	*Sec. 4.3.4.G.*
Transportation					
Passenger terminal	--	--	--	--	
Helipad	--	--	--	--	
Truck stop	--	--	--	--	*Sec. 4.3.4.H.*
Vehicle Sale and Service					
Vehicle sale and rental, light	--	--	--	--	*Sec. 4.3.4.I.*
Vehicle sale and rental, heavy	--	--	--	--	*Sec. 4.3.4.I.*
Vehicle service and repair, light	--	--	--	P	*Sec. 4.3.4.I.*
Vehicle service and repair, heavy	--	--	--	--	*Sec. 4.3.4.I.*
Car wash	--	--	--	--	*Sec. 4.3.4.I.*
Fuel sales	--	--	--	P	*Sec. 4.3.4.I.*
Wholesale Trade					
General wholesale trade	--	--	--	P	
Showroom	--	--	--	P	
Wholesale trade mart	--	--	--	--	
INDUSTRIAL USES					
Industrial and Manufacturing					
Low-impact industrial and manufacturing					*Sec. 4.3.5.A.*
Up to 2,000 SF	--	P (1)	--	P	
Above 2,000 SF	--	--	--	P	
High-impact industrial and manufacturing	--	--	--	--	*Sec. 4.3.5.A.*
Crematorium	--	--	--	--	
Research and development	--	--	P	P	*Sec. 4.3.5.A.*
Warehouse and Distribution					
General warehouse and distribution	--	--	--	--	
Data Center	--	--	--	--	*Sec. 4.3.5.B.*
Freight terminal	--	--	--	--	
Micro-distribution hub					

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Up to 2,000 SF	--	--	--	P	
2,000 - 8,000 SF	--	--	--	--	
Self-storage	--	--	--	--	*Sec. 4.3.5.B.*
Storage yard	--	--	--	--	*Sec. 4.3.5.B.*
Waste-Related Service					
General waste-related service	--	--	--	--	*Sec. 4.3.5.C.*
Green waste	--	--	--	--	*Sec. 4.3.5.C.*
Recycling drop-off center	--	--	--	--	*Sec. 4.3.5.C.*
ACCESSORY USES					
Accessory dwelling unit					*Sec. 4.5.2.A.*
1 accessory dwelling unit	P	P	P	P	
Up to 2 accessory dwelling units	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	*Sec. 4.5.2.B.*
Drive-thru, enclosed	--	--	--	--	*Sec. 4.5.2.C.*
Drive-thru, unenclosed	--	--	--	--	*Sec. 4.5.2.D.*
EV charging station, levels 1 and 2	P	P	P	P	
EV charging station, level 3	--	--	P	P	
Home art studio and gallery	P*	P*	P*	P*	*Sec. 4.5.2.G.*
Home occupation	P*	P*	P*	P*	*Sec. 4.5.2.H.*
Hookah or vapor consumption	--	--	P	P	
Outdoor amplified sound	--	--	P	P	*Sec. 4.5.2.J.*
Outdoor dining	--	--	P*	P*	*Sec. 4.5.2.K.*
Outdoor display	--	--	P*	P*	*Sec. 4.5.2.L.*
Outdoor pet area	--	--	P	P	
Outdoor storage, minor	--	--	P*	P*	*Sec. 4.5.2.N.*
Outdoor storage, major	--	--	--	--	*Sec. 4.5.2.O.*
Pedestrian bridge or tunnel	--	--	--	--	*Sec. 4.5.2.P.*
Public Art	S*	S*	S*	S*	*Sec. 4.5.2.Q.*
Renewable energy device	P	P	P	P	
TEMPORARY USES					
General temporary event					
Up to 90 days	--	--	P	P	

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TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	Sub Area 1: Auburn Ave. Res.	Sub Area 2: Residential	Sub Area 3: Institutional	Sub Area 4: Auburn/ Edgewood Commercial	Use Standards
Beyond 90 days	--	--	S	S	
Active construction structure	P	P	P	P	
Temporary outdoor sales	--	--	P*	P*	*Sec. 4.6.2.C.*

Notes:

(1) Limited to location set forth in *Sec. XX. Use Standards*

(2) On an undeveloped lots.

(3) Bed and breakfast uses in Subarea 2 must comply with the use restrictions of *Sec. XX. Use Standards*

(4)Park-for-hire surface parking lots must comply with the use restrictions of *Sec. XX. Use Standards*

(5) Use must comply with the use restrictions of *Sec. XX. Use Standards*

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

2. The following additional permitted principal use and structures provisions apply to Subareas 1 and 2:

   a. **Previously-Existing Uses.** Prohibited uses will be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the district regulations.

   b. **Bed and Breakfast Inns.** Bed and breakfast inns as defined in *Sec. XX, Application* are allowed, provided they meet the following modifications when located in Subarea 2:

      i. The bed and breakfast use must be within a contributing building within Subarea 2 of this Landmark District.

      ii. Up to three rooms must be available for guest stays.

      iii. The maximum length of stay may not exceed ten consecutive days.

      iv. No independent kitchen facilities are allowed.

      v. No more than three such uses are allowed within the entire Subarea 2.

      vi. All bed and breakfast uses will require a Type Iii Certificate of Appropriateness from the Commission. The Commission will allow such use only after determining that each of the above criteria have been met, that all other applicable requirements of this district and Subarea 2 have been met, and that satisfactory provisions and arrangements have been made by the applicant for each of the following criteria, as applicable to each application:

a) Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.

b) On-site parking and loading areas where required, with particular attention to the items in 1 above.

c) Refuse and service areas.

d) Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.

e) Hours and manner of operations.

f) Length of time regarding the duration of such certificate, if any, including any requirement that the Certificate of Appropriateness cease upon a change in ownership of the bed and breakfast.

c. **Irwin Street and Boulevard Non-Residential Uses.** The identified non-residential uses listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses within Subarea 2 will be allowed only when located within the Subarea 2 Limited Commercial Area as demarcated on Regulating Map B. Subarea 2 Limited Commercial Area and provided they meet each of the following restrictions:

i. Individual non-residential uses are limited to one such use per building, except that two or more non-residential uses may be located in a single building when the total floor area of the non-residential uses is 50% or less of all uses in the building.

ii. Individual non-residential uses are further limited as follows:

a) Hair salons are limited to a total number of two such establishments within the entire Subarea 2. Nail salons are not allowed as part of such uses.

b) Bars, private clubs, and nightclubs are not allowed.

c) Alternative financial service and body art studios are not allowed.

d) New construction within which such uses are located must maintain the residential character and scale of the subarea as determined by the Commission.

d. **Urban Gardens.**

i. Market gardens are limited to parcels which are used for religious assembly or education uses.

3. The following additional permitted principal use and structures provisions apply to Subareas 3 and 4:

a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40% of the floor area on the premises. No off-premises storage of such merchandise is allowed in the district as either a principal or accessory use.

b. **Animal Care.** Animal care must keep animals in sound-proofed buildings (allowed in Subarea 4 only).

c. **Commercial Parking Lots.** All commercial parking lots require a special use permit that meets all of the following requirements:

i. All requirements of *Sec. XX, Off-street Parking, Parking Structures, Driveways, Driveways and Curb Cuts(1)*;

ii. All requirements of *Sec. XX, Intent, Classes of Special Permits* et seq.;

iii. All special use permits granted for such use will expire 3 years after the issuance of said permit. No property interests of any kind related to such use may extend beyond said 3-year permit period. All infrastructure related to the use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.

iv. Properties that have been granted a special use permit for commercial parking lots are prohibited from obtaining additional subsequent special use permits for such use following the expiration of the initial permit.

v. Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly-accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.

d. **Wireless Telecommunication.** Only Type I, Type II, and Type III wireless telecommunication facilities are allowed in Subareas 3 and 4, subject to all applicable use standards of *Chapter 4* and the following:

i. Wireless telecommunications are authorized as noted in Subareas 3 and 4, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Chapter 4*.

e. **Active Depth Uses.** Active depth uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented streetscapes and streets. Active depth uses, where provided, must be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses are not considered active depth uses:

i. Drive-in and drive-through facilities.

ii. Parking and driveways.

iii. Accessory non-residential storage areas.

4. **Accessory Uses and Structures:**

a. The following accessory uses and structures provisions apply to Subareas 1 through 4:

i. Accessory uses and structures will be permitted in this district and will include those customarily accessory and clearly incidental to permitted principal uses and structures,

including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels, and similar devices.

ii. Active recreation facilities in any yard, required or other, adjacent to a street will require a special exception from the Commission, which special exception will be granted only upon finding that:

a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;

b) The area for such activity could not reasonably be located elsewhere on the lot; and

c) The Commission may further condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.

b. The following additional accessory uses and structures provisions apply to Subareas 1 and 2:

i. Accessory buildings and uses will be permitted as specified in *Sec. XX, Permitted Accessory Uses and Structures* for single-unit, two-unit and authorized multiple-unit property, subject to limitations and requirements set forth in this Division or elsewhere in this part.

ii. Requirements for accessory buildings:

a) Accessory buildings must be constructed concurrent with or after construction of principal buildings.

b) Carports or garages serving a single-unit or two-unit dwelling unit must be detached from and located to the rear of the principal structure.

c) The height of accessory buildings must be a maximum of 20 feet, as measured from existing grade at such building's location.

d) Accessory buildings may not cover more than 25% of the area of the rear yard.

e) Accessory buildings may not contain a total floor area greater than 30% of the principal structure.

f) The minimum rear yard setback for accessory structures must be 5 feet.

g) The minimum side yard setback for accessory structures must be 5 feet.

h) The compatibility rule will apply regarding all other elements not specified in *Subsections 3(b)(iii)(3)* through *(7)*.

c. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices are only allowed upon the rear-facing roof pitches of buildings. "Bubble-type" skylights are not allowed.

d. Urban gardens will be permitted as an accessory use. Market gardens are only allowed as an accessory use on parcels which are used for religious assembly or schools.

e. The following additional accessory uses and structures provisions apply to Subareas 3 and 4. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices are only allowed upon the rooftop of buildings that have flat roof surfaces.

F. Lot Standards and Building Heights

1. The following lot standards and building heights provisions apply to Subareas 1 and 2:

   a. **Lot Standards:**

      i. The compatibility rule will apply for the purposes of determining allowed lot coverage.

      ii. The lot provisions of *Sec. XX, General Regulations(7)* will apply to lot consolidations, subdivisions and replatting, except that:

         a) For those lots fronting along the northern side of Auburn Avenue and the southern side of Old Wheat Street, the minimum lot area must be 5,300 square feet.

         b) For those lots fronting along the south side of Auburn Avenue, the minimum lot area must be 10,000 square feet.

   b. **Building Heights:**

      i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction is 32 feet.

      ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction is 32 feet.

      iii. For all other areas, the height of any alteration, addition, or new construction will be established through the compatibility rule.

      iv. Notwithstanding the building height requirements of this district, previously existing building in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

2. The following lot standards and building heights provisions apply to Subareas 3 and 4:

   a. **Building Heights:**

      i. Maximum building heights will be allowed up to a maximum of one and one-half times the height allowed utilizing the compatibility rule, provided that:

         a) Eaast of Interstate 75/85, no building may exceed a height of 55 feet.

         b) West of Interstate 75/85, no building may exceed a height of 68 feet.

      ii. The building heights allowed in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.

iii. Notwithstanding the height requirements of these subareas, previously existing buildings in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

G. Streetscapes, Yards, and Outdoor Amenity Space

1. The following streetscapes, yards and outdoor amenity spaces provisions apply to Subareas 1 through 4:

   a. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

      i. New streetscapes and their corresponding zones must be the same width as the streetscapes on abutting properties. If no streetscapes exists on abutting properties, the new streetscape must match streetscape widths on the block. If no streetscape exists on the block, the new amenity zone must be a minimum of 2 feet wide and the new pedestrian zone must be a minimum of 5 feet wide.

      ii. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.

      iii. Changes or additions of planters, trash containers, street lighting, and similar elements, will require a Certificate of Appropriateness by the Commission.

      iv. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.

   b. **Yards.** Notwithstanding the building setback requirements of these subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.

   c. **Outdoor Amenity Space:**

      i. Outdoor amenity space is only required for multi-unit uses. All other uses have no outdoor amenity space requirements.

      ii. Outdoor amenity space must equal to 5% of the total floor area dedicated to multi-unit use.

2. The following additional yards provisions apply to Subareas 1 and 2:

   a. **Subarea 1:**

      i. The compatibility rule for front yards applies.

      ii. For side yard and rear yard building setbacks, a minimum of 7 feet is required.

iii. Parcels on the south side of Old Wheat Street between Hogue Street and Bradley Street may treat the Old Wheat Street frontage as the rear yard. Said parcels must locate their front yard fronting Auburn Avenue.

b. **Subarea 2:**

i. Except as provided below, all front, side and rear yard building setbacks must be established using the compatibility rule. All new construction must maintain a minimum of 10 feet for rear yard building setbacks where the compatibility rule would permit a smaller rear yard building setback, except as otherwise provided for accessory structures.

ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following lot standards apply:

Front yard:	7 feet.
Side yards:	3 feet.
Rear yard:	25 feet.

iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of boulevard, the following lot standards apply:

Front yard:	12 feet.
Side yards:	3 feet.
Rear yard:	6 feet.

3. The following additional yards provisions apply to Subareas 3 and 4:

a. **Front, Rear and Side Yards.** All front, rear and side yards for this subarea will be established through the compatibility rule, except that zero-lot-line side yards will be allowed as a minimum side yard allowance regardless of the compatibility rule application.

H. Design standards.

1. The following Design Standards provisions apply to Subareas 1 through 4:

a. **Building Compatibility:**

i. All elements of new construction must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

ii. The compatibility rule will apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.

iii. Fiberglass roofs are not allowed.

b. **Windows and doors:**

i. The compatibility rule will apply to the following aspects of windows and doors:

a) The style and material of the individual window or door.

b) The size and shape of individual window and door openings.

c) The overall pattern of windows and doors and glazing as it relates to the building facade.

d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

ii. Painted glass and reflective glass, or other similarly treated glazing, are not allowed.

iii. Except as otherwise provided in *Sec. XX, Design Standards(2)*, if muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

c. **Landscaping:**

i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.

ii. **Tree Preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., apply to this district.

d. **Screening:**

i. Frontages must be screened as specified in Sec. 8.4.3.

ii. Site elements must be screened as specified in Sec. 8.4.4.

2. The following design standards provisions apply to Subareas 1 through 2:

a. **Windows and Doors:**

i. Simulated divided light windows or plain sash windows will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.

ii. Windows must be predominantly vertical in proportion, may not be constructed in combination of more than two units, and must be double-hung.

iii. Front doors facing and parallel to the street will be provided.

iv. Front doors must be solid wood panel or single-pane fixed glass and must be composed of no more than 50% glazing.

b. **Front Yard Porches:**

i. Front yard porches must be provided.

ii. Front yard porches must contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.

iii. Decorative metal, resin, fiberglass and plastic columns are not allowed.

iv. Front yard porches are allowed to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.

v. Front yard porch steps must be wood, brick or concrete. Metal steps are not allowed.

vi. A paved walkway from the front yard porch to the adjacent public streetscape is required.

c. **Siding and Foundations:**

i. Due to the close proximity of structures and other characteristics unique to this Landmark District smooth face cementitious siding will be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.

ii. Siding must exhibit a horizontal, clapboard profile. Siding must have no less than a 4-inch reveal and no more than a 6-inch reveal.

iii. Foundations are only allowed to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.

iv. When provided, chimneys must be faced in brick and must originate at grade.

d. **Fences, Walls, and Retaining Walls:**

i. Fences are allowed within front yards at a maximum height of 4 feet. Barbed wire, razor wire and uncoated chain link or similar elements are not allowed.

ii. Fences and walls are allowed in side yards and rear yards only to a total combined height of 6 feet.

iii. Walls are not allowed in front yards except that retaining walls are allowed within front yards only when such retaining walls already exist on a block face based upon the compatibility rule. The allowable setback, height and materials of such fences and walls will be based upon the compatibility rule. Lots with retaining walls must utilize the top of the retaining wall for determining the finished grade level of the lot as established in *Sec. XX, General Regulations(2)(d)*.

3. The following design standards provisions apply to Subareas 3 through 4:

a. **Facades:**

i. Building materials for the façades of principal structures will be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any façade.

ii. Covering of the original façade is not allowed.

iii. Painting of unpainted building materials and masonry is not allowed.

iv. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.

v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.

vi. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.

b. **Active Depth Uses (See** *Sec. XX, Permitted Principal Uses and Structures(3)(e))*:

i. Active depth uses must be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.

ii. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the ground story building façade.

c. **Fences and Walls:**

i. All fences and walls will require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are not allowed.

ii. Fences and walls are not allowed in front yards or where otherwise visible to public view as determined by the Director of the Commission.

iii. Fences and walls will be allowed only to a total combined height of 6 feet.

d. **Glazing:**

i. A minimum of 60% of the length of the building façade must contain glazing.

ii. Ground story development without glazing may not exceed a maximum length of 10 feet of facade.

iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

e. **Lighting and Security Features:**

i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.

ii. Any security, decorative, or other lighting luminaries must be located a least 8 feet above the streetscape, driveway, or pedestrian area.

iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and may not be opaque.

iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.

f. **Awnings and Canopies:**

i. Original awnings and canopies must be retained.

ii. Replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.

iii. Awnings and canopies must have a minimum clearance of 8 feet above the ground story, and may not encroach more than 5 feet over the streetscape.

iv. Installation of new canopies upon contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.

v. Installation of new canopies upon non-contributing structures must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.

vi. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.

vii. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

viii. Multiple awnings on a single building must be similar in shape and configuration.

ix. Only that portion of the awning used for signage must be illuminated.

g. **Fuel Sales.** Fuel dispenser structures and associated vehicular services such as air pumps and car washes may not be located between a building and the closest adjacent streetscape.

I. On-site Parking, Parking Structures, Driveways, and Curb Cuts.

1. The standards of Division 8.3 apply, unless otherwise specified in this Section.

2. The following on-site parking regulations apply to Subareas 1 through 4:

a. Parking lots:

006

i. When utilized, on-site parking lots are not allowed between a building and an adjacent street without an intervening building.

ii. When authorized, commercial parking lots are not allowed within 65 feet of any public street frontage.

b. Transitions and transition screens for non-residential and multi-unit uses:

i. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.

ii. Screen wall extensions are allowed when surface parking is directly adjacent to a streetscape and additionally must:

a) Be located predominantly parallel and congruent with the adjacent building façade ;

b) Be a minimum height often 10 feet and a maximum height of 12 feet;

#006

Posted by **Matthew** on **04/07/2026** at **1:20pm** [Comment ID: 2610] - Link

Suggestion

Agree: 0, Disagree: 0

These rules are very strong on urban design, including active-use requirements for parking structures, limits on curb cuts, bans on circular drives in front of buildings, and continuation of streetscape paving across driveways. Those should be the default in more historic districts so preservation also supports walkability, safer cycling, and better transit access

c) Be a minimum of 50% permeable or articulated to avoid blank walls; and

d) Utilize the adjacent building for purposes of determining allowable materials and architectural features.

c. Notwithstanding anything to the contrary in the Atlanta Zoning Ordinance, urban gardens and market gardens are allowed primary uses and accessory uses within the Transitional Zone (Subarea 6).

3. The following regulations apply to parking structures within the district:

a. In addition to the parking deck regulations of *Sec. XX, Parking Structures*, parking structure façades must have the appearance of a horizontal storied building and must utilize the compatibility rule for the contributing structures of any use on the block for the purposes of determining building materials, building massing, architectural features, building heights and setbacks.

b. Parking structures must meet the active use requirements as regulated in *Sec. XX, Permitted Principal Uses and Structures(3)(e)*.

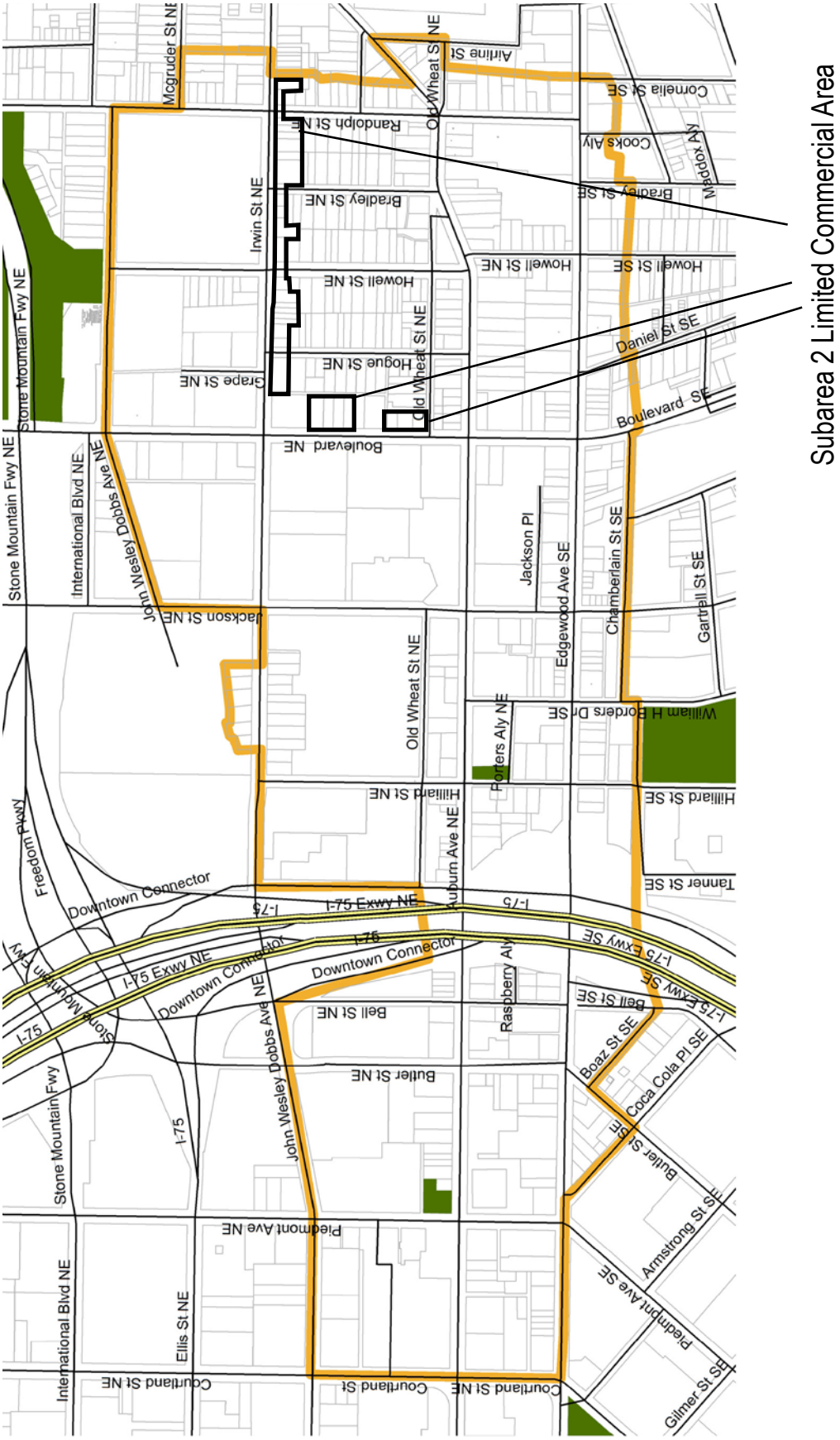
4. The following regulations apply to driveways and curb cuts within the district:

a. Circular drives and drop-off lanes are not allowed between any principal building and any public street.

b. Curb cuts and driveways are not allowed on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.

c. Streetscape paving materials must be continued across intervening driveways for all non-residential and multi-unit uses.

J. Regulating Map B. Subarea 2 Limited Commercial Area



DIVISION 6.5. **WASHINGTON PARK (LD4)**

A. Statement of intent.

The intent the Washington Park Landmark District is as follows:

1. To recognize the importance of Washington Park in the development of one of Atlanta's earliest black suburban communities, and to recognize and preserve the park as a recreation center important to the development of renowned Atlanta citizens and athletes such as Althea Gibson.

2. To ensure that future development plans are sensitive to and seek to preserve the historic character of Washington Park, the landscape, the park buildings, and the spatial relationships that create the aesthetic environment enjoyed by past and present residents of the area.

B. General regulations.

All proposals for renovation or addition to existing buildings or new construction in this Landmark District require a Certificate of Appropriateness issued by the Commission and must conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the Commission (*Sec. XX, Same; Types and Procedures*).

2. Upon a determination by the Commission that an application for renovation or new construction is at broad variance with the intent of these regulations, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment. Notification will include any government or nonprofit community institution that has legitimate interest in the historic integrity of this Landmark District.

3. Landscaping criteria:

   a. A Certificate of Appropriateness will be required for any alteration to existing streetscape, removal of all trees with a caliper of 4 inches or greater, or the removal of all shrub massings or hedges over 3 feet in height.

   b. Major site renovation or major alteration or existing planting will be subject to design review by the Commission.

   c. All trees with a caliper of 4 inches or greater, outside of the building side, which are cleared for any reason must be replaced with trees having a minimum caliper of 1½ inches.

4. It will be mandatory procedure for all parks and recreation personnel charged with maintenance and upkeep of Washington Park to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for maintenance of Washington Park.

   City personnel anticipating any activity to change the physical appearance or functional character of the landscape, walks, walls and fences, planting or buildings of Washington Park must initiate such activity only upon approval of the Commission as specified in this part.

DIVISION 6.6. **OAKLAND CEMETERY (LD5)**

A. Statement of intent.

The intent of the Oakland Cemetery Landmark District is as follows:

1. To preserve Atlanta's oldest municipal cemetery and its unique landscape, handcrafted statuary, and general architectural excellence.
2. To recognize and preserve Oakland Cemetery as a repository of Atlanta's history which includes her Civil War dead, slaves, paupers, and great citizens who include Margaret Mitchell, Bobby Jones and others.
3. To ensure that future development and maintenance considerations are sensitive to and compatible with the unique character of this irreplaceable portion of Atlanta's heritage.
4. To preserve Oakland Cemetery as a parklike oasis for passive recreation in this 19th century sculpture garden.

B. General regulations.

The following regulations apply to the entire Landmark District. All rehabilitation, restoration or new construction requires a Certificate of Appropriateness from the Commission. All proposed development must conform to the following regulations:

1. Regulations will be minimum standards which must be followed and will be applied by the Commission (*Sec. XX, Same; Types and Procedures*).
2. The Commission will further adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural landscape design and ensure the compatibility of future development and restoration within this Landmark District.
3. The power to hear, grant or deny variances from these regulations will rest with the Commission.
4. **Procedure for Variance.** Upon a determination of the Commission that an application for renovation or new construction is in conflict with the intent of these regulations or the guidelines, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (*Sec. XX, Intent*). Notification will include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
5. **Secretary's Guidelines.** In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 will be a part of these regulations and will be applied by the Commission.
6. Landscaping Criteria:
    a. A Certificate of Appropriateness is required for any alteration to existing walks, walls or drives and the removal of trees or shrubs other than "volunteers" which endanger the movements, mausoleums, walls, paths and steps, or hamper pedestrian and vehicular mobility.

b. Repairs to walks, walls and drives must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.

c. Construction materials within the cemetery must be limited to granite, marble, limestone, sandstone, molded concrete and brick.

d. The use of gravel, marble chips and granite dust on grave surfaces is not allowed.

e. A Certificate of Appropriateness will be required for any alteration to the existing tree or shrub planting within Oakland Cemetery.

f. The park-like character of Oakland Cemetery must be maintained by the planting of high branching native hardwood trees, sufficiently spaced apart to maintain a light shade which is conducive to the growth of grass. Tree and shrub species selected for new planting must be consistent with existing species within Oakland Cemetery. Evergreen species must be planted selectively to create contrast and interest. Hybrid and exotic trees and shrub species must be prohibited.

7. Buildings, Mausoleums and Monuments:

a. Existing buildings in Oakland Cemetery consists of a watchhouse, the tower building, maintenance barns and public toilets. A Certificate of Appropriateness will be required for the demolition or repair of any existing building.

b. Repair of existing buildings must be done with matching materials, style and technique. The final result must be of a quality equal to the original work and contiguous with adjacent masonry.

c. No additional buildings are allowed.

d. All buildings in the Landmark District must be subject to the provisions for demolition or removal of existing structures as specified in *Sec. XX, Certificates of Appropriateness; Generally(3)* of this part.

e. The Preservation Briefs #1 prepared by the Technical Preservation Services Division of the Office of Archeology and Historic Preservation and Recreation Service will be adhered to for the cleaning of all buildings and monuments and mausoleums.

8. It will be mandatory for all parks and recreation personnel charged with the maintenance and upkeep of Oakland Cemetery to be made aware of the intent and specific content of these regulations. A copy of these regulations must be maintained on the site with the supervisory staff responsible for the maintenance of Oakland Cemetery.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, drives, walks, walls, monuments, mausoleums, planting or buildings of Oakland Cemetery will initiate such activity only upon approval of the Commission as specified in this part.

DIVISION 6.7. **BALTIMORE BLOCK (LD6)**

A. Statement of Intent

The intent of the Baltimore Block Landmark District is as follows:

1. To preserve and enhance the architectural and historic character of the residential row houses on the north side of Baltimore Place.
2. To preserve and enhance the environmental quality of Baltimore Block and the spatial relationships between the buildings and street.
3. To maintain continuing harmony between new development in the district and the character of Baltimore Block.

B. Boundaries

The boundaries of the Baltimore Block Landmark District are as shown on the official zoning map.

C. General Regulations

The following regulations apply to the entire Baltimore Block Landmark District. Any proposed development require a Certificate of Appropriateness from the Commission and must conform to the following regulations:

1. **Minimum Standards.** Regulations are the minimum standards which must be followed and will be applied by the Commission. The power to hear, grant or deny variances from these regulations will rest with the Commission. Upon a determination by the Commission that an application for renovation or new construction is at broad variance with the intent of these regulations or guidelines, the Commission will institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (*Sec. XX, Scope of Provisions*). Notification must include any governmental or nonprofit institutions that have legitimate interest in the historic integrity of this historic district.
2. **The Compatibility Rule.** The intent of the regulations is to ensure that alterations to existing structures and new construction are compatible with the design, scale and general character of the existing buildings in the district. All building standards contained in *Sec. XX, Design Controls* are subject to the compatibility rule and to the issuance of a Certificate of Appropriateness by the Commission.
3. **Guidelines.** The Commission will adopt and maintain guidelines that will extend the intent of these regulations, further define elements of architectural style and applicability and will further ensure the compatibility of future development in the Baltimore Block Historic District.
4. **Secretary's Guidelines.** In addition to specific standards listed herein, the General and Specific Standards for Historic Preservation Projects, as put forth by the U.S. Secretary of the Interior for all properties listed on the National Register, must be a part of the regulations for the Baltimore Block Landmark District.
5. **Demolition or Removal of Existing Buildings.** All buildings in the district are subject to the provisions for demolition or removal of existing structures as defined in *Sec. XX, Certificates of Appropriateness; Generally*.

D. Permitted Principal and Accessory Uses

In addition to the general regulations required in *Sec. XX, General Regulations*, the following regulations apply to any new development, rehabilitation or conversion of existing structures to permitted uses within the Baltimore Block Landmark District.

1. **Permitted Principal Uses.** A building or premises may only be used for the following principal purposes:
    a. Single-unit, two-unit and multi-unit dwellings.
    b. Maternity supportive housing.
    c. General offices, home art studio and gallery.
    d. General food and beverage.
    e. General lodging.
    f. General supervised group living, maternity supportive housing.
    g. Urban gardens.
    h. Market gardens.
    i. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.
2. **Permitted Accessory Uses and Structures.** All accessory uses and structures are subject to approval of the Commission and must be located to the rear of the principal structure.

E. Lot Standards

1. **Minimum Setback Requirements.** The existing building setback line must be maintained.
2. **Maximum Height.** The existing building height must be maintained.
3. **Parking Location Requirements:**
    a. On-site parking is allowed only in rear yards and must be subject to design review and approval by the Commission.

F. Building Standards

1. **Roofs and Cornice:**
    a. New roofs must match original roof in cornice line, cornice decoration and materials.
    b. Existing chimneys may not be removed. Repairs to any new chimney must conform as closely as possible to the original brick in color, size, texture and pattern.
2. **Facades:**
    a. Covering of the existing façade is not allowed.
    b. Façade repairs or replacement must match original materials. All existing trim must be repaired or replaced, if necessary, by matching original in material, color and dimensions.

c. Replacement of windows and exterior doors, when required due to deterioration, must match the original openings and conform to the original windows in material and style.

d. All exterior window and door trim and other trim pieces must match original in material and dimensions.

e. Windows may not be permanently boarded or blocked.

f. No window air conditioning units or other obstructions to the original façade are allowed.

g. No exterior awnings or shutters may be added.

h. Painting of the brick is not allowed.

i. All brick cleaning must be done with low-pressure water and mild detergents.

j. Trim paint color must be approved by the Commission.

3. **Entry Features:**

a. Exterior doors which are repaired or replaced must match the original.

b. The entry feature must be retained in its original form.

4. **Front Steps and Landings:**

a. Front steps and landing platforms must be constructed or repaired with the same floor dimensions, height and materials of the same color and size.

b. Existing ironwork and other decorations must remain or be replaced to match original material, color, dimensions and style.

5. **Walls and Courtyards.** Walled rear gardens are a characteristic of Baltimore Block. The retention and reconstruction of garden walls is encouraged. Construction of new walls or the renovation of existing walls must require design review and a Certificate of Appropriateness by the Commission.

G. Special Permits

The following uses require a special permit of the Type Indicated to be granted by the Commission in accordance with the applicable provisions of *Div. 9.2, Legislative Review* of this Part.

1. **Special Use Permits:**

a. Emergency shelter.

DIVISION 6.8. **WEST END (HD1)**

A. Statement of Intent

The intent of the West End Historic District is as follows:

1. To preserve the integrity of the neighborhood, which includes residential and educational buildings, constructed during the late 19th century and early 20th century;
2. To preserve the environment, character and physical appearance of the area;
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
4. To encourage and ensure development compatible with the existing character of the district;
5. To ensure that new development which utilizes contemporary design and materials is compatible with and sensitive to the character of the district;
6. To preserve and encourage the residential character of the district;
7. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the residential areas;
8. To ensure that existing design characteristics in the residential area, serve as a base line description against which plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
9. To preserve the residential character of all streets and thoroughfares in the district;
10. To encourage economic development, neighborhood revitalization, and prevention of displacement of residents; and
11. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the West End Historic District remain in full force and effect. The following zoning regulations are overlaid upon, and must be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (*Div. 6.8*) will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations *(Div. 6.8)* shall be governed by the interpretation provision set forth in Sec. *XX, Further Provisions(c)* of the Code of Ordinances.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.

C. Boundaries

The boundaries for the West End Historic District constitute an overlay Historic District (HD) zoning

district as shown on the official zoning map. The district is denoted into two subareas, Subarea I, lying to the north of Ralph David Abernathy, Jr. Boulevard, and Subarea II, lying to the south of said street. All of the regulations contained in this Division will apply to both subareas.

D. Organization

The overlay zoning regulations for the West End Historic District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts apply to all property located within this district.

E. General Regulations

The following general regulations apply to the West End Historic District.

1. **Certificates of Appropriateness.** Certificates of appropriateness within this district are required as follows:

   a. **When required:**

      i. To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;

      ii. To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and

      iii. To demolish or move any contributing structure, in whole or in part, within the district.

   b. **Type required:**

      i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in Sec. *XX, Same; Types and Procedures*.

      ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

      iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this Section.

      iv. The following Type II Certificates of Appropriateness must be reviewed by the Director of the Commission and are required for any of the following:

         a) fences, walls, retaining walls;

         b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;

         c) new accessory structures and alterations to existing accessory structures;

         d) shutters, awnings if visible from a public street;

e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and

f) paving.

v. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a) fo*r Type I Certificates.

vi. The following Type II Certificates of Appropriateness must be reviewed by the Commission and are required for any of the following to the extent they are visible from a public street:

a) Alterations to any facade of any principal structure; and

b) All site work, except as noted in *Sec. XX, General Regulations(b)(4)*.

vii. The following Type III Certificates of Appropriateness must be reviewed by the Commission and are required for:

a) All new principal buildings.

b) Additions that are visible from a public street or park.

c) Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.

d) Subdivisions and consolidations.

e) Variances.

viii. Type IV certificates of appropriateness must be reviewed by the Commission and will be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing structure requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

2. **The Compatibility Rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and

width as measured at front facade, floor height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in Div. 9.6, Quasi-Judicial Review, which provisions are hereby incorporated herein.

4. Financial Hardship Exemptions:

   a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

   b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

   c. If the Commission finds that the requirement of *Subsection (ii)* below is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:

      i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

      ii. The Commission must consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

         a) The present and future income of the property owner(s) and those occupying the property;

         b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;

         c) The costs associated with adherence to the district regulations;

         d) The degree of existing architectural importance and integrity of the structure; and

         e) The purpose and intent of this Division.

   d. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

5. **Lot size.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this *Div. 6.8* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.

F. Specific Regulations

In addition to the general regulations set forth in Sec. *XX, General Regulations*, and any other applicable regulations, the following regulations apply to all rehabilitations, new construction, alterations, and other changes:

1. Generally, the following building elements and architectural features shall be considered when applying Sec. *XX, Same; Further Standards* of this Division to the West End Historic District: doors, windows, foundations, ground story elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.

2. Building Facades:

    a. All new construction must conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main building facade must face the principal street whenever possible.

    b. At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule. This requirement must also apply to those sides of corner lots which also face a street.

    c. All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

    d. Siding repair or replacement must match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.

    e. Contemporary design of new construction, compatible with adjacent and surrounding structures, is allowed.

    f. Height of the ground story front building facade above grade are subject to the compatibility rule. Notwithstanding the compatibility rule, the ground story of the principal structure must be on foundations and must be elevated above grade at the front building facade a minimum of two entrance risers each of which must be not less than 7 inches in height. Slab-on-grade construction is not allowed.

    g. No structure may exceed that height established by the compatibility rule.

3. Windows and Doors:

    a. Architecturally significant windows and doors, including details, trimwork, and framing, must be retained.

    b. Original window and door openings may not be blocked or enclosed, in whole or in part.

    c. Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is allowed.

d. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

e. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.

f. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.

g. New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and style to existing windows and doors.

h. The ratio of openings to solid for all new construction (for example, windows to wall) must be established by the compatibility rule.

i. The scale, size, proportion, and location of all openings in new construction must be established by the compatibility rule.

j. New windows or doors added to existing structures must be located non-street-facing building facades.

k. New or replacement doors must be made of wood and must contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

4. Storm Doors, Storm Windows, Shutters and Awnings:

a. Shutters may not be added to the building if they were not a part of the original building.

b. Shutters must be operable or appear operable, and shall fit the size of the window.

c. Replacement shutters must match the original shutters in design, materials and configuration.

d. Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.

e. Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.

5. Foundations:

a. Foundation materials, including infill materials, must replicate the original materials in size, shape, color, texture and mortar, and must be installed using construction techniques similar to the original.

b. New foundations must be of masonry or concrete construction. Other foundation materials are allowed provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.

c. Slab on grade is not allowed.

d. Lattice, painted concrete block, brick or stucco must be used as infill between foundation masonry piers when infill is otherwise required.

6. Chimneys:
    a. Chimneys must match original materials, mortar, color and pattern whenever possible.
    b. New chimneys must be faced with brick or stucco.
    c. Siding on chimneys is not allowed.
    d. When any portion of a chimney is visible from a public street as a facade element, the chimney must originate at finished grade.
7. Roofs:
    a. Replacement roofing materials must be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
    b. Cold-rolled roofing is only allowed on flat roofs. Corrugated metal and corrugated fiberglass roofs are not allowed.
    c. The use of synthetic roofing materials is only allowed if not visibly distinguishable from the original as viewed from the public street.
    d. The shape and pitch of roofs for new construction will be subject to the compatibility rule.
    e. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are allowed on roofs of buildings provided they are not visible from any public right-of-way.
8. **Decks.** Decks must be constructed to the rear of the structure and may not extend beyond the sides of the structure. Decks on the corner lots must be screened with fencing or vegetation to reduce visibility from the public street.
9. Porches:
    a. Architecturally significant porches, including their component features, steps and stoops must be retained.
    b. Replacement porches, steps and stoops must match the original in size, style and materials. All front porch steps must have closed risers and ends.
    c. Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
    d. New or replacement porches must contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail may not be more than 33 inches above the finish porch floor, except as required by the City's Building Code.
10. **Accessory Structures.** Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may not project beyond the front of the main structures. In addition, said structures must be located in the least visible

location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

11. **Landscaping.** The Tree Ordinance of the City of Atlanta apply to the West End Historic District.

12. Paved Surfaces:

    a. The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets must be retained. The design and material of new replacement paving materials must be subject to the compatibility rule.

    b. The design and material of new paved surfaces areas, other than those specified in subsection *(a) above*, including driveways, walkways, and patios, or portions thereof, must be subject to the compatibility rule.

    c. New driveways may not exceed a width of 10 feet not including the flare at the street.

13. On-Site Parking Requirements:

    a. On-site parking is not allowed in the front yard or side street yard.

    b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the primary street setback for the side street will apply to the construction of a carport or garage.

14. Fences:

    a. Fences may only be fabricated of brick, iron, wood or metal pickets. Fence lines must follow or run parallel to a lot line in the front and side street yards. Fences may not obscure the street-facing building facade.

    b. Fences located in the front or side street yard may not exceed 4 feet in height. Front yard fences may exceed 4 feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.

    c. Fences may not exceed 6 feet in height when located in the side or rear yards.

    d. Chain link fabric is not allowed in a front yard or side street front yard.

    e. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front or side street yard.

    f. Walls are only allowed in the rear and side yards only when such yards are not adjacent to a street and when such walls are located behind the rear facade of the principal structure. When such walls are allowed, they must be six 6 feet or less in height.

15. Retaining Walls:

    a. The height of existing retaining walls located adjacent to a right-of-way must be maintained. New or replacement retaining walls must be constructed of or faced with concrete stucco, natural stone or brick.

    b. The height and materials of retaining walls located in the side or rear yards is not restricted. Concrete block may be used, provided a veneer of stone, brick, or concrete stucco is applied.

16. Ornaments:
    a. Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, must be retained.
    b. Replacement ornaments are only allowed when originals cannot be rehabilitated.
    c. Installation of new ornaments, where none previously existed, are only allowed when it is in accordance with the architectural style of the original structure.
17. Streetscapes:
    a. Existing public streetscapes and associated topography must be retained.
    b. The public streetscape must be the same width as the sidewalk on abutting properties.
    c. The compatibility rule must apply to public streetscape paving materials.
    d. Where a public streetscape to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk must be poured concrete bordered with brick laid flat.

DIVISION 6.9. **HOTEL ROW (LD7)**

A. Statement of intent.

The intent of the Hotel Row Landmark District is as follows:

1. To preserve the integrity of the district, which consists of a single block of six commercial buildings containing rare examples of Atlanta's turn-of-the-century commercial architecture and which block contains six commercial buildings which are typical American late-19th- and early-20th-century commercial style structures;
2. To preserve the environment, character and physical appearance of the district;
3. To ensure harmony and compatibility of visual qualities and spatial relationships throughout the district;
4. To ensure new construction is compatible with and sensitive to the existing character of the district;
5. To ensure that original design characteristics of the commercial structures serve as a base line description against which all future plans for rehabilitation and new construction will be judged for harmony, compatibility and appropriateness;
6. To encourage economic revitalization; and
7. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The official zoning map and regulations governing all properties with the Hotel Row Landmark District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations *(Div. 6.9)* will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply, and any variance between said other regulations and these overlay district regulations (*Div. 6.9)* will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)*.

Except when otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.

C. Boundaries

The boundaries for the Hotel Row Landmark District constitute an overlay Landmark District (LD) zoning district, as shown on the official zoning map. All of the regulations contained in this Division apply to the entire district.

D. Organization

The overlay zoning regulations for the Hotel Row Landmark District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts apply to all property located within the district.

E. General Regulations

The following general regulations will apply to the Hotel Row Landmark District:

1. Certificates of appropriateness are required as is generally provided in *Div. 6.1*, provided that a partial demolition requires of Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

2. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this *Div. 6.9* when, due to special conditions, a literal enforcement of its provisions in a particular case will regulations in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*, which provisions are hereby incorporated herein.

3. Notwithstanding any other existing zoning regulation(s), the following uses and structures, whether principal, accessory, permitted, or transitional, are not allowed in this district:

    a. Type IV: small wireless structures;

    b. Type V: non-small wireless structures;

    c. Commercial parking lot and commercial parking structures;

    d. Light vehicle sales and rental;

    e. Fuel sales;

    f. Helipad;

    g. Residential uses within the front half of the floor area of the ground story; and

    h. Package stores.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations apply to all rehabilitations, new construction, alterations, and other changes.

1. Generally, the following building elements and architectural features will be considered when applying *Sec. XX, Same; Further Standards* of the Code of Ordinances to the Hotel Row Landmark District: doors, windows, display windows, transoms, bulkheads, roofs, roof features, gutters, downspouts, cornices, and building materials.

2. Non-display Windows and Doors:

    a. Original windows and doors, including details, trimwork, and framing, must be retained.

    b. Original window and door openings may not be blocked or enclosed, in whole or in part.

    c. Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in style, materials, shape, size,

scale, proportion, placement, details and trimwork with no more than one-inch width or height difference from the original size.

d. Flat "snap-in" muntins and muntins sandwiched between layers of glass are not allowed.

e. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.

f. New doors and windows, when allowed, must match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original windows and doors on the same structure.

3. Display Windows, Transoms, and Bulkheads:

a. Original display windows, transoms and bulkheads, including details, trimwork and framing, must be retained.

b. Original display window and transom openings may not be blocked or enclosed, in whole or in part.

c. Replacement display windows, transoms and bulkheads are only allowed when originals cannot be rehabilitated. Replacement display windows, transoms and bulkheads must match the original in style, materials, shape, size, scale, proportion, placement, details and trimwork with not more than one-inch width or height difference from the original size.

d. Flat "snap-in" muntins and muntins sandwiched between layers of glass are not allowed.

e. Dropped ceilings, when located below the top of the transom or display windows, must be sufficiently recessed from the window opening to maintain the original appearance.

f. New display windows, transoms and bulkheads, when allowed, must match the style, materials, shape, size, scale, proportion, placement, details, and trimwork of other original display windows, transoms and bulkheads on the same structure.

4. Façades:

a. Covering of the original façade is not allowed.

b. Façade repairs or replacement must match original material in size, shape, texture, color and mortar and must be installed using construction techniques that are substantially similar to the original construction techniques. All existing trim must be repaired or replaced, if necessary, by matching original in material, color and dimensions.

c. Painting of unpainted brick, stone and terra cotta is not allowed.

d. All cleaning of brick, terra cotta, and stone must be done with low-pressure water and mild detergents.

e. All repairs to original mortar must duplicate existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.

5. **Cornices.** New cornices must match the original in cornice line, width, decoration and materials. Fiberglass is allowed as a substitute material to replace, in whole or part, an original cornice when the original cornice can not be rehabilitated.

6. Ornaments:
    a. As used herein, ornaments are details, which may include or be added to cornices, brackets, downspouts, columns, doors, window moldings, and other similar elements of a building, for the purpose of embellishment.
    b. Original ornaments must be retained.
    c. Replacement ornaments are only allowed when originals cannot be rehabilitated. Replacement ornaments must match the original in style, materials, shape, size, scale, color and placement.
    d. Installation of new ornaments, where none previously existed, are only allowed when they adhere to the characteristics of the architectural style of the original structure.
7. Exterior Paving Materials:
    a. Hexagonal streetscape pavers must be retained.
    b. Hexagonal streetscape pavers must be used for any streetscape repairs in the Hotel Row Landmark District.
    c. Decorative tile work in the recessed entry features and edges of storefronts and the alleyway must be retained whenever possible.
    d. Replacement tile work is only allowed when originals cannot be rehabilitated and must match the original in size, shape, pattern and materials.
8. Security Gates or Grilles:
    a. Security gates or grilles must be installed in a manner which does not irreparably damage the storefront of the building.
    b. Security gates or grilles, whether in the open or closed position, may not substantially obscure the storefront of the building.
    c. Security gates or grilles must fit within the storefront window or door opening. Security gates or grilles must be unobtrusive and fully retractable during business hours.
    d. Housing for security gates or grilles must be placed under a sign band, awning or canopy whenever possible. When such placement is not possible, housing for security gates or grilles must be painted to match the building façade.
9. Awnings:
    a. Awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.
    b. Awnings must be attached to the storefront in that area above the display and transom windows and below the cornice and signboard area, or mounted in that area between the storefront display window and the transom window.
    c. Awning material must be fire-retardant canvas duck or textured mat finish vinyl or acrylic.

d. Multiple awnings on a single building must be closely matching in color and style.

e. Only that portion of the awning used for signage must be illuminated.

10. Canopies:

a. Original canopies must be retained.

b. Replacement canopies are allowed only when original canopies cannot be rehabilitated.

c. Installation of new canopies, where none previously existed, is only allowed when they adhere to the characteristics of the architectural style of the original structure.

11. Special Features:

a. The eight-foot covered alley between the building located at 211—215 Mitchell Street and the building at 217—221 Mitchell Street, and which connects these two (2) buildings, must be retained.

b. Replacement materials for the alley are only allowed when originals cannot be rehabilitated and must match the original in size, material, design, pattern, color and texture whenever possible.

12. Lot Standards:

a. **Minimum Setback Requirements.** The building setback line existing on the date of original adoption of this district must be maintained.

b. **Maximum Building Height.** The building heights existing on the date of original adoption of this district must be maintained.

c. **Streetscape.** Compliance with streetscape width standards of *Div. 3.5* is not required in the Hotel Row Landmark District.

DIVISION 6.10. **ADAIR PARK (HD2)**

A. Statement of Intent

The intent of the Adair Park Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue the single- and two-unit residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district;
4. To preserve existing landscape features that exhibit or will assist in maintaining significant historic elements;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To require that additions and modifications to existing structures reinforce the historic architecture, qualities, and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
9. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Adair Park Historic District will remain in full force and effect. The following zoning regulations (*Div. 6.10*) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations *(Div. 6.10)* will apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.10* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.10* will apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations (*Div. 6.10*) the interpretation provision set forth in Sec. *XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Adair Park Historic District are shown on the official zoning map. The district is divided into three subareas, as shown on said official zoning map, which known as:

1. The Residential Subarea (SA1);

2. The Transitional Commercial Subarea (SA2); and
3. The Transitional Industrial Subarea (SA3).

D. Organization

The overlay zoning regulations for the Adair Park Historic District are composed of four sections:

1. *Sec. XX, General Regulations and Design Review Procedures*: General regulations and design review procedures that apply to all properties located within the District.
2. *Sec. XX, Specific Regulations - Residential Subarea I*: Specific regulations for properties in the Residential Subarea I.
3. *Sec. XX, Specific Regulations - Transitional Commercial Subarea*: Specific regulations for properties in the Transitional Commercial Subarea II.
4. *Sec. XX, Specific Regulations - Transitional Industrial Subarea III*: Specific regulations for properties in the Transitional Industrial Subarea III.

E. General Regulations and Design Review Procedures

The following regulations apply to all properties within the Adair Park Historic District.

1. General criteria:
    a. Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness will be those specified in Sec. *XX, Same; Types and Procedures* of the Zoning Ordinance.
    b. The commission will use the following regulations only if the specific subarea regulations do not address the application:
        i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
        ii. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.
        iii. Each property shall be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
        iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved.
        v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.
        vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.

vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used. Painting of unpainted masonry is not allowed.

viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

x. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. **The compatibility rule.** The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at the front building facade, story height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Certificates of appropriateness.** City of Atlanta applications used to review design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

   a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

   b. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness, but must comply with Sec. *XX, General Regulations and Design Review Procedures(7)*.

   c. Type II certificates of appropriateness will be reviewed by the Director of the Urban Design Commission and are required for:

      i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.

      ii. Fences, walls, accessory structures, decks, rear porches, and paving.

iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of Sec. *XX, Specific Regulations - Residential Subarea I,* Sec. *XX, Specific Regulations - Transitional Commercial Subarea II, or* Sec. *XX, Specific Regulations - Transitional Industrial Subarea III*, as applicable, the Director of the Commission will issue Type II certificate within 14 days of the application.

iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of Sec. *XX, Specific Regulations - Residential Subarea I,* Sec. *XX, Specific Regulations - Transitional Commercial Subarea II, or* Sec. *XX, Specific Regulations - Transitional Industrial Subarea III,* as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of the application.

v. Appeals from any such decision of the Director regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a)* for Type I certificates.

d. Type III certificates of appropriateness must be reviewed by the Commission and are required for:

i. All new principal structures.

ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.

iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.

iv. Subdivisions and consolidations as required per Sec. *XX, General Regulations and Design Review Procedures(6)*.

v. Variances.

e. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

4. **Variances and appeals.** Variance applications and appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances will be the same as those specified in Div. 9.6, Quasi-Judicial Review of this Part 16. The Commission will have the authority to grant or deny applications for appeal pursuant to the standards in Sec. *XX, Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in Sec. *XX, Appeals from Decisions of Administrative Official(e)*, will also apply to the Commission's decision.

5. Financial hardship exemptions:

a. These regulations set forth a minimum standard of architectural compatibility. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.

c. If the Commission finds that this requirement of *Subsection XX, General Regulations and Design Review Procedures(5)b*. herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

   i. The present and future income of the property owner(s) and those occupying the property;

   ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;

   iii. The cost associated with adherence to the subarea regulations;

   iv. The degree of existing architectural importance and integrity of the structure; and

   v. The purpose and intent of this Division.

d. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

6. **Subdivisions or consolidations.** In Subarea I, the platting pattern of the Adair Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation will be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances all subdivisions or consolidations of lots will conform to the historic platting pattern in the Adair Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation will be approved unless and until the Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood.

F. Specific Regulations—Residential Subarea I

In addition to the general regulations set forth in Sec. *XX, General Regulations and Design Review Procedures*, and any other applicable regulations, the following regulations apply to all properties within Residential Subarea I:

1. Lot Standards:

   a. Setbacks:

i. Primary street setbacks: Front yard setbacks of new principal structures must either: i) conform to the setback of the previously existing contributing building of like use; or ii) must be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

ii. Side setbacks: Side setbacks of new principal structures or additions must either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than 7 feet.

iii. Rear setbacks: Rear setbacks of new principal structures or additions must be a distance no less than 15 feet. On through lots, the secondary frontage must be treated as the rear setback.

b. **Height.** The height of new principal structures must conform to the compatibility rule. Additions to existing structures are not subject to the compatibility rule but may be no higher than the main ridgeline of the existing structure.

2. Architectural standards:

a. Building facades:

i. All building materials which upon completion are visible from the public right-of-way, must be compatible with those which predominate in the subarea.

ii. Siding repair or replacement must match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.

iii. Contemporary design of new construction, compatible with adjacent and surrounding structures, is allowed.

b. Windows and doors:

i. Architecturally significant windows and doors including details, trim, and framing must be retained. Original window and door openings may not be blocked or enclosed in whole or in part.

ii. Replacement windows and doors are only allowed when originals cannot be rehabilitated.

iii. Replacement windows and windows on new construction must be a wood or wood fiber composite product. Vinyl, PVC, aluminum, or clad windows are not allowed.

iv. The use of simulated divided light windows is allowed, provided that the muntins are integral to the sash and permanently affixed to the exterior face of the glass.

v. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.

vi. New doors and windows, when allowed, must be placed on the side and rear of the structure and be compatible in scale, size, proportion, placement, and style to existing windows and doors.

vii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.

viii. New or replacement doors must be made of wood and may contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion, placement, and style.

ix. The ratio of openings to solid for all new construction (for example, windows to wall) must be established by the compatibility rule.

x. The scale, size, and proportion of all openings in new construction must be established by the compatibility rule.

c. Foundations:

i. Foundation materials, including infill materials, must replicate the original materials in size, shape, color, texture and mortar, and must be installed using construction techniques similar to the original.

ii. Foundations on new construction must be of masonry or concrete construction. Other foundation materials are allowed provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.

iii. Slab on grade is not allowed.

d. Storm doors, storm windows, shutters and awnings:

i. Shutters must be operable or appear operable and shall fit the size of the window.

ii. Replacement shutters must match the original shutters in design, materials and configuration.

iii. Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.

iv. Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.

e. Chimneys:

i. Original and architecturally significant chimneys must be retained.

ii. Chimney repairs must match original materials, mortar, color and pattern whenever possible.

iii. New chimneys must be constructed of masonry faced with brick or stucco.

iv. Siding on chimneys is not allowed.

v. When any portion of a chimney is visible from a public street as a facade element, the chimney must originate at grade.

f. Roofs:

i. Replacement roofing materials must be of the same size, texture and materials as the existing materials.

ii. On flat roofs, cold rolled and membrane roofing is allowed.

iii. The shape and pitch of roofs for new construction must be subject to the compatibility rule.

iv. Skylights and communication equipment, when otherwise allowed by these or other regulations are allowed on roofs of buildings provided they cannot be seen from the public right-of-way.

v. Solar panels are allowed provided they are placed in the least visible location possible for adequate power production.

vi. Dormers are not allowed on the street-facing building facade unless they are original to the structure.

g. Porches:

i. Architecturally significant porches, steps and stoops must be retained.

ii. Replacement porches, steps, and stoops must match the original in size, style, and materials.

iii. Porches may be enclosed with screen wire if the main characteristics of a front porch are maintained.

iv. Porch railing must be constructed using a two-part butt joint method. Side nailed and deck style railing are not allowed.

v. Porches are required on new construction. New porches must contain balustrades, columns, and other features consistent with the architectural style of the house or other original porches on the block face. The height of any top rail must be set no higher than the bottom sill of the front facade windows. Additional height required to meet building code must be achieved by a simple plane extension.

h. Fences:

i. Fence lines must follow or run parallel to the property lines in front and side street yards. Fences shall not obscure the street-facing front building.

ii. Fences located in the front or side street yard may not exceed 4 feet in height and shall be brick, iron, wood, or metal vertical pickets. Front yard fences may exceed 4 feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.

iii. Fences located in the side and rear yards may not exceed 6 feet in height.

iv. Chain link fencing is not allowed in a front yard or side street yard.

v. Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front yard or side street yard.

vi. Walls are only allowed in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear facade of the principle structure. When such walls are allowed, they shall be 6 feet or less in height.

i. Retaining walls:

i. Retaining walls in the front yard shall be constructed of masonry, stone, or concrete block faced with a parge coat of stucco.

j. Ornaments:

i. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, must be retained.

ii. Replacement ornaments are only allowed when originals cannot be rehabilitated.

iii. Installation of new ornaments, where none previously existed, are only allowed when it is in accordance with the architectural style of the original structure.

iv. For new construction, ornaments shall be consistent with the architectural style of the home and compatible with the historic homes on the block.

k. **Decks.** Decks must be located to the rear of the principle structure.

3. Accessory structures:

a. Placement:

i. All new accessory structures must provide a side setback of at least 3 feet and a rear setback of at least 5 feet.

ii. On corner lots, accessory structures must be placed towards the interior side and rear setback.

iii. On through lots, excluding corner lots, accessory structures must be placed towards one of the interior lot lines. The secondary frontage must be treated as a rear yard, except that the accessory structure must be at least 15 feet from the lot line.

b. The height of accessory structures may not exceed the height of the main ridgeline of the principal structure as measured from grade at the street-facing front facade to the main ridgeline or 20 feet, whichever is less.

c. The floor area of accessory structures must be no more than 40% of the principal structure's floor area.

d. **Accessory dwelling unit (ADUs).** Where an accessory building is used as a detached ADU, the following limits apply:

i. The ADU may not exceed 750 sf.

ii. For the purposes of *Sec. XX, Specific Regulations - Residential Subarea I(3)(c)* above, which limits the total allowable area of the accessory building to 40% of the principal building, the square footage of the accessory dwelling unit is not included when calculating the total area of the accessory building.

iii. When an accessory structure is used as an accessory dwelling unit, it must be placed to the rear of the principal structure, within the buildable area of the lot.

4. Paved surfaces:

   a. The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained. The design and material of new replacement paving materials must match the original or be subject to the compatibility rule.

   b. The design and materials of new paved surfaces other than those specified in *Subsection (a)* above, including driveways, walkways, and patios must be subject to the compatibility rule.

   c. New driveways may not exceed a width of 10 feet not including the flare at the street.

5. On-site parking requirements.

   a. On-site parking is not allowed in the front yard.

   b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the front setback for that side of the street must apply to the construction of a carport or garage.

6. Signs:

   a. Identification signs for home occupations may not exceed 2 square feet in area.

   b. Identification signs for institutional and commercial uses may not exceed 30 square feet in area.

7. Alternative building materials:

   a. Alternative building materials to those listed above may be used if sufficient evidence is provided to establish that the proposed alternative material is identical in form, function, and appearance to historically compatible materials.

   b. Alternative building materials that violate specific material prohibitions listed elsewhere in Sec. *XX, Specific Regulations - Residential Subarea I* will not qualify for consideration.

G. Specific Regulations—Transitional Commercial Subarea II

1. The following regulations apply to all properties located within Transitional Commercial Subarea II. These regulations are intended to mitigate any nocuous effects that the commercial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

   a. Lot standards:

      i. **Setbacks.** The compatibility rule must apply to front, side and rear setbacks.

      ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to one times the net lot area.

b. **Maximum height.** The compatibility rule must apply to the height of all structures, additions and alterations.

c. **Screening.** In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a 5-foot-wide buffer planted with tree or shrub materials.

2. In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea II must comply with the following regulations.

a. **Certificates of appropriateness.** Certificates of appropriateness are required as follows:

i. To change the exterior appearance of any portion of a contributing structure or property within the subarea, when said change can be seen from the public right-of-way;

ii. To make an addition to any contributing structure or property within the subarea, when said addition can be seen from the public right-of-way; and

iii. To demolish or move any contributing structure, in whole or in part, within the subarea.

b. **Architectural standards.** All contributing structures must comply with the architectural standards as set out in Sec. *XX, Specific Regulations - Residential Subarea I*.

H. Specific Regulations— Transitional Industrial Subarea III

The following regulations apply to all properties located within Transitional Industrial Subarea III. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. **Certificates of appropriateness.** Certificates of appropriateness are not required in the Transitional Industrial Subarea III, but all new construction and development must conform to the following regulations.

2. Lot standards:

a. **Setbacks.** The compatibility rule will apply only to front yard setbacks, where an administrative modification of up to 5% is allowed. Other setbacks will be as regulated by the applicable zoning district regulations.

b. **Bulk limitations.** Floor area ratio may not exceed an amount equal to one times the net lot area.

3. **Maximum height.** No new structures, additions or alterations may exceed 2 stories in height.

4. **Transition Screens.** In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a 5-foot-wide buffer planted with tree or shrub materials.

DIVISION 6.11. **WHITTIER MILL (HD3)**

A. Statement of Intent

The intent of Whittier Mill Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue and encourage residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district, particularly, those houses, buildings and structures constructed prior to 1930; the existing street patterns; and limited access/egress which contributes to the village;
4. To preserve existing landscape and topographical features of the district that exhibit or will assist in maintaining significant historic elements of the village;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To ensure that additions and modifications to existing structures reinforce the historic qualities and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To balance the need to regulate exterior changes to the structures in the district with the unique layout, landscaping and topography of the district that results in a high percentage of visibility from the right-of-ways so as to exercise greater regulatory control over principal facades than other facades;
9. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
10. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Whittier Mill Historic District will remain in full force and effect. The following zoning regulations will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (*Div. 6.11*) will apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations *(Div. 6.11)* will be governed by the interpretation provision set forth in Sec. *XX, Further Provisions(c)*.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district.

C. Boundaries

The boundaries of the Whittier Mill Historic District are as shown on the official zoning map. The district is divided into two subareas, as shown on said official zoning map, which will be known as:

1. The Residential Subarea I (SA1); and
2. The Transitional Subarea II (SA2).

D. Organization

The overlay zoning regulations for the Whittier Mill Historic District are composed of two parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

E. General Regulations

The following regulations apply to all properties within the Whittier Mill Historic District:

1. **The Compatibility Rule.** The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, must substantially match that which predominates on that block. When elements are quantifiable, such as building height or story heights, they must equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
2. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

F. Specific Regulations—Residential Subarea I

In addition to the general regulations set forth in Sec. *XX, General Regulations*, and any other applicable regulations, the following regulations apply to all properties located in Residential Subarea I:

1. **Certificates of Appropriateness.** Certificates of appropriateness within this subarea is required as follows:
   a. When required:
      i. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the right-of-way: foundations, siding, chimneys and roofs;
      ii. To change the exterior appearance of the following elements of the street-facing front facade of a structure: windows, doors, architectural details and porches. For the purpose

of this Division, street-facing front facade means the elevation of the building which faces the front yard as defined in Code of Ordinances Sec. *XX, Regular Lots(3) and (4)*.

iii. To erect a new structure; and

iv. To demolish or move any contributing structure, in whole or in part, within the subarea.

b. Type required:

i. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

ii. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under *Subsection XX, Specific Regulations - Residential Subarea I(1)a.* above will be those specified in Sec. *XX, Same; Types and Procedures* of the zoning ordinance, provided, however, that a partial demolition requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the street-facing front facade.

2. Financial Hardship Exemptions:

a. These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.

c. If the Commission finds that this requirement of *Subsection (b)* herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present and future income of the property owner(s) and those occupying the property;

ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;

iii. The cost associated with adherence to the subarea regulations;

iv. The degree of existing architectural importance and integrity of the structure; and

v. The purpose and intent of this Division.

d. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding

that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

3. **Lot Size, Dimensions and Configurations.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this *Div. 6.11* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.

4. **Duplexes.** Notwithstanding any contrary provisions in the Zoning Ordinance, new construction of a new two-unit or duplex dwelling will be allowed within this district only as a single building.

5. Grading:

   a. Grading may not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.

   b. New grades must meet existing topography in a smooth transition.

   c. Architectural Standards:

      i. Building facades:

         a) All new construction must conform to the existing building orientation by having porches and front doors facing the front yard.

         b) At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule.

         c) There shall be 2 side yards, 1 on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.

         d) There must be a rear yard of not less than 10 feet.

         e) All building materials which upon completion are visible from the right-of-way, must be compatible with those which predominate in the subarea.

         f) Siding repair or replacement must match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is allowed if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.

         g) No new construction of additions may exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.

      ii. Windows and doors:

         a) Architecturally significant windows and doors, including details, trimwork, and framing, must be retained.

         b) Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors must match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.

c) New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and design to existing windows and doors.

d) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a allowed differential of 10%.

e) Windows in the street-facing front facade of new construction must be predominantly vertical in proportion and may not be constructed in combination of more than 2 windows.

f) Replacement exterior doors must match the original openings and conform to the original door in material and design.

g) New exterior doors must be wood panel or fixed glass panel in wood frame. In the alternative, metal doors may be used if their design matches that of an original door.

iii. Foundations:

a) Foundations must be of brick, painted concrete block or stuccoed.

b) Foundations must be of masonry pier or continuous wall construction closed with solid or screen infill wall.

c) Lattice, painted concrete block, brick or stucco must be used as infill between foundation masonry piers when infill is otherwise required.

d) Slab on grade is not allowed.

iv. **Storm doors and storm windows.** Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.

v. Chimneys:

a) Chimneys must be retained whenever possible.

b) If extending or repairing a chimney, the original materials, mortar, color and pattern must be matched whenever possible.

c) The construction of new chimneys is not allowed on the street-facing front facade.

d) New chimneys must be faced with brick or stucco.

e) Siding on chimneys is not allowed.

vi. Roofs:

a) Replacement roofs must match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.

b) Cold-rolled roofing is only allowed on flat roofs.

c) Corrugated metal and corrugated fiberglass roofs are not allowed.

d) The shape and pitch of roofs for new construction must be subject to the compatibility rule.

e) Dormers are not allowed on the roof over the front facade of any structure.

f) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not allowed on the roof over the front facade of any structure.

vii. Porches:

a) Architecturally significant front porches, steps and stoops must be retained, whenever possible.

b) Replacement front porches, steps and stoops must match the original in size, design and materials.

c) Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.

d) Front porches are required for the development of new homes and the compatibility rule must apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail may not be higher than 36 inches above the porch floor; the bottom rail of the balustrade must be 3 to 4 inches above the porch floor; and the individual balusters must be constructed of 2-inch by 2-inch lumber and may not be more than 4 inches apart.

e) Front porches must contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is allowed.

f) New decks are allowed to the rear of the house.

viii. **Accessory structures.** Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may not project beyond the front of the main structure. In addition, said structures must be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the right-of-way.

ix. Walls and fences:

a) Front yard closure walls are not allowed.

b) Fences in the front yard of any structure must be of wood picket type construction.

c) Retaining walls which are located in the front yard must have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls must be integrated into the landscape.

x. Architectural details:

a) Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the street-facing front facade, must be retained, restored or replaced to match the original in dimension and design.

6. Paved Surfaces:

   a. The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained.

   b. Where no sidewalks existed historically, no new sidewalks must be installed.

7. On-site Parking Requirements:

   a. On-site parking is not allowed in the front yard.

   b. Carports and garages must be behind the rear of the main structure. If the main structure is located on a corner lot, the front setback for that side of the street must apply to the construction of a carport or garage.

G. Specific regulations— Transitional Subarea II

The following regulations apply to all properties located in Transitional Industrial Subarea II. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Whittier Mill Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. **Certificates of appropriateness.** Certificates of appropriateness are not required in the Transitional Industrial Subarea II, but all new construction and development must conform to the following regulations.

2. Lot standards:

   a. **Setbacks.** The setback from the southern boundary of the subarea must be at least 50 feet. This setback must be undisturbed and no development of any kind, including surface parking, is allowed. Other setbacks must be as regulated by the applicable industrial district regulations.

   b. **Screening.** For any lot in this subarea which abuts a residential use, without an intervening street, there must also be a wall no less than 6 feet in height and a 5-foot wide buffer planted with tree or shrub materials.

DIVISION 6.12. **GRANT PARK (HD4)**

A. Statement of Intent

The intent of Grant Park Historic District is as follows:

1. To promote the educational, cultural, economic and general welfare of the city by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-unit residences, institutions, and neighborhood commercial buildings, many of which were constructed during the late 19th century and early 20th century.
3. To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
4. To preserve the residential character of all streets and thoroughfares in the district.
5. To preserve the historic street and lot pattern, and design that are significant elements of the district.
6. To encourage and ensure development that is complementary to and compatible with the existing historic structures in the district.
7. To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
8. To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Grant Park Historic District shall remain in full force and effect. The following zoning regulations *(Div. 6.12)* must be overlaid upon, and must be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (*Div. 6.12)* must apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part must apply to this district. Whenever the regulations of *Div. 6.12* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.12* must apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district must continue to apply. In the event of any conflict between said other regulations and the following regulations *(Div. 6.12)* the interpretation provision set forth in Sec. *XX, Further Provisions(c)* of the Code of Ordinances must govern.

C. Boundaries

The boundaries for the Grant Park Historic District constitute an overlay Historic District (HD) zoning district, which district is as shown on the official zoning map. The district is divided into 3 subareas, as shown on said official zoning map, which must be known as:

1. Residential Subarea I (SA1);
2. Commercial Subarea II (SA2); and
3. Transitional Industrial Subarea III (SA3)

D. Organization

The overlay zoning regulations for the Grant Park Historic District are composed of 2 parts. The first part consists of general regulations, which apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

E. Definitions

For the purposes of interpreting this *Div. 6.12*, the following definitions will apply:

1. Balcony means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.
2. Deck means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
3. District means the Grant Park Historic District, as shown on the official zoning map adopted herewith entitled the "Grant Park Historic District."
4. Fenestration means the arrangement, proportion, and design of windows and doors in a building.
5. New construction means construction of new principal structures.
6. Principal structure means the main habitable structure on a property, exclusive of detached accessory structures.
7. Public street means publicly dedicated streets or roads and specifically excludes alleys in the District.
8. Upper level terrace means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

F. General Regulations

The following general regulations apply to all properties located within the Grant Park Historic District.

1. General Criteria:
    a. Notwithstanding any other provision herein, no Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
    b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate must be those specified in Sec. *XX, Same; Types and Procedures* of the Zoning Ordinance.

c. In Residential Subarea I, the Commission will apply the standards referenced in *Sec. XX, Same; Further Standards* only if the standards set forth in this *Div. 6.12* do not specifically address the application.

2. **Certificates of Appropriateness:**

a. Type I Certificates of Appropriateness for ordinary repairs and maintenance are not required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.

b. Type II Certificates of Appropriateness are required for: Minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of Sec. *XX, Specific Regulations: Residential Subarea I*, then the Director of the Commission will issue the Type II Certificate. If the proposed alteration does not meet the requirements of Sec. *XX, Specific Regulations: Residential Subarea I*, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the Appeals Section of Sec. *XX, Same; Types and Procedures(a)* for Type I Certificates.

c. Type III Certificates of Appropriateness are required for:

i. All new principal structures;

ii. All major alterations and additions to existing structure, with respect to any facade that faces a public street.

d. Type IV Certificates of Appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

3. **Variances.** Variance requests will be heard by the Commission which will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

4. Financial Hardship Exemptions:

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.

b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.

c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present income of the property owner(s) and those occupying the property;

ii. The age of the property owner;

iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

v. The costs associated with adherence to these regulations;

vi. The degree of existing architectural significance and integrity of the structure; and

vii. The purpose and intent of this Division.

d. The Commission must consider these factors and will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

5. **Subdivisions.** In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2) and XX, Lots(d)(6)*, all subdivisions of lots must conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.

6. **Tree Preservation and Replacement.** The provisions of City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, must apply to this district.

7. **Paved surfaces.** The original layout, patterns and paving materials of sidewalks, curbs and streets must be retained.

G. Specific Regulations: Residential Subarea I

1. Lot Standards:

a. **Primary Street Setback.** Primary street setbacks must either: i) conform to the setback of the previously existing contributing building of like use; or ii) must be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

b. **Side Setbacks.** Side setbacks must either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than 7 feet.

c. **Rear Setback.** Rear setback must be 7 feet.

d. On-site parking and driveway requirements:

i. On-site parking is not allowed in the front yard or side street yard.

ii. If constructed, independent driveways within the front yard or side street yard must be a maximum of 10 feet wide and must have a maximum curb cut of 10 feet, exclusive of the flare.

2. Architectural Standards:

a. **Statement of Intent.** The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

b. Design Standards and Criteria for New Principal Structures:

i. Identified design elements of size, scale, massing and materials of new construction must be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in *Subsection XX, Specific Regulations: Residential Subarea I(15)(c.)*.

ii. A paved walkway from the front sidewalk to the front entry feature of the principal structure must be provided.

iii. Front porches on the principal structure are required and must be a minimum of one-third the width of the front facade and a minimum of 7 feet in depth. Side porches must be a minimum of 4 feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.

iv. All front facades and front porches of the principal structure must face and be parallel to the lot frontage. Wrap around front porches are allowed.

v. Roof form above the front facade of the principal structure must be gabled or hipped. Roof pitch must be a minimum of 6:12. Roof pitch above porches may not be restricted.

vi. The height of the principal structure may not exceed 35 feet. (See Sec. *XX, Height; Excluded Portions of Structures* for excluded portions of structures.)

vii. The first story of the principal structure must be on foundations and elevated above the grade a minimum of 2 entrance step risers each of which must be no less than 6 inches

in height. All front steps must have closed risers and closed ends. Access ramps shall be allowed.

viii. Garages entrances are not allowed on the front facade. Single car-width garage entrances are allowed on the half depth front yard facade of the structure. Double car-width garage entrances are allowed at the rear of the structure.

ix. Decks, Balconies and Upper Level Terraces:

a) Decks are only allowed when located to the rear of the principal structure.

b) Decks are allowed at any level.

c) Balconies and upper level terraces are allowed.

x. Any portion of a chimney that is located on any facade that faces a public street must originate at grade.

xi. Any facades that face a public street must consist of glazing that is either: 1) substantially consistent with glazing on contributing structures of like use in the district, or 2) must be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit may exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, must exceed 16 square feet.

xii. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.

xiii. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and mechanical equipment must be located to the side or rear of the principal structure within the buildable area of the lot and may not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.

xiv. Fences and walls, adjacent to a public street upon completion, must be subject to the provisions of Sec. *XX, General Requirements Concerning Arrangement and Location of Structures; Landscaping(5)* and the following limitations:

a) Fences not exceeding 4 feet in height may be erected in a front yard. Other than retaining walls, walls may not be erected in a front yard or a side street yard.

b) Fences and walls not exceeding 6 feet in height may be erected in the side or rear yards.

c) In a side street yard, when a fence exceeds 4 feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence must be set back 3 feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or side street yard must be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.

d) The finish side or front side of one-sided fences must face the public street.

xv. On those facades of any structure that face a public street, the following regulations on building materials apply. Alternate materials may be submitted for review by the commission.

a) Paving materials for walks and drives: Black asphalt is not allowed.

b) Visible foundation materials: Foundations must constitute a distinct building design element and must contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) are allowed. Standard, unfinished concrete block and stacked stone is not allowed.

c) Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone are allowed. Stacked stone is not allowed.

d) Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels are allowed.

e) Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) are allowed. Siding is not allowed.

f) Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood are allowed in the front yard and half depth front yard.

c. **Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.** Alterations to non-contributing structures, for which a Certificate of Appropriateness is required, must be consistent with and reinforce the architectural character of the existing structure or must comply with the applicable regulations for new construction set forth in *Subsection XX, Specific Regulations: Residential Subarea I(2)(B)* above.

d. **Design Criteria for Alterations and Additions to Contributing Structures.** Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

i. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations for new construction set forth in *Subsection XX, Specific Regulations: Residential Subarea I(2)(B)* above; or

ii. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

e. Site development, sidewalks and curbs:

i. The sidewalk must be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk must match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk must be 6 feet wide.

ii. Repairs or replacement of existing brick sidewalks must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.

iii. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, must be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.

iv. Sidewalks crossing driveways must be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons may not interfere with the visual field of the pedestrian path.

v. Curbing must be granite; poured concrete may not be used. Curbing must be at least 6 inches in height from street level.

vi. Historic materials such as brick, granite, and cobblestones shall be reused where possible.

vii. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district must be a red brick color.

H. Specific Regulations: Commercial Subarea II

In addition to the general regulations set forth in Sec. *XX, General Regulations*, the following regulations will apply to properties within Commercial Subarea II.

1. The intent of the regulations for the Commercial Subarea II is as follows:

   a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the district.

   b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.

   c. To discourage displacement of residents, to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood and to ensure the health, safety and welfare of the residents of the neighborhood.

2. **Single and Two-Unit Residential Uses.** For single and two family residential uses the regulations specified in Sec. *XX, Specific Regulations: Residential Subarea I* apply.

3. **Multi-Unit Residential Uses.** For multi-unit uses the following controls and requirements apply:

   a. Lot Standards:

      i. **Setbacks.** The primary street setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.

      ii. **Bulk Limitations.** Floor area ratio may not exceed an amount equal to 2.52 times net lot area.

   b. Height:

i. **Maximum building heights.** Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.

ii. **Transitional height planes.** Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea will be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending in ward over the commercial subarea at an angle of 45 degrees.

c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.

d. **Architectural Standards.** The standards outlined in *Sec. XX, Same; Further Standards* must apply as applicable.

4. **Commercial Uses.** For commercial uses the following controls and requirements must apply as applicable:

a. Lot Standards:

i. **Setbacks.** The primary street setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.

ii. **Bulk Limitations.** Floor area ratio may not exceed an amount equal to one times net lot area.

b. Height:

i. Maximum building heights. Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.

ii. Transitional height planes. Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.

c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.

d. **Architectural Standards.** The standards outlined in *Sec. XX, Same; Further Standards* will apply as applicable.

I. Specific regulations: Transitional Industrial Subarea III

In addition to the general regulations set forth in *Sec. XX, General Regulations, subsections (3), (4)*, and *(6)*, the following regulations must apply to all properties within Transitional Industrial Subarea III.

1. The intent of the regulations for Transitional Industrial Subarea III is as follows:

a. To mitigate any negative effects that existing and proposed transitional industrial properties may have on adjoining residential properties in the district.

b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.

c. To ensure the health, safety and welfare of the residents of the neighborhood and to discourage displacement of residents and to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood.

2. **Industrial Uses.** For industrial uses, the following controls and requirements must apply:

a. **Certificates of Appropriateness.** Certificates of Appropriateness are not required, but all applications for building permits, zoning amendments, special use permits, and variances within this subarea must be submitted to the commission for review and comment prior to any final action on such application.

b. Height:

i. Maximum building heights. Buildings which are within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings that are between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.

ii. Transitional height planes. Where this use adjoins a House-Scale or Neighborhood-Scale district without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the industrial subarea at an angle of 45 degrees.

c. **Transitional Screen.** A Type D Transition, as specified in Sec. 8.4.2, is required along all House-Scale and Neighborhood-Scale District boundaries. A Transition Screen - High 1 is required.

d. **Fencing.** The Transition Screen - High 1 fence must be erected so the planted area required is visible from the adjacent properties or a public street.

e. **Other Uses.** For uses other than industrial uses, the controls and requirements set forth in *Sec. XX, Specific Regulations: Commercial Subarea II* apply, with the exception of *Sec. XX, Specific Regulations: Commercial Subarea II(3)(a)(2*). Multi-unit residential uses must be limited in the Transitional Industrial Subarea III to a floor area ratio of 1.2 times net lot area.

J. Further Provisions

Any time the *Sec. XX, Further Provisions(b)* of the Land Development Code is enforced in this district, the Director of the Commission must notify the Grant Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

DIVISION 6.13. **INMAN PARK (HD5)**

A. Statement of Intent

The intent of the Inman Park Historic District is as follows:

1. To preserve the historic physical pattern of the district, including curvilinear streets and parks, the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including residential, institutional, commercial, and industrial buildings that were constructed from the 1860's to 1945, including the largest concentration of High Victorian residences in the city;
3. To preserve the diversity of housing types that exists within the district and preserve the historic platting pattern of the residential areas as it existed in 1945;
4. To ensure that new development is compatible with present architectural and spatial characteristics that are characteristic of the district;
5. To ensure that new construction is consistent with the character of the subarea of the district within which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
6. To preserve the residential character of the district and to ensure that new construction reflects and reinforces the exceptional design features that were established in the original plan for Inman Park;
7. To ensure that new construction observes the general setbacks and height restrictions of the original development and is in harmony with the historic character of the district;
8. To recognize the importance of parks, open space, and institutional buildings in the development of one of Atlanta's earliest garden suburbs;
9. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Inman Park Historic District;
10. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the historic residential area;
11. To ensure that the original design characteristics of commercial and industrial buildings serve as the basis on which plans for new construction, additions and rehabilitation of commercial and industrial buildings will be judged by the Commission for harmony, compatibility and appropriateness to the Inman Park Historic District; and
12. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Inman Park Historic District is as follows:

1. The official zoning map and all regulations governing all properties within the Inman Park Historic District will remain in full force and effect. The regulations contained within this *Div. 6.13* will be overlaid upon, and must be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of *Div. 6.13* will apply.

2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.13* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.13* will apply.

3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Inman Park Historic District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.13, the interpretation provision set forth in *Sec. XX, Further Provisions* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Inman Park Historic District constitute an overlay Historic District (HD) zoning district, which district as shown on the official zoning map. The district is divided into three subareas as follows:

1. Inman Park Core District, Subarea 1 (SA1).

2. DeKalb Avenue Corridor Transitional District, Subarea 2 (SA2).

3. Railroad Corridor Commercial and Industrial Transitional District, Subarea 3 (SA3).

D. Organization

The overlay zoning regulations for the Inman Park Historic District consist of two parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

E. General Regulations

The following general regulations apply to all properties located within the Inman Park Historic District.

1. General criteria:

    a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.

    b. In the Inman Park Historic District, the commission must apply the standards referenced below only if the standards set forth elsewhere in this *Div. 6.13* do not specifically address the application including multi-unit residential, institutional, commercial, industrial and mixed use structures in Subarea 1:

        i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

ii. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

iii. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.

iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.

vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.

vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

x. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

c. **New construction in Subarea 2 and in Subarea 3.** Contemporary design for new construction and for additions to existing properties is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy *Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District* or *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3*, as applicable.

d. Compatibility rule:

i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.

ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:

a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question must be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and must be internally consistent with the historic design of the structure and must be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and must be internally consistent with the historic design of the structure.

b) Where not quantifiable (roof form, architectural trim, etc.) it must be compatible with that which predominates in contributing structures on that block face and must be internally consistent with the historic design of the structure.

e. **Initial plan review for proposed improvements in Subareas 2 and 3.** Prior to submission of any development plans involving new construction including any addition to any existing building that otherwise requires review by the commission, such plans must first be submitted to and reviewed by the Department of City Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The Director Planning Director must review said plans and must transmit to the Director of the Commission in writing within 30 days of receipt of such plans a written statement as to whether or not in the Planning Director's opinion, such plans are in conformance with the zoning requirements imposed within Subarea 2 or within Subarea 3, as is applicable.

f. Building height must be measured on the ground story elevation from the average grade on the ground story elevation to the highest point of the roof or facade, whichever is higher.

2. Certificates of appropriateness:

a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

b. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness.

c. Type II certificates of appropriateness shall be reviewed by the Director of the Commission and are required for:

i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.

ii. Fences, walls, accessory structures, decks, rear porches, and paving.

iii. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1, Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District*, or *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial*

District, Subarea 3, as applicable, the Director of the Commission must issue Type II certificate within 14 days of the application.

iv. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1, Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District*, or *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3*, as applicable, the Director of the Commission must deny the application with notice to the applicant within 14 days of the application.

v. Appeals from any such decision of the Director of the Commission regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.

d. Type III certificates of appropriateness must be reviewed by the Commission and are required for:

i. All new principal structures.

ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.

iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.

iv. Subdivisions, consolidations, and replats as required per *Sec. XX, General Regulations(5)*.

v. Variances.

e. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

3. **Variances and appeals.** Variance applications and appeals from these regulations must be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*. The Commission will have the authority to grant or deny applications for appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in *Sec. XX, Appeals from Decisions of Administrative Official(e)*, will also apply to the Commission's decision.

4. Financial hardship exemptions:

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the

commission may allow reasonable exemptions from these regulations for Type II certificates of appropriateness for repair only to a property owner's principal residence on the ground of economic hardship to the property owner.

b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.

c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

   i. The present income of the property owner(s) and those occupying the property;

   ii. The age of the property owner;

   iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

   iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

   v. The costs associated with adherence to these regulations;

   vi. The degree of existing architectural significance and integrity of the structure; and

   vii. The purpose and intent of this Division.

d. The Commission must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it will grant an exemption, in whole or in part, as appropriate.

5. Subdivisions or consolidations:

   a. In Subarea 1, the platting pattern of the Inman Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions or consolidations of lots must conform to the historic platting pattern in the Inman Park Historic District with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation shall be approved unless and until the Commission has made a finding that it is consistent with this provision or with the platting pattern of the neighborhood, as it existed in 1945.

   b. In Subarea II and III, no replat to create additional lots or consolidation may be approved unless and until the Commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the district and subarea regulations without the need for variance. The Commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.

6. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, will apply to this district.

7. Any time the *Sec. XX, Further Provisions (b)* of this part is enforced in this district, the Director of the Commission must notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association. Further, the Director must regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the commission in which there is any agenda item for property located within the Inman Park Historic District.

F. Specific Regulations for Inman Park Core District, Subarea 1

In the Inman Park Core District, Subarea 1, the Commission will apply the standards referenced in *Sec. XX, General Regulations(1)(b)* only if the standards set forth below in this *Div. 6.13* do not specifically address the application:

1. Design standards and other criteria for construction of and for additions to one- and two-unit residential structures.

   a. No individual house design may be substantially repeated on the same side of a street block.

   b. An unpaved streetscape amenity zone adjacent and parallel to the public street must be provided. The compatibility rule must apply to the dimensions and location of the amenity zone.

   c. Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified below:

      i. The compatibility rule applies to the pedestrian zone.

      ii. The pedestrian zone must be the same width as the pedestrian zone on abutting properties or it must be the width required by law, whichever is greater.

      iii. If no pedestrian zone exists in the block, the new pedestrian zone must be at least 6 feet wide.

      iv. If no pedestrian zone paving material predominates in the block, the pedestrian zone must be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.

   d. A paved walkway from the front streetscape pedestrian zone to the front entry feature of the principal structure must be provided.

   e. All front facades, front porches, front steps, and front doors of the principal structure must face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule must apply.

   f. The compatibility rule must apply to the form and pitch of the primary roof of the principal structure.

   g. The compatibility rule must apply to the height, scale, and massing of the principal structure, except as noted below. In no case must the height of a structure exceed 35 feet. (See *Sec. XX, Height; Excluded Portions of Structures* for excluded portions of structure.)

      i. The height of additions is not subject to the compatibility rule, but may be no higher than the existing structure.

ii. Notwithstanding the compatibility rule, any new roof ridge line may be no higher than the highest roof ridge line of the existing structure.

h. Height of the ground story of the street-facing front facade above grade must be subject to the compatibility rule. The ground story of the principal structure must be on foundations and must be elevated above grade at the street-facing front facade a minimum of 2 entrance risers each of which must be not less than 7 inches in height. Slab-on-grade construction is not allowed.

i. Front porches on principal structures are required. The compatibility rule must apply to the design and size of said front porches, provided that such porches must be a minimum of 12 feet wide or one-half of the width of the street-facing front facade, whichever is greater, and a minimum of 8 feet deep. Front porches must contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps must have closed risers and ends.

j. Decks are allowed only when located to the rear of the principal structure. Such decks must be no wider than the width of the house and may not project beyond the side facade of the existing house.

k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.

l. Fences and walls, excluding allowed retaining walls, visible from a public street or park upon completion, subject to the provisions of *Sec. XX, Signs not Requiring a Permit(5)* and the following limitations, may occupy required yards:

i. Fences not exceeding 4 feet in height may be erected in the front yard or side street yard. Walls, excluding allowed retaining walls, are not allowed in the front yard or in other yards adjacent to public streets,

ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.

iii. Fences located in the required front yard adjacent to a street must be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not allowed in front yards or in other yards adjacent to public streets.

m. The compatibility rule must apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single Section of such retaining wall must exceed 4 feet in height.

n. The compatibility rule shall apply to the following aspects of windows and doors, if visible from a public street or park upon completion:

i. The style of the individual window.

a) Windows in the front facade must be predominantly vertical in proportion.

b) If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

c) Window and door casings widths and depths are subject to the compatibility rule.

ii. The size and shape of individual window openings.

iii. The overall pattern of windows and doors and glazing as it relates to the building facade.

o. Mechanical equipment must be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.

p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the facade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not allowed.

q. The compatibility rule must apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:

i. The dimensions of the exposed face of lap siding and wood shingles.

ii. The type of brick and pattern of brickwork.

iii. The type of stone and pattern of stonework.

iv. The material and texture of stucco.

v. The size and type of doors.

a) Exterior doors must be wood panel or fixed glass panel in wood frame.

vi. The materials and pattern of roofing.

vii. Paving materials for walks and drives.

a) Asphalt is not allowed.

viii. Visible foundation materials.

a) Foundations shall constitute a distinct building design element and shall contrast with the primary facade siding material. Exposed concrete or CMU foundation walls are not allowed as a finished surface.

ix. Visible portions of chimneys.

a) Chimneys must be faced with masonry. Siding on chimneys is not allowed.

x. Skylights are allowed where not visible from a public street or park wherever possible. Protruding bubble skylights are not allowed.

2. Setback requirements:

a. **New construction.** The following setback requirements and maximum floor area ratio apply to all permitted uses of new construction: Front, side, and rear setbacks are subject to the compatibility rule.

b. **New additions to existing structures.** The following setback requirements and maximum floor area ratio apply to all permitted uses of new additions to existing structures: Rear setbacks are subject to the compatibility rule. The compatibility rule will not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition may not be less than the respective setback, at its closest point, of the existing structure.

3. **Off-street parking and driveways.** In addition general parking location restrictions of the underlying zoning districts, which apply and are incorporated herein, the following parking requirements apply to all permitted uses:

a. Off-street parking is not allowed between the principal structure and any public street.

b. Parking is not allowed on walkways that are located between the street and the facade of the principal structure.

c. The use of alleys for access to such parking is both allowed and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways may not extend past any facade which faces a public street.

d. Driveways and curb cuts must be as specified in *Sec. 8.3.2*.

4. Principal uses and structures:

a. Properties that have an underlying zoning district of N2B-R3 may only be used for the following principal purposes, subject to the following provisions:

i. One single-unit dwelling with or without one ADU; or

ii. One two-unit dwelling with no ADU; or

iii. One maternity supportive housing.

iv. Floor area ratio may not exceed 0.50.

b. Properties than have an underlying zoning district other than N2B-R3 must be used as otherwise allowed by the applicable district regulations, including any zoning conditions, and must also comply with the applicable provisions of this District 6.13.

5. **Limits on two-unit development.** In order to preserve the character of single-unit pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations will apply:

a. Principal buildings that are designed as two-unit dwellings must conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground story unit. The compatibility rule must apply to the configuration of the duplex structure.

b. Where an accessory residential strcture is used as a detached accessory dwelling unit (ADU), the following limits apply:

i. The ADU may not exceed 1,200 square feet or 40% of the area of the principal building, whichever is less.

ii. For the purposes of *Subsection 6.g.v* below, which limits the total allowable area of the accessory building to 30% of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.

6. **Other Permitted accessory uses and structures.** These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

a. **Accessory residential structures.** When a private garage is part of a principal structure, the garage door may not be located on the street-facing front facade of the principal structure, nor the side facade if visible from a public street or park.

b. Swimming pools, tennis courts, and similar active recreation facilities subject to the following limitations:

i. Such active recreation facilities in any yard, required or other, adjacent to a street must require a variance from the Commission, which variance may be granted only upon finding that:

a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and

b) The area for such activity could not reasonably be located elsewhere on the lot.

ii. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

c. Home occupations, subject to limitation set forth in *Sec. XX, Application(17).*

d. Structures necessary for active construction projects.

e. Devices for the generation of energy, such as solar panels, wind generators and similar devices, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, but not located in or to the front of the principal structure.

f. The following regulations must apply to all permitted accessory uses and structures:

i. Except in the case of home occupation, no accessory use may be of a commercial nature.

ii. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.

iii. Accessory structures may not cover more than 25% of the rear yard.

iv. Accessory structures must be placed behind the principal structure; side and rear setbacks may not be less than 3 feet.

v. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less, and may not contain a total floor area greater than 30% of the floor area of the principal structure.

G. Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District

The DeKalb Avenue Corridor Transitional District, Subarea 2, consists of properties that are zoned Urban General Form Districts and other zoning classifications. The following regulations apply to all properties located within this Subarea 2.

1. The intent of the regulations for the DeKalb Avenue Corridor Transitional District, Subarea 2, is as follows:

   a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the Inman Park Historic District.

   b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.

   c. To discourage displacement of residents, to allow for a variety of housing opportunities compatible with and complementary to the architectural character of the neighborhood, and to ensure the health, safety, and welfare of the neighborhood residents.

2. **Single and two-unit residential uses.** For single and two-unit residential uses the regulations set forth in *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1* shall apply.

3. **Multi-unit residential uses.** For multi-unit uses the following controls and requirements apply:

   a. **Lot Standards:**

      i. **Setbacks.** The street-facing front setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.

      ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to 0.696 times (69.6%) net lot area.

   b. Height:

      i. **Maximum building heights.** Buildings located within 150 feet of a single-unit or a two-unit residential district boundary must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.

      ii. **Transitional height planes.** Where this use adjoins a House-Scale or Neighborhood-Scale, or any other exclusively residential zoning classification without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area

boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.

c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.

d. **Architectural standards.** The standards contained in *Sec. XX, General Regulations(1)(b)* and *Sec. XX, General Regulations(1)(c*) shall apply.

4. **Nonresidential uses.** For nonresidential uses the following controls and requirements apply:

a. Lot standards:

i. **Setbacks.** The street-facing front setback may not be less than 5 feet nor greater than 15 feet. Other setbacks must be regulated by the applicable commercial district regulations.

ii. **Bulk limitations.** Floor area ratio may not exceed an amount equal to 1.0 times (100%) net lot area.

b. Height:

i. **Maximum building heights.** Buildings located within 150 feet of a House-Scale or Neighborhood-Scale district boundary must have a maximum height of 35 feet. Buildings located between 150 feet and 300 feet from a single-unit or a two-unit residential district boundary must have a maximum height of 52 feet.

ii. **Transitional height planes.** Where this use adjoins a district in House-Scale or Neighborhood-Scale, or any other exclusively residential zoning classification without an intervening street, height within the subarea must be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of 45 degrees.

c. **On-site parking requirements.** On-site parking is not allowed between the principal structure and any public street.

d. **Architectural standards.** The standards contained in *Sec. XX, General Regulations(1)(b) and Sec. XX, General Regulations(1)(c)* must apply.

5. **Zoning variances granted prior to enactment of this Ordinance.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Ordinance, a variance from the board of zoning adjustment to construct all or a portion of a project within the boundaries of this district, shall be entitled to construct said project in accordance with the plans presented in said application, the provisions of *Sec. XX, Specific Regulations for Subarea 2, DeKalb Avenue Corridor Transitional District* notwithstanding.

H. Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3

The following regulations apply to all properties located within Railroad Corridor Commercial and Industrial District, *Subarea 3:*

1. **Statement of intent.** The intent of the regulations for the Railroad Commercial and Industrial Corridor, Subarea 3, is as follows:

   a. Create a diversified urban environment where people can live, work, and play.

   b. Assure that uses and building forms are compatible with the scale and character of *Subarea 1*.

   c. Create new commercial nodes in areas so indicated in the comprehensive development plan that are pedestrian-oriented and provide uses that primarily serve adjacent neighborhoods.

   d. Promote a balance of retail, service, office, dining, and residential uses that serve the subarea and adjacent neighborhoods.

   e. Prohibit the development of larger scale highway-oriented retail, service, office, and dining uses intended to serve larger areas of the city than a single neighborhood or a small group of neighborhoods.

   f. Encourage a grid of connected streets to improve access and reduce congestion.

   g. Facilitate safe, attractive, and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles.

   h. Encourage pedestrian flow through the design of buildings with ground story uses opening directly onto sidewalks adjacent to public streets.

   i. Improve pedestrian access within the subarea and to and from the surrounding neighborhoods.

   j. Establish building facade lines and sidewalk requirements and reserve the space between buildings and the street for pedestrian functions.

   k. Provide sufficient, safe and accessible outdoor amenity space for active and passive enjoyment by residents and workers.

   l. Encourage the rehabilitation or development of industrial areas to include proportionately significant residential uses.

   m. Minimize the use of adjacent neighborhood streets for commercial area parking by establishing adequate parking requirements and encouraging shared parking arrangements.

2. Outdoor Amenity Space:

   Outdoor amenity space must be provided as specified in the underlying zoning district.

3. **Streetscape regulations.** Streetscapes must be provided as specified in *Sec. 3.5.1*, except as otherwise specified in this Section.

   a. Streetscapes must have a total width of at least 12 feet.

   b. The pedestrian zone must have a width of at least 7 feet. Said zone must be hardscape and must be unobstructed for a minimum width of 7 feet and a minimum height of 8 feet by any permanent or nonpermanent element.

   c. No awning or canopy may encroach more than 5 feet over the required streetscape.

d. Where property within this district abuts a House-Scale or Neighborhood-Scale district without an intervening street, the streetscape area within 20 feet of such districts must taper as necessary to provide a smooth transition to the existing House-Scale or Neighborhood-Scale Form District streetscape. In the event that the abutting House-Scale or Neighborhood-Scale Form District has no existing streetscape, the streetscape must taper to a width of 6 feet pedestrian zone.

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

4. **Block sizes.** New development must incorporate new blocks as specified in Sec. 8.3.1.

5. Building heights.

a. **Minimum building facade heights.** Buildings must have a minimum facade height of 18 feet along each facade visible from any public street or park.

b. **Maximum building heights.** Structures within 150 feet of the boundary of any House-Scale or Neighborhood-Scale district may not exceed a maximum height of 35 feet, except, however, that mixed-use structures must be a maximum height of 28 feet-40 feet with the specific height to be determined by the Commission, considering the height of surrounding structures or buildings provided that such approval, if granted, will not have substantive detriment to the public good nor impair the purposes and intent of this Division.

c. The Commission may approve, by variance, an addition to the above range of heights, to accommodate unusual topographic conditions, so that the Commission approved height is above the grade of the street on which said building faces. Structures that are located 150 feet or more from the boundary of any House-Scale or Neighborhood-Scale district may not exceed a maximum height of 52 feet. The Commission may approve, by variance, a building height not exceeding 76 feet where the building is located 150 feet or more from the boundary of any House-Scale or Neighborhood-Scale district and where there are unusual topographic conditions and where the height of any such building does not exceed 52 feet above the grade of the street on which said building faces.

6. Building setbacks.

a. **Side or rear:**

i. For residential uses: A minimum 20 feet side and rear setback is required.

ii. For nonresidential uses: No requirement.

b. **Primary street setback .** For residential uses, a minimum ten-foot front yard, measured from the front lot line, is required. For nonresidential uses, no primary street setback is required.

7. **Parking, curb cuts, and parking structures:** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:

a. Sidewalk paving materials must be continued across intervening driveways.

b. Driveways must have a band of textured concrete adjacent to the street in line with and equal in width to the amenity zone and must have a textured band of concrete adjacent to the sidewalk in line with the supplemental zone and a minimum width of 5 feet from the sidewalk.

No more than one curb cut is allowed for each frontage of a lot, provided that lots with more than 300 feet of frontage on any single street may have two curb cuts on such street in addition to one curb cut for each other street frontage.

c. No circular drives are allowed between any building and any public street.

d. Curb cuts and driveways are not allowed on any arterial street when access may be provided from a side or rear street or from an alley.

e. Parking areas or driveways are not allowed between the sidewalk and a building, except as follows: Driveways to reach the side yard or rear yard of a lot are allowed; driveways to reach an on-site parking facility are allowed, and, for lots with 3 or more frontages, parking spaces or loading areas may be located between a building and the street on one side of the building.

f. Entrances to garages that serve residential units must be located in a side or rear yard that is not visible from a public street or park.

g. All contiguous ground-floor residential units must share one common drive, located in rear yards or side yards without street frontage, to serve garages and parking areas.

h. In addition to *Sec. XX, Parking Structures,* parking deck facades must have the appearance of a horizontal storied building.

i. Parking decks along the street frontage must have:

   i. Ground story storefronts; or

   ii. Ground story residential uses.

j. A common or joint driveway may be authorized by the Director of the Office of Zoning and Development when adjacent lots have direct vehicular access to a street. A driveway from a private street that functions as a public street may be authorized by the Director of the Office of Zoning and Development when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such recorded agreement is provided to the Department of City Planning.

k. All developments must have sidewalks a minimum width of 4 feet connecting ground level parking to the public sidewalks and to all building entry features.

l. No drop-off lanes are allowed along public streets.

8. Lighting, security, and maintenance requirements for parking structures and surface parking lots:

   a. Lighting must be provided throughout all parking facilities at a minimum of one-half foot candle of light.

   b. Parking facilities must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained.

9. **Minimum landscaping requirements for surface parking lots.** All parking lots containing 5 or more parking spaces must comply with all of the requirements of *Sec. XX, Surface Parking Lots, Landscaping and Barrier Requirements.*

10. **Permitted uses.** The regulations of underlying zoning district notwithstanding, within the Railroad Commercial and Industrial Corridor, Subarea 3, a building or premises may be used only for the following principal purposes, except that only properties that: (1) are zoned W2-14 or (2) that are used as legal nonconforming uses on the date of original adoption of this Division, may be used for *Subsection 13.i.* below:

    a. Wholesale bakeries and catering establishments not exceeding 5,000 square feet of floor area.

    b. Retail banks not exceeding 8,000 square feet of floor area and having a footprint no greater than 4,000 square feet.

    c. Hair and nail salons not exceeding 4,000 square feet.

    d. Private day care and private eduction not exceeding 8,000 square feet.

    e. General indoor recreation and entertainment not exceeding 8,000 square feet of floor area.

    f. General food and beverage and bars not exceeding 12,000 square feet of floor area.

    g. Laundry service not exceeding 2,000 square feet of floor area.

    h. Artisan workshop, low impact manufacturing, and wholesale trade where floor area does not exceed 15,000 square feet and subject to noise limitation standards set forth in *subsection 19* below.

    i. One- and two-unit dwellings, subject to the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1* for new construction.

    j. Multi-unit dwellings, not to exceed a floor area of 0.696 times net lot area.

    k. Private library or museum, community center, religious assembly.

    l. General supervised group living

    m. General offices, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings when located within 300 feet of any residential use.

    n. Research and development.

    o. General personal services not exceeding 12,000 square feet of floor area.

    p. Light vehicle service and repair.

    q. General retail not exceeding 12,000 square feet of floor area.

    r. Grocery stores not exceeding 20,000 square feet of floor area.

    s. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.

11. Lot standards:

    a. **Bulk limitations.** For purposes of this Division, and notwithstanding the provisions of Code *Sec. XX, Application(24*), mixed-use development is defined as any development which contains as principle uses both residential and nonresidential 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. Maximum allowed floor area ratios without bonuses:

i. For nonresidential uses, floor area may not exceed an amount equal to 1.0 times net lot area.

ii. For residential uses, floor area may not exceed an amount equal to 0.696 times gross lot area.

iii. For mixed use, floor area ratio may not exceed 1.196 times net lot area, but not greater than the maximum ratios allowed for each and not greater than a total of 1.196 (See *Sec. XX, Application(24))*.

c. **Maximum allowed floor area with bonuses.** Under no circumstances may the floor area of any development with bonuses exceed an amount equal to 1.49 times net lot area. Floor area bonuses are as follows:

i. **Outdoor amenity space and streets bonus.** Subject to the maximum allowed floor area of 1.49 times net lot area set forth above, a development is entitled to a floor area bonus such that for every one square foot by which the total of outdoor amenity space or public space provided on a lot (including new streets that satisfy the standards of *Subsection XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2))* exceeds the requirements of *Subsections XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(a) [residential open space], XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(b) [nonresidential public space] and XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3(2)(c)* [mixed use public space], as applicable, up to two additional square feet of floor area is allowed on such lot. Such bonus must apply regardless of whether such excess open space or public space is provided pursuant to any other requirements of this Division (e.g., railroad buffer, new streets, or sidewalks).

ii. **Affordable housing bonus.** Residential uses are allowed a floor area bonus of 0.500 times gross lot area, provided that 30% or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus.

iii. **Ground-story commercial office or retail bonus.** Developments which provide street-facing, ground story retail office or retail establishments or eating and drinking establishments which together comprise a minimum of 20% of the building foot print and meet all of the requirements of Subsection XX will entitle the development a floor area bonus equal to the square footage of such establishments, which bonus may be used for residential or nonresidential development subject to the maximum floor area ratio with bonuses of 1.49.

iv. **Civic bonus.** Developments providing community centers made available to the general public during the same time period of each day that community centers or recreation centers operated by the City of Atlanta are open, are allowed a floor area bonus equal to the total floor area of the community center provided.

v. Affordable new sales housing units or rental housing units requirements:

a) Affordable housing shall must have the meaning set forth in Chapter 19, Sec. 19-1006 of the Code of Ordinances of the City of Atlanta.

d. Affordable housing requirements must be in place for a minimum of 20 years.

e. No housing unit associated with a development project for which bonus FAR calculations were applied may be issued an occupancy permit until such time as documentation is provided to the Office of Buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.

12. **On-site parking requirements.** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows:

a. On-site parking is not allowed between the principal structure and the street except that one parking area between the street and one side of a building must be allowed for lots with three or more frontages. On-site parking 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.

b. **Electric vehicle charging stations.** All automobile parking facilities must include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development is required to exceed a maximum of 12 electric vehicle-charging stations.

13. Other general requirements for uses allowed within Subarea 3:

a. Light vehicle service and repair may not have entrances to service bays or vehicle storage areas that are open to and visible from a public street or park.

b. One and two-unit dwellings must comply with the requirements of *Sec. XX, Specific regulations for Inman Park Core District, Subarea 1.*

c. The standards contained in Subsection *XX, Definitions(1)(b) and Subsection XX, Definitions(1)(c*) must apply.

d. Noise limitation standards. The Atlanta Noise Ordinance, Atlanta Code Sec. 74-129 et seq., as it may be amended from time to time, must apply to this district.

e. **Zoning variances granted prior to enactment of this Ordinance.** Any owner of property who obtained, on or after January 1, 1982, and prior to the effective date of this Ordinance, a variance from the City Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, must be entitled to construct said project in accordance with the plans presented in said application, the provisions of *Sec. XX, Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3* notwithstanding.

f. Any building existing at the time of original adoption of this Division that is subsequently destroyed either in whole or in part by fire, other act of nature, or by other casualty that is not the fault of the owner, is allowed to be rebuilt as it previously existed except, and without any requirement for a certificate of appropriateness, provided that the owner in

the process of rebuilding remedies any nonconforming characteristics of the structure that were nonconforming due to the underlying zoning classification, and provided that any such rebuilding commences no later than 24 months from the date on which said fire, act of nature, or other casualty occurred.

g. Minor alterations may be made to structures and improvements existing at the time of original adoption of this Division and additions may be made to structures existing at the time of enactment of this Division in the amount of 30% of the floor area of such existing structure or 5,000 square feet, whichever is greater, all without the need of obtaining a certificate of appropriateness from the Commission, so long as such alterations and additions meet the requirements of the underlying zoning classification (e.g., C-2 or I-2).

DIVISION 6.14. **OAKLAND CITY (HD6)**

A. Statement of Intent

The intent of the Oakland City Historic District is as follows:

1. To promote the educational, cultural, economic and general welfare of the city by preserving the district's architectural integrity, streetscape patterns, and cultural heritage.
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-unit residences, institutions, and neighborhood commercial buildings, many of which were constructed during the early to mid-20th century.
3. To ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
4. To preserve the residential character of all the streets and thoroughfares in the district.
5. To preserve the historic street and lot patterns that are significant elements of the district.
6. To ensure development that is complementary to and compatible with the existing historic structures in the district.
7. To encourage the use of existing alleys, reinforcing the streetscape patterns and general physical character of the district.
8. To encourage economic development and a variety of housing opportunities; foster neighborhood revitalization, and discourage displacement of residents.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Oakland City Historic District will remain in full force and effect. The following zoning regulations *(Div. 6.14*) will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following regulations conflict with said existing zoning regulations, the following regulations (*Div. 6.14)* will apply.
2. Except when otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.14* conflict with the provisions of Division 6.1, the regulations of *Div. 6.14* shall apply.
3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply. In the event of any conflict between said other regulations and the following regulations *(Div. 6.14)* the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances shall govern.

C. Boundaries

The boundaries for the Oakland City Historic District constitute an Overlay Historic District (HD) zoning district, which district is as shown on the official zoning map.

D. Definitions

For the purposes of interpreting this *Div. 6.14*, the following definitions apply:

1. "Deck" means a roofless platform adjoining a house, generally made of unfinished wood and supported by posts.
2. "District" means the Oakland City Historic District, as shown on the official zoning map adopted herewith entitled the "Oakland City Historic District."
3. "Glazing" means the arrangement, proportion, and design of windows and doors in a building.
4. "Principal structure" means the main habitable structure on a property, exclusive of detached accessory structures.
5. "Public street" means publicly dedicated streets or roads and specifically excludes alleys in the district.

E. Compatibility Rule

The intent of the mayor and council in establishing the regulations of the Oakland City Historic District is to ensure that all work requiring a certificate of appropriateness is compatible with the historic design, scale, and general character of the entire district and of the contributing structures in the immediately adjacent environment of a particular block face. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question must be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and must be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and must be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.), the element or building characteristic in question must be compatible with that which predominates in such like contributing structures on that block face and must be internally consistent with the historic design of the structure.

F. General Criteria

1. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.
2. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.
3. The Commission will apply the standards referenced in *Sec. XX, Same; Further Standards* only if the standards set forth in this *Div. 6.14* do not specifically address the application.

G. Certificates of Appropriateness

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. Painting or repainting of any structure, or portion thereof, does not require a certificate of appropriateness.

2. Type II certificates of appropriateness are required for: minor alterations to any principal structure when the alterations are visible from a public street; and the construction of fences, walls, accessory structures, decks, and paving. If the proposed alteration meets the requirements of *Sec. XX, Certificates of Appropriateness*, then the Director of the Commission will issue the Type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of *Sec. XX, Lot Standards* and *Sec. XX, Architectural Standards,* the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance or denial of Type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates of appropriateness.

3. Type III certificates of appropriateness are required for:

   a. Construction of all new principal structures;

   b. All major alterations and additions to an existing structure, when the alterations or additions are visible from a public street.

4. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

H. Variances

Variance requests must be heard by the Commission which will have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

I. Financial Hardship Exemptions

1. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the grounds of economic hardship to the property owner.

2. The burden of proving economic hardship by a preponderance of the evidence must be on the applicant.

3. The Commission must consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

   a. The present income of the property owner(s) and those occupying the property;

b. The age of the property owner;

c. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

d. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

e. The costs associated with adherence to these regulations;

f. The degree of existing architectural significance and integrity of the structure; and

g. The purpose and intent of this *Div.*.

4. The Commission must consider these factors and must grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

J. Subdivisions

In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions of lots must conform to the historic platting pattern in the district established during the period of significance from 1867 to 1955 with regard to lot size, dimensions, and configurations.

K. Tree Preservation and Replacement

The provisions of City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.

L. Lot Standards

1. **Primary street setbacks.** Primary street setbacks must either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.

2. **Side setbacks.** Side setbacks must either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than 7 feet.

3. **Rear setback.** Rear setback shall be seven 7 feet.

4. On-site parking and driveway requirements:

   a. On-site parking is not allowed in the front yard or side street yard.

   b. If constructed, independent driveways within the front yard or side street yard must be a maximum of 10 feet wide and must have a maximum curb cut of 10 feet, exclusive of the flare.

   c. The compatibility rule must apply to the construction of side-by-side driveways and, if allowed, the design thereof.

d. Floor area ratio may not exceed 0.50.

M. Architectural Standards

1. **Statement of intent.** The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

2. The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only:

   a. American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Minimal Traditional Cottages.

3. Building standards and criteria for new principal structures:

   a. No individual house design may substantially repeat a design of a new principal structure on the block face that was approved by the Commission since the original adoption of this district.

   b. An unpaved streetscape amenity zone adjacent and parallel to the public street must be provided. The compatibility rule must apply to the dimensions and design of amenity zones.

   c. A streetscape pedestrian zone between the amenity zone and the required front yard and parallel to the public street must be provided. The pedestrian zone must be the same width as the pedestrian zones on abutting properties or it must be the width otherwise required by city ordinance, whichever is greater. If no sidewalk exists in the block, the new sidewalk may not be less than 6-feet wide. The compatibility rule must apply to pedestrian zone paving materials. If no sidewalk paving material predominates in the block, the pedestrian zone must be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.

   d. A paved walkway from the front streetscape pedestrian zone to the front entry feature of the principal structure must be provided.

   e. All front facades, front porches, and front doors of the principal structure must face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule must apply.

   f. The compatibility rule must apply to the form and pitch of the primary roof of the primary structure.

   g. The compatibility rule must apply to the height, scale, and massing of the principal structure. In no case must the height of a structure exceed 35 feet.

h. The maximum height of the ground story of the front facade above grade must be subject to the compatibility rule. At a minimum, the ground story of the principal structure must be on foundations and must be elevated above grade at the front facade a minimum of two entrance risers each of which may not be less than 7 inches in height. Slab-on-grade construction is not allowed.

i. The compatibility rule must apply to the design and size of front porches, and the placement and orientation of front steps. Front porches must contain roofs, balustrades, columns, steps, and other features as determined by the compatibility rule. Front porches may extend up to 10 feet into the required front yard. All front porch steps must have closed risers and ends.

j. Decks are allowed only when located to the rear of the principal structure and such decks may be no wider than the width of the principal structure.

k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street as a facade element, the chimney must originate at grade.

l. Fences and walls, excluding retaining walls, visible from a public street upon completion, subject to provisions of *Sec. XX, Signs not Requiring a Permit(5)* and the following limitations, may occupy required yards:

   i. Fences not exceeding 4 feet in height may be erected in the front yard or side street yard. Walls, excluding retaining walls, are not allowed in the front yard or side street yard.

   ii. Fences and walls, excluding retaining walls, not exceeding 6 feet in height may be erected in side or rear yards.

m. The compatibility rule must apply to the design of all fences located in a front yard or side street yard. Fences located in the front yard or side street yard must be constructed of brick, stone, ornamental iron, or wood. Chain link fencing is not allowed in front yards or side street yard.

n. The compatibility rule must apply to the design and height of portions of retaining walls located in a front yard or side street yard that are visible from a public street. Such retaining walls must be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, at no point of such retaining wall must exceed 4 feet in height.

o. Glazing, if visible from a public street upon completion, must meet the following requirements:

   i. Windows in the street-facing facade must be predominantly vertical in proportion.

   ii. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

p. Window and door casing widths and depths:

   i. Replacement windows units must maintain the size and shape of the original window opening.

ii. The compatibility rule must apply to the following aspects of windows and doors and glazing:

a) The size and shape of individual window openings.

b) The overall pattern of windows and doors and glazing as it relates to the building facade.

c) The style of the individual window.

q. Mechanical and communication equipment must be located to the side or rear of the principal structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.

r. Subject to the compatibility rule, wood or smooth-finish cementitious lap siding, wood shingles, brick, stone, and true stucco are permissible building materials for the facades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not allowed.

s. In addition to all other applicable regulations, the compatibility rule must apply to the following building materials and design elements, if visible from a public street upon completion:

i. The dimensions of the exposed face of lap siding and wood shingles.

ii. The type of brick and pattern of brickwork.

iii. The type of stone and pattern of stonework.

iv. The material and texture of stucco.

v. The size and type of exterior doors. Notwithstanding the compatibility rule, exterior doors must be wood panel or fixed glass panel in wood frame.

vi. The materials and pattern of roofing.

vii. Gables and gable returns.

viii. Dormers

ix. Paving materials for walks and drives.

x. **Above-grade foundation materials.** Notwithstanding the compatibility rule, foundations must constitute a distinct building design element and must contrast with the street-facing facade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are not allowed as a finished surface.

xi. **Exterior portions of chimneys.** Notwithstanding the compatibility rule, chimneys must be faced with masonry and siding on chimneys is not allowed.

xii. **The location and design of skylights.** Notwithstanding the compatibility rule, when practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.

N. Limits on Two-unit Development

In order to preserve the character of the predominant single-unit and two-unit pattern of development in the district, for new principal buildings that are designed as two-unit dwellings, the following design elements must be subject to the compatibility rule:

1. Number, location, and orientation of the front entry feature into each dwelling unit;
2. Number, location, and orientation of the front porch and front porch steps; and
3. Number, location, and orientation of walkways from the principal structure to the pedestrian zone.

O. Permitted Accessory Uses and Structures

These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These uses and structures include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part.

1. Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the street-facing facade of the principal structure, or the side facade if visible from a public street.
2. Home occupations, subject to limitation set forth in *Sec. XX, Definitions(17)*.
3. Structures necessary for active construction projects.
4. Devises for the generation of energy, such as solar panels, wind generators electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and similar devises, but not located in front of the principal structure.
5. The following regulations must apply to all permitted accessory uses and structures:
    i. Exception in the case of home occupation, no accessory use must be of a commercial nature.
    ii. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.
    iii. Accessory structures may not cover more than 25% of the rear yard.
    iv. Accessory structures must be placed behind the principal structure within the buildable area of the lot.
    v. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less, and may not contain a total floor area greater than 30% of the floor area of the principal structure.

P. Design Standards and Criteria for Alterations and Additions to Non-Contributing Structures

Alterations and additions to non-contributing structures requiring a certificate of appropriateness,

must be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in *Subsection XX, Architectural Standards(2) above.*

Q. Design Criteria for Alterations and Additions to Contributing Structures

Alterations and additions to contributing structures requiring a certificate of appropriateness must comply with one of the following:

a. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations set forth in *Subsection XX, Architectural Standards(2) a*bove; or

b. Alterations and additions may not destroy historic materials that characterize the property. The new building elements and materials may differentiate from the old. To protect the historic integrity of the property and its environment, the compatibility rule shall apply to any new work regarding the massing, size, scale, and architectural features of the property and environment.

1. An increase in floor area otherwise authorized in the district will not constitute grounds for denial of a certificate of appropriateness.

R. Further Provisions

Any time the *Sec. XX, Further Provisions(b)* of this Ordinance is enforced in this district, the Director of the Commission must notify the Oakland City Neighborhood Association within 10 days and a 30-day period for comment be allowed for the association.

DIVISION 6.15. **CASTLEBERRY HILL (LD8)**

A. Statement of Intent

The intent of the Castleberry Hill Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from the 1890s to 1959, including the largest concentration of historic warehouses in the city;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new construction is consistent with the character of the subarea which it is to be built and that such new construction blends harmoniously with the historic character of the entire district;
5. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Castleberry Hill Landmark District;
6. To encourage compatible economic development and neighborhood revitalization that promote a livable, sustainable neighborhood;
7. To promote pedestrian convenience and connect buildings to the public life of the street; and
8. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Castleberry Hill Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 of this part will apply to this district. Whenever the regulations of Division 6.15 conflict with the provisions of Division 6.1, the regulations of Division 6.15 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Castleberry Hill Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.15, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Castleberry Hill Landmark District are as shown on the official zoning map. The district is divided into two subareas as follows:

1. Historic Core, Subarea 1 (SA1).
2. Transitional Historic Areas, Subarea 2 (SA2).

D. Definitions

For the purposes of interpreting this Division 6.15, the following definitions apply:

1. "District" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.
3. "Principal structure" means the main structure on a property, exclusive of any detached accessory structures.
4. "Public street" means publicly dedicated streets and specifically excludes alleys in the District.
5. "Additions to the roof of a principal structure" means any enclosed space that does not meet the definition set out in *Sec. XX, Height; Excluded Portions of Structures(1)*.
6. "Arterial street" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)
7. "Off leash dog park" means an outdoor, uncovered open space used by dog owners to exercise and socialize their off leash dogs with the following characteristics:
    a. the entire off leash area must be turf, other natural ground cover or natural material (not to include stone or masonry products), with exceptions for the entrance gate and water distribution areas as necessary;
    b. the entire off leash area must be surrounded by perimeter fencing that meets the district regulations;
    c. the entire off leash area, including the entrance gate areas, must contain at least one acre;
    d. the off leash area must divided into at least two separate, fenced areas, with at least one each for large dogs (30 pounds and over) and small dogs (under 30 pounds);
    e. all off leash areas must have double gate entrance systems with latches;
    f. all off leash areas must provide for maintenance access for vehicles;
    g. all off leash areas must provide facilities for proper disposal of dog waste; and
    h. all off leash areas must provide potable water service for dog drinking and maintenance.

E. Organization

The zoning regulations for the district consist of two parts. The first part consists of general regulations that apply to all properties located within this district. The second part consists of specific regulations that apply to the identified subareas.

F. Certificates of Appropriateness

1. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Zoning Ordinance.

2. Type I certificates of appropriateness are not required in this district.

3. Type II certificates of appropriateness are required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of *Sec. XX, General Regulations, XX, Specific Regulations for Historic Core, Subarea 1*, and *XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, then the Director of the Commission will issue the Type II Certificate of Appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of *Sec. XX, General Regulations, XX, Specific Regulations for Historic Core, Subarea 1*, and *XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, the Director of the Commission will deny the application. Appeals from said decision of the Director regarding the issuance or denial of Type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates of appropriateness.

4. Type III certificates of appropriateness are required for:

   a. Construction of all new principal structures;

   b. All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.

5. Type IV certificates of appropriateness are required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features, which destroys the structure's historic interpretability or importance.

G. General Regulations

The following general regulations will apply to all properties located within the district.

1. **Standards.** In the district, the Commission will apply the standards referenced below only if the standards set forth elsewhere in this Division 6.15 do not specifically address the application or any portion of the application:

   a. The historic character of a property must be retained and preserved.

   b. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided.

   c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.

d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

e. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.

f. (Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and, where possible, materials.

g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

i. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

k. Contemporary design for new construction and for additions to existing properties is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy *Sec. XX, Specific Regulations for Historic Core, Subarea 1* or *Sec. XX, Specific Regulations for Transitional Historic Areas, Subarea 2*, as applicable.

l. The height of a structure must be measured on the façade facing the public street and measurement must be taken from the highest point of such grade to the top of the parapet wall.

2. Compatibility Rule:

a. The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, windows and doors, glazing, etc.) must match that which predominates on the contributing building in the subarea. Where quantifiable, the element in question (i.e., distance of ground story above streetscape grade), must be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), must be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."

b. .Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

3. **Variances and Appeals.** Variance applications and appeals from these regulations will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances will be the same as those specified in *Div. 9.6, Quasi-Judicial Review* The Commission has the authority to grant or deny applications for appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official* and the appeal provisions for said decision, set forth in *Sec. XX, Appeals from Decisions of Administrative Official(e)*, will also apply to the Commission's decision.

4. Financial Hardship Exemptions:

   a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principal residence on the ground of economic hardship to the property owner.

   b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.

   c. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

      i. The present income of the property owner(s) and those occupying the property.

      ii. The age of the property owner.

      iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought.

      iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements.

      v. The costs associated with adherence to these regulations.

      vi. The degree of existing architectural significance and integrity of the structure; and

      vii. The purpose and intent of this Division.

   d. The Commission will consider these factors and will grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

5. **Subdivisions of Lots.** The subdivision of any lot within this district will be subject to review and approval by the Commission. No subdivision of lots may be approved by the Director of the Bureau of Planning unless said matter has first been submitted to and approved by the Commission. The Commission must find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of a particular subarea or the district as a whole, may be reasonably situated and constructed upon such lots.

6. **Consolidation of Lots.** No lots may be consolidated except upon approval of the Commission. Applications must be made to the Commission. The Commission must find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots.

7. **Tree-preservation and Replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.

8. **Parking:** The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows or in this Division:

   a. No circular drives are allowed between any principal building and any public street.

   b. No drop-off lanes are allowed along public streets, except as required by educational and religious facilities.

   c. Streetscape paving materials must be continued across intervening driveways.

   d. Entry features to garages that serve residential units must be located in a side or rear yard.

   e. All contiguous ground-floor residential units must share one common drive, located in rear yards or side yards, to serve garages and parking lots.

   f. Parking deck façades must have the appearance of a horizontal storied building.

   g. Parking decks along the arterial street frontage must have:

      i. Ground story storefronts; or

      ii. Ground story residential uses.

9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

   a. The distance above the streetscape grade of the ground story of the building will be subject to the compatibility rule. This requirement will only apply to the façade of the building determined by *Subsection XX, Certificates of Appropriateness(1)(l)*.

   b. Setbacks:

      i. The façades of principal buildings facing a public street may not be setback from the lot line.

      ii. Façades of a principal building adjacent to a side lot line may not be setback from the side lot line, except under the following circumstances:

         a) Façades with windows must meet Sec. 704.8 of the 2000 International Building Code, and may not exceed 6 feet.

         b) In the case of the installation of a driveway along a side lot line, the façade must be setback 10 feet from the lot line for one-way drives and 20 feet for two-way drives.

      iii. There must be no rear yard setback requirements.

c. All street-facing ground story development must provide glazing for a minimum of 60% of the length of the frontage, beginning at a point not more than 3 feet above the public streetscape, for a height no less than 9 feet above the streetscape.

d. Ground story development without glazing may not exceed a maximum length of 10 feet of façade.

e. Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and 8 feet above grade.

f. Lot Standards:

   i. The first 8 feet of all building levels that have ground story arterial street frontage must have a commercial, office, or residential use and may not be used for parking or storage.

   ii. The primary pedestrian entrance to all uses and business establishments with ground story street frontage must:

      a) Be visible from the street.

      b) Be directly accessible, visible, and adjacent to the streetscape, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.

      c) Face and be visible to an arterial street when located adjacent to such arterial streets.

   iii. A street address number must be located above the principal building entrance, must be clearly visible from the streetscape, must contrast with their background, and must be a minimum of 4 inches in height with a minimum stroke of 0.5 inch.

g. **Façade Materials.** Brick, stone, and true stucco systems with a smooth finish must be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not allowed on any façade.

h. Awnings and Canopies:

   i. Original awnings and canopies must be retained.

   ii. Replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.

   iii. Awnings and canopies must have a minimum clearance of 8 feet above the ground story, and may not encroach more than 5 feet over the public streetscape.

   iv. Installation of new canopies, where none previously existed, are only allowed if they are compatible with the original structure.

   v. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.

   vi. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

vii. Multiple awnings on a single building must be similar in shape and configuration.

viii. Only that portion of the awning used for signage must be illuminated.

10. Exterior Stairs and Landings:

    a. Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.

    b. Stair treads must be equal widths.

    c. Exterior stairs and landings must be constructed of metal or poured concrete.

11. Structures on the Roofs of Principal Buildings:

    a. All components of a structure or addition on the roof of a principal building visible from a public street must be metal or masonry.

    b. The enclosed floor area of a habitable structure may not exceed 25% of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.

12. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots:

    a. Lighting must be provided throughout all parking facilities at a minimum of one-half foot-candle of light.

    b. Parking facilities must be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes must be clearly defined and maintained.

13. Fences, Walls, and Retaining Walls:

    a. Fences must be no more than 10 feet high.

    b. Fences between the principal building and the public street must be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.

    c. Fences to the rear or side of the principal building must be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.

    d. Walls are not allowed between the principal building and the public street. Walls must be no more than 10 feet high. Walls, including retaining walls, must be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.

    e. Retaining walls adjacent to a public street or streetscape may not exceed 4 feet in height, unless required by existing site topography.

    f. Adjacent to a public street or streetscape, the total height of any combination of fencing, wall or retaining wall may not exceed 10 feet.

14. **Permitted Accessory Uses and Structures.** The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises and such merchandise may occupy no more than 25% of the total floor area on the premises.

b. No storage may be provided in any portion of a structure adjacent to any streetscape, public park, or plaza.

c. No off-premises storage of merchandise is allowed either as a principal or accessory use.

d. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.

e. Accessory structures must be placed behind the principal structure within the buildable area of the lot.

f. Accessory structures may not cover more than 25% of the rear yard.

g. Accessory structures may not exceed 25 feet in height or the height of the principal structure, whichever is less.

h. Must be located in the least visible location within the permissible area.

i. May require screening with the appropriate plant or fence materials.

j. Swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:

   i. Such active recreation facilities will require a variance from the Commission, which variance will be granted only upon finding that:

      a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and

      b) The area for such activity could not reasonably be located elsewhere on the lot.

   ii. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.

15. **Applications.** Materials necessary for complete review of an application must be submitted with the application as set forth by the Director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements must be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application must also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

16. Additional Notifications:

a. The applicant of Type III (including variances) & IV Certificates of appropriateness must be given contact information for the Castleberry Hill Neighborhood Association by the Commission and must be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the Commission.

b. Any time the *Sec. XX, Further Provisions(b)* of this part is enforced in this district, the Director of the Commission must notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.

c. The Director must regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the Commission in which there is any agenda item for property within the District.

17. **Signage.** The provisions of the Atlanta Sign Ordinance apply to this district.

H. Specific Regulations for Historic Core, Subarea 1

In the Castleberry Hill Historic Core, Subarea 1, the Commission will apply the standards referenced in *Sec. XX, General Regulations(1)* only if the standards set forth in *Sec. XX, Specific Regulations for Historic Core, Subarea 1* do not specifically address the application or any portion thereof:

1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

   a. The compatibility rule will apply to the general façade organization, proportion, scale, and roof form of the principal structure.

   b. The maximum height of a principal structure is 40 feet. Properties with ground story retail space exceeding 12 feet in height are allowed a 10% height bonus, allowing for a maximum height of 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which are allowed a 10-foot height bonus, allowing for a maximum height of 50 feet.

   c. All building elements must be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the facade:

   d. Windows and doors:

      i. The compatibility rule will apply to the following aspects of windows and doors:

         a) The style and material of the individual window or door.

         b) The size and shape of individual window and door openings.

         c) The overall pattern of windows and doors and glazing as it relates to the building façade.

         d) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

      ii. Painted glass and reflective glass, or other similarly treated glazing, are not allowed.

iii. If muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

e. Facades:

i. Brick, stone, and true stucco systems with a smooth finish must be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any facade.

ii. Covering of the original facade is not allowed.

iii. Painting of unpainted stone, terra cotta, and brick is not allowed.

iv. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.

v. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.

f. Storefront Lighting and Security Features:

i. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.

ii. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

g. Screening:

i. Frontages must be screened as specified in Sec. 8.4.3.

ii. Site elements must be screened as specified in Sec. 8.4.4.

h. Excluding the flare at the street, driveways may not exceed 10 feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not allowed as a paving material.

i. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

i. Hexagonal streetscape pavers must be retained.

ii. Hexagonal streetscape pavers or hexagonally stamped concrete must be used for any new streetscapes or replacement streetscapes on the public streets.

iii. Any new or replacement curbing must be granite.

iv. A Special G Streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Sec. 3.5.1.

2. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principle purposes:

a. Multi-unit dwellings, two-unit dwellings, and single-unit dwellings.

b. Maternity supportive housing.

c. Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20% of the total floor area, excluding accessory uses.

d. Any of the following uses provided they do not exceed 2,000 square feet of floor area:

i. General retail, grocery store.

ii. General personal service, hair an nail salon.

e. Any of the following uses provided they do not exceed 5,000 square feet of public areas:

i. General food and beverage, wholesale bakery, bar, lounge or nightclub

ii. Private museum and library, private community center, general indoor entertainment and recreation, convention hall or event facility.

iii. Religious assembly.

f. General civic

g. Artist workshop, general office, medical office, and sound recording studio, provided that no such individual business establishment may exceed 15,000 square feet of floor area.

h. Off leash dog park.

i. Urban gardens.

j. Market gardens.

k. All lodging, up to 50 guest rooms.

l. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

m. Drive-thru and drive-in services, windows, and facilities are not allowed. Hiring halls are not allowed. Blood donor stations are not allowed. No wholesaling or jobbing is allowed within the district. No use or manner of operation is allowed that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.

I. Specific Regulations for Transitional Historic Areas, Subarea 2

The following regulations apply to all properties located within this subarea:

1. **Intent.** The intent of the regulations for the Transitional Historic Areas, Subarea 2, is as follows:
   a. To encourage neighborhood-oriented development.
   b. To promote pedestrian safety and connectivity.
   c. To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. **Maximum Heights.** The maximum height of a principle structure is 50 feet. Properties with ground story retail space exceeding 12 feet in height are allowed a 10% height bonus, allowing for a maximum height of 55 feet.
3. **Setbacks.** The setback of the principal building façade that faces a public street must be between zero and 40 feet.
4. **Lot Coverage.** Maximum lot coverage may not exceed 80%.
5. **Railroad Right-of-Way.** Properties adjacent to the railroad right-of-way must have a minimum of a 20 feet continuous buffer adjacent to the railroad right-of-way. Said buffer may not be required to exceed 20% of the total property area and must be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the Director of the Bureau of Planning. Said buffer must be considered as part of the required open space or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group.
6. **Screening:**
   a. Frontages must be screened as specified in Sec. 8.4.3.
   b. Site elements must be screened as specified in Sec. 8.4.4.
7. Streetscapes: Streetscapes must be provided as specified in Sec.3.5.1.
8. **Roof Lines.** Roofs of new construction, additions, or alterations must either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.
9. **Permitted Principal Uses and Structures.** In addition to those uses allowed in *Sec. XX, Specific Regulations for Historic Core, Subarea 1(2)*, a building or premises may only be used for the following principle purposes:
   a. Retail bank.
   b. Religious assembly.
   c. Private day care, private eduction.
   d. Conventional hall or event facility.
   e. Indoor growing system.
   f. Private clubs.
   g. Lodging uses of any size.

h. Laundry service.

i. Low impact manufacturing, wholesale trade.

j. Funeral home.

k. Artist workshop, general office, medical office, and sound recording studio.

l. Research and development.

m. Indoor animal care.

n. Commercial parking lot, commercial parking structure.

o. Urban gardens.

p. Market gardens.

J. Additional Use Regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Zoning Ordinance the following apply to permitted uses in this district:

1. **Food and Beverage Use.** The following additional regulations apply in Subarea 1 and Subarea 2:

   a. No food and beverage use with an alcohol license may be located within 250 feet of another food and beverage use with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.

   b. Notwithstanding the location of any other premises with an alcohol license, a food and beverage use where sales of alcoholic beverages by the drink constitute less than 50% of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25% of the total square footage of nonresidential floor area in such mixed-use development.

   c. Accessory outdoor dining area to any food and beverage use which is otherwise allowed by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;

2. **Specifically Prohibited Uses.** Without regard to whether such uses are allowed as a permitted use under the list of typical uses in Chapter 4, the following uses are not allowed either as primary or accessory uses:

   a. Cinema/movie theatre.

   b. Bowling alley.

   c. Skating rink.

   d. Video game room, amusement gallery or amusement arcade.

   e. Pool hall.

   f. Massage parlor or facility.

g. Body art studio.

h. Adult establishment.

i. Package stores.

j. Alternative financial services.

3. **Hours of Operation.** No business is allowed to operate except during the following hours:

a. Sunday—Thursday: 6:00 a.m. to 12:00 a.m.

b. Friday and Saturday: 6:00 a.m. to 1:00 a.m.

DIVISION 6.16. **ATKINS PARK (HD7)**

A. Statement of Intent

The intent of the Atkins Park Historic District is as follows:

1. To recognize and maintain the original design of the 1909 plan for Atkins Park created by Edwin Wiley Grove, a prominent businessman, pharmacist, real estate developer and philanthropist of the Southeast and Mid-Atlantic regions.
2. To preserve existing landscape and hardscape features that include the gateways, the by-way, alleys, and general physical character of the district.
3. To preserve the historic as-built physical pattern of the district created during the 1909 to 1935 period primarily consisting of single-unit residential development, and including spatial relationships between buildings, and spatial relationships between buildings and the street.
4. To preserve the architectural history of the residences that were constructed in the district from 1909 to 1935 and to ensure that additions, alterations, and renovations to existing structures are consistent with the historic character of the individual structure.
5. To prevent the subdivision or consolidation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1909-1935 development period, or otherwise detract from the identified historic qualities of the district.
6. To preserve the residential character of the area, and to ensure that redevelopment reflects and reinforces the exceptional features established in the original planning.
7. To ensure that new construction observes the historic characteristics and maintains a continuing harmony with the character of the entire district. Also to ensure that new noncontributing structures of contemporary design and materials are compatible with and sensitive to the historic character of the district.
8. To encourage containment of existing commercial areas and discourage encroachment of the commercial areas into the district.
9. To encourage neighborhood revitalization and prevention of displacement of residents.
10. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of the regulations for the Atkins Park Historic District is as follows:

1. The official zoning map and all regulations governing all properties within the Atkins Park Historic District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations of *Div. 6.16* will apply.

2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district. Whenever the regulations of *Div. 6.16* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.16* will apply.

3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Atkins Park Historic District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.16, the interpretation provision set forth in *Sec. XX, Further Provisions of* the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Atkins Park Historic District are as shown on the official zoning map and described as follows, south boundary is the rear (south) property line on St. Augustine Place; west boundary is the east edge of the sidewalk on the west side of North Highland Avenue from the rear (south) property line on St. Augustine Place to the rear (north) property line on St. Louis Place; north boundary is the rear (north) property line on St. Louis Place; east boundary is the west edge of the sidewalk on the east side of Briarcliff Road from the rear (north) property line on St. Louis Place to the rear (south) property line on St. Augustine Place.

D. Organization

The overlay zoning regulations for the Atkins Park Historic District are composed of general regulations that apply to the entire district within the stated boundaries.

E. Definitions

For purposes of interpreting this *Div. 6.16*, the following definitions apply.

1. Alley means a pedestrian or vehicular way providing secondary access to the rear of abutting property.

2. Balcony means a finished platform that projects from the wall of a building and is enclosed by a finished railing or parapet, generally cantilevered or supported by brackets.

3. By-way means the walkway located mid-way on the blocks, running north-south between the north side of Ponce de Leon Avenue and the south side of St. Louis Place.

4. Core residential street means St. Augustine Place, St. Charles Place, St. Louis Place, and the one block *Sec.* of Briarcliff Road between St. Charles Place and St. Louis Place, and specifically excludes alleys and by-ways.

5. Deck means a roofless platform and adjoining deck stairs connected to a house, generally made of unfinished wood and supported by posts.

6. District means the Atkins Park Historic District, as shown on the official zoning map adopted herewith entitled the "Atkins Park Historic District."

7. Gateway means the stone pillars and associated wrought iron, stone walls, and stone retaining walls that are at the east and west entrances of St. Augustine Place, St. Charles Place and at the west entrance of St. Louis Place.

8. New construction means construction of new primary structures.

9. Primary structure means the main habitable structure on a property, exclusive of detached accessory structures.

10. Upper story terrace means non-roofed space within the foot print of the structure and accessible from a habitable portion of an upper floor of the structure.

F. General Regulations

The following general regulations apply to all properties located within the Atkins Park Historic District.

1. Certificates of appropriateness:

   a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*.

   b. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

   c. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. For example, painting or repainting of any structure or portion thereof, or roof or driveway repair using same materials, do not require a certificate of appropriateness.

   d. Type II certificates of appropriateness are required for any of the following to the extent they are visible from a public street: Any minor alteration to any facade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.

   e. Type III certificates of appropriateness are required for:

      i. All new principal structures.

      ii. All major alterations and additions to existing structures.

      iii. Subdivisions or consolidations of lots, and planned developments.

   f. Type IV certificates of appropriateness are required for demolition, moving, or major alterations or additions to any principal structure, or existing gateway, or portions thereof.

2. **Variances.** Variance applications will be heard by the Commission. The Commission will have the authority to grant or deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary

hardship. The procedures, standards, and criteria for decisions regarding such variances will be the same as those specified in *Div. 9.6, Quasi-Judicial Review* of this Part 16.

Zoning variances granted prior to original enactment of this District. Any owner of property who obtained, on or after January 1, 1982, and prior to July 5, 2007, a variance from the city Board of Zoning Adjustment to construct all or a portion of a project within the boundaries of this district, shall will be entitled to construct said project in accordance with the plans presented in said application, the provisions of *Sec. XX, Specific Regulations* notwithstanding.

3. Financial hardship exemptions:

   a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

   b. The burden of proving economic hardship by a preponderance of the evidence will be on the applicant.

   c. The commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

      i. The present income of the property owner(s) and those occupying the property;

      ii. The age of the property owner;

      iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

      iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

      v. The costs associated with adherence to these regulations;

      vi. The degree of existing architectural significance and integrity of the structure; and

      vii. The purpose and intent of this Division.

   d. The Commission will consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it will grant an exemption, in whole or in part, as appropriate.

4. **Subdivisions and consolidation of lots.** The platting pattern of the Atkins Park Historic District is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposal is substantially consistent with the original plan of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions and consolidations of lots will conform to the historic platting pattern in the Atkins Historic District with regard to area of lot, dimensions, and configurations.

5. **Tree preservation and replacement.** The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158, Article II, apply to this district.

a. In addition to the Tree Ordinance, a Type III Certificate of Appropriateness to remove or destroy any tree having a diameter at breast height of 6 inches or greater for safety, landscaping, silviculture, construction, renovation or demolition will be obtained prior to commencement of work. Trees determined to be dead, dying or hazardous are not subject to the certificate of appropriateness procedures. The application will include a tree plan indicating the following:

i. Location of all existing trees with type and diameter indicated, including boundary trees;

ii. Location of all existing trees to be saved indicated; and

iii. Location of all proposed trees located with type and diameter indicated.

6. Alleys and by-ways:

a. Existing alleys and by-ways must be maintained as part of the historic platting pattern. Alleys shall remain open for pedestrian and vehicular traffic. Byways must remain open for pedestrian traffic only.

7. Compatibility rule:

a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) must match that which predominates on the contributing buildings of the same block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."

b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

8. Specific Regulations:

The following regulations apply to all properties located within the Atkins Park Historic District.

a. Lot standards for primary structures:

i. **Primary street setbacks.** The primary street setback of primary structures must meet the compatibility rule.

ii. **Side setbacks.** The side setbacks of principal structures must meet the compatibility rule. All new construction and additions must maintain a minimum of 3 feet for side setbacks where the compatibility rule would permit otherwise.

iii. **Rear setback.** The rear setback of principal structures must be a minimum of 15 feet.

iv. On-site parking and driveway requirements.

a) On-site parking pad(s) are not allowed in any front yard or side street yard. On-site must be located in a side or rear yard.

b) The driveway shall extend at least 20 feet beyond the street-facing facade of the structure and may not exceed a width of 10 feet in the front yard or side street yard, exclusive of the curb flare.

c) Use of shared driveways is allowed.

d) The use of alleys for access to such parking is allowed. No variance is required for driveways coming off an alley.

e) Loose stone or gravel is not allowed as a driveway paving material when visible from a core residential street.

f) When garages are attached to the principal structure, the garage entrance(s) may not face a core residential street.

v. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

a) Existing pedestrian and amenity zones must be retained and existing topography must be maintained.

b) A pedestrian zone between the amenity and the required front yard and parallel to the public street must be provided. The pedestrian zone must be the same width as the pedestrian zone on abutting properties. The compatibility rule must apply to pedestrian zone paving materials.

vi. Fences and walls:

a) Fences may not exceed 4 feet in height when located in the front or the side street yards.

b) Fences and walls may not exceed 6 feet in height when located in the side or rear yards.

c) Fences must be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or side street yard. Chain link is not allowed as a fence material when located in a front or side street yard. Materials of fences or walls are not restricted in the side or rear yards.

d) Retaining walls located adjacent to a right-of-way must have a maximum height of 2 feet from finished grade and must be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a allowed facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards are not restricted.

e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence may not exceed 6 feet when located in a front or side street yard.

b. **Architectural standards for primary structures.** Architectural standards for primary structures apply to front street-facing facades, side facades, and side street-facing facades visible from core residential streets only.

i. All new construction must be one of the house styles of a contributing building that appears on the block face of the street on which the new construction will occur.

ii. **Building height and width.** The compatibility rule will apply to the height and width of the primary structure. In no case may the height of a structure exceed 35 feet from average grade.

iii. Foundation:

a) The maximum height of the ground story above grade must meet the compatibility rule. The foundation must be a maximum of 4 feet above the surface of the ground adjacent to the street-facing facade, measured at the street-facing front facade.

b) Slab on grade is not allowed.

c) When masonry, brick or stucco is used as the street-facing facade material, the foundation material must be the same. Otherwise the foundation must be brick or stucco.

iv. **Siding.** Siding must be substantially consistent with siding materials found in contributing buildings on the block face and must be consistent with the architectural style. Brick, brick veneer, stucco, shingles, or horizontal lapped wood or cementitious plank siding are permissible building materials for the facades.

v. Roofs:

a) The shape and pitch of roofs, as well as ridge, overhang, and soffit construction must meet the compatibility rule and be consistent with the architectural style.

b) Clay tile, slate, composition asphalt shingles, and fiberglass shingles are the allowed roofing materials.

c) Membrane or cold-rolled roofing are allowed only on flat roofs.

d) Corrugated roofing materials are not allowed.

vi. Chimneys:

a) When any portion of a chimney is visible from a public street as a facade element, the chimney must originate average grade.

b) Exterior portions of chimneys must be faced with brick, brick veneer or stucco. Siding on chimneys is not allowed.

vii. **Skylights and solar panels.** Skylights and solar panels are allowed on roofs of buildings provided they are not visible from any core residential street.

viii. Front entry features:

a) All front entry features, front porches, front steps and front doors must face and be parallel to the street, except in those blocks where the historic pattern is such that front doors and front steps are perpendicular to the street, in which the compatibility rule must apply.

b) The main entry feature must be a design element of the facade that faces the district's residential public street.

c) The design and dimensions of front porches, front entry features or terraces must be consistent with the architectural style of the house.

d) Front porch steps must be made of stone, brick, or poured concrete; metal or wood steps are not allowed.

e) Porches may be enclosed with recessed screenwire or recessed glass if the main characteristics of a front porch are maintained.

ix. **Windows and doors.** Windows and doors, if visible from a core residential street upon completion, must meet the following requirements:

a) The compatibility rule must apply to the style, size, shape and overall pattern of windows and doors.

b) Windows on the front facade must be predominantly vertical.

c) Exterior doors and door transoms must be appropriate to the house style, regarding design, size, dimension, and location on the building.

x. Shutters and awnings:

a) Shutters and awnings may be added to the building if they are appropriate to the architectural style of the house.

b) Shutters must be operable or appear operable, and shall fit the size of the window.

c) Replacement shutters must match the original shutters in design, materials, and configuration.

d) Fabric and metal awnings are allowed. All other types of canopies and awnings are not allowed.

xi. Decks, balconies and upper level terraces:

a) Decks are only allowed when located to the rear of the primary structure and must be no wider than the width of the house. Decks are allowed at any level.

b) Balconies and upper story terraces are allowed on any facade, provided it is consistent with the architectural style of the house.

xii. **Ornamentation.** Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed is allowed and will be subject to the compatibility rule.

xiii. Mechanical and communication equipment:

a) Mechanical equipment, i.e. heating and cooling systems, must be located to the side or rear of the primary structure and in the location least visible from a public street. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street.

b) Communication equipment, i.e. satellite dish, must be located to minimize visibility from the core residential street.

xiv. Grading may not excessively or unnecessarily alter the existing topography of the site. New grades must meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.

c. **Maximum floor area ratio.** The floor area ratio may not exceed 50% of the net lot area.

d. **Maximum lot coverage.** Lot coverage may not exceed 50% of total lot area.

e. Lot standards for accessory structures:

i. **Side setbacks.** The side setbacks of accessory structures must be a minimum of 3 feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side setback may be zero feet.

ii. **Rear setbacks.** The rear setbacks of accessory structures must be a minimum of 3 feet, measured from the rear property line.

iii. Accessory structures are allowed in the side or rear yards within the buildable area of the lot so as to not project beyond the street-facing facade of the primary structure. Placement of accessory structures must conform to the compatibility rule.

iv. Accessory structures may not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and may not contain a floor area greater than 25% of the floor area of the primary structure. Plumbing must be limited to hose bib, and electricity must be limited to 60 amps.

9. Design standards and criteria for alterations and additions to non-contributing structures:

a. Alterations and additions to non-contributing buildings must comply with one of the following:

i. Alterations and additions must be consistent with the architectural style of the existing building and the height or width of any alteration or addition may not exceed the height or width of the existing building; or

ii. Alterations and additions must be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, must comply, as applicable, with Architectural Standards for Principal Structures., *Sec. XX, Specific Regulations(2)*.

10. Design criteria for alterations and additions to contributing structures:

a. Alterations and additions to contributing structures requiring a certificate of appropriateness must comply with one of the following provided that the mere increase in floor area otherwise authorized in the district will not constitute a standard for review:

   i. Alterations and additions must be consistent with and reinforce the historic architectural character of the entire existing contributing structure and must comply with the applicable regulations for architectural standards for principal structures set forth in *Subsection XX, Specific Regulations(2)* above; or

   ii. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale, materials, and architectural features of the property and environment.

DIVISION 6.17. **SUNSET AVENUE (HD8)**

A. Statement of Intent

The intent of the Sunset Avenue Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-unit residences, institutions, and neighborhood commercial buildings, which were constructed from the late 19th century to the mid-20th century;
3. To preserve the residential character of the street, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
4. To preserve the historic street and lot pattern and design, that are significant elements of the district;
5. To ensure that new development is consistent with the historic character of the district;
6. To encourage neighborhood revitalization and prevent the displacement of residents; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Sunset Avenue Historic District will remain in full force and effect. The following zoning regulations will be overlaid upon, and will be imposed in addition to, said existing zoning regulations.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations (*Div. 6.17*) will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances.

C. Boundaries

The boundaries of the Sunset Avenue Historic District constitute an overlay *Historic District (HD) zoning district*, which district is as shown on the official zoning map and described as follows: south boundary on the east side of Sunset Avenue is the south property line of 685 Rhodes Street, and on the west side of Sunset Avenue is the south property line of 126 Sunset Avenue; west boundary is the rear property lines of the lots on the west side of Sunset Avenue; north boundary on the west side is north property line of 320 Sunset Avenue; north boundary on the east side is the north property line of 303 Sunset Avenue; east boundary is the rear property lines of the lots on the east side of Sunset Avenue.

D. Organization

The overlay zoning regulations for the Sunset Avenue Historic District are composed of two parts. The first part consists of general regulations which apply to all property located within this district.

The second part consists of specific regulations.

E. General Regulations

The following regulations apply to all properties within the Sunset Avenue Historic District.

1. General criteria:

    a. The Commission will apply the standards referenced below if the standards set forth elsewhere in this *Div. 6.17* do not specifically address the application, including but not limited to commercial properties in the district:

        i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.

        ii. The historic character of a property must be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property must be avoided.

        iii. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties or eras.

        iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

        v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.

        vi. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old, but must be compatible with the historic materials, features, size, massing, scale and proportion, to protect the integrity of the property and its environment.

        vii. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The compatibility rule:

    a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of (i) the structure itself, (ii) the contributing buildings in the entire block, and (iii) the contributing buildings in the subarea.

    b. The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "The elements in question (roof form, architectural trim, etc.) must match that which predominates

on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at street-facing facade, story height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."

c. To permit flexibility, many regulations are made subject to the compatibility rule. Those elements to which the compatibility rule applies are specified in regulations by reference to the "compatibility rule."

3. Certificates of appropriateness:

a. When required:

i. To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;

ii. To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way;

iii. To demolish or move any contributing primary structure, in whole or in part, within the district; and

iv. Site work.

b. Type required:

i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Code of Ordinances.

ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this Section.

iv. The following Type II certificates of appropriateness must be reviewed by the Director of the Commission and are required for any of the following:

a) Fences, walls, and retaining walls;

b) Decks, skylights, solar panels, and mechanical and communication equipment if visible from the public right-of-way;

c) New accessory structures and alterations to existing accessory structures;

d) Shutters and awnings if visible from the public right-of-way;

e) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to: siding, windows, porch railings, porch columns, porch flooring, exterior doors, if visible from the public right-of-way, and

f) Paving.

c. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission will deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.

d. The following Type II certificates of appropriateness will be reviewed by the Urban Design Commission and are required for any of the following to the extent they are visible from the public right-of-way:

i. Alterations to any facade of any primary structure; and

ii. All site work, except as noted in *Sec. XX, General Regulations(3)(b)(4)*.

e. The following Type III certificates of appropriateness will be reviewed by the Commission and are required for:

i. All new primary structures;

ii. Additions visible from the right-of-way;

iii. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint;

iv. Subdivisions and consolidations; and

v. Variances.

f. Type IV certificates of appropriateness will be reviewed by the Commission and required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure requires a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance of the front facade.

4. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Division when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances will be the same as those specified in *Div. 9.6, Quasi-Judicial Review*.

5. **Subdivision and consolidation of lots.** The subdivision of any lot within this district is subject to review and approval by the Commission. No subdivision of lots may be approved by the Director Planning Director unless said matter has first been submitted to and approved by the commission. No lots may be consolidated except upon approval of the Commission. Applications will be made to the Commission, and the Commission will not approve any subdivision or consolidation of

lots unless the Commission will make a finding that the resulting lot or lots are compatible with the historic platting pattern of Sunset Avenue as it existed in 1968 and meet the compatibility rule with regard to lot size, dimensions and configuration.

6. Financial hardship exemptions:

   a. These regulations set forth a minimum standard of architectural compatibility within the district. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

   b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.

   c. If the Commission finds that this requirement of subsection (b) herein is satisfied, they will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

      i. The present and future income of the property owner(s) and those occupying the property;

      ii. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;

      iii. The cost associated with adherence to the subarea regulations;

      iv. The degree of existing architectural importance and integrity of the structure;

      v. The purpose and intent of this Division.

   d. The Commission will balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations apply to all properties:

1. **Lot size, dimensions and configurations.** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this *Div. 6.17* will apply to all subdivisions and consolidations of lots with regard to lot size, dimensions and configurations.

2. Grading:

   a. Grading may not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.

   b. New grades must meet existing topography in a smooth transition.

3. Architectural standards:

   a. Building facades:

      i. All new construction must conform to the existing building orientation by having porches and front doors facing the front yard.

      ii. At a minimum, the front of all new construction, including any portion thereof, must be placed at the distance from the street determined by the compatibility rule.

      iii. There must be two side yards, one on each side of the primary structure, established by the compatibility rule.

      iv. There must be a rear yard of not less than 10 feet.

      v. All building materials which upon completion are visible from the public right-of-way, must be compatible with those which predominate in the subarea.

      vi. Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is allowed.

      vii. The height of all new construction will be based on the compatibility rule. Notwithstanding the compatibility rule, the height of new additions shall not exceed the height of the principal structure.

   b. Windows and doors:

      i. Architecturally significant windows and doors, including details, trim work, and framing, must be retained.

      ii. Replacement windows and doors are only allowed when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.

      iii. New doors and windows, when allowed, must be compatible in scale, size, proportion, placement, and design to existing windows and doors.

      iv. The ratio of window and door area to wall area for all new construction must be established by the compatibility rule, with a allowed differential of 10%.

      v. Windows in the street-facing facade of new construction must be predominantly vertical in proportion and may not be constructed in combination of more than two windows.

      vi. Replacement exterior doors must match the original openings and conform to the original door in material and design.

      vii. New exterior doors must be wood panel or fixed glass panel in wood frame. Metal doors may be used if their design matches that of an original door.

   c. Foundations:

      i. Foundations must be finished with brick, painted concrete block or true stucco.

ii. Foundations must be continuous wall construction or masonry piers with closed with solid infill wall.

iii. Except for garage and utility additions and freestanding buildings, painted concrete block, brick or true stucco must be used as infill between foundation masonry piers when infill is otherwise required.

iv. Slab on grade foundations are not allowed.

d. **Storm doors and storm windows.** Storm doors, screen doors or storm windows must be of compatible design and may not cover, obscure or dominate significant architectural details.

e. Chimneys:

i. Chimneys must be retained whenever possible.

ii. If extending or repairing a chimney, the original materials, mortar, color and pattern must be matched whenever possible.

iii. The construction of new chimneys is not allowed on the street-facing facade.

iv. New chimneys must be faced with brick, stucco or stone and must originate at grade.

v. Siding on chimneys is not allowed.

f. Roofs:

i. Replacement roofs and roofing must match the original roof in material, pitch and shape as well as ridge, overhang and soffit design.

ii. Cold-rolled roofing is allowed only on flat roofs and roofs with a 15-degree or less pitch.

iii. Architectural metal roofing, slate, tile, and shingle roofing are allowed; corrugated metal and corrugated fiberglass roofs are not allowed.

iv. The shape and pitch of roofs for new construction will be subject to the compatibility rule.

v. Dormers are not allowed on the roof over the front facade of any structure.

vi. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not allowed on the roof over the front facade of any structure.

g. Porches:

i. Architecturally significant front porches, steps and stoops must be retained, whenever possible.

ii. Replacement front porches, steps and stoops must match the original in size, design and materials.

iii. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.

iv. Front porches are required for new houses and the compatibility rule will apply for all porch elements.

v. Front porches must contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule, although standard lumber is allowed.

vi. New decks are only allowed to the rear of the house.

h. **Accessory structures.** Accessory structures, such as carriage houses, smoke houses, garages, car ports, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, must be located to the side or rear of the main structure within the buildable area of the lot and may not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials may be required if said structure is visible from the right-of-way.

i. Walls and fences:

i. Walls are not allowed in the front yard. Where allowed, walls may be no more than 6 feet in height.

ii. Fences in the front yard must be made of wood picket, brick, stone or iron type construction and may be no more than 4 feet in height.

iii. Retaining walls which are located in the front yard must have a finished masonry surface constructed of materials compatible with the exterior finish of the primary structure. Retaining walls must be integrated into the landscape.

j. Architectural details:

i. Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, must be retained, restored or replaced to match the original in dimension and design.

4. Paved surfaces:

a. The original layout, patterns and paving materials of streetscape pedestrian zones, curbs and streets must be retained. Replacement, when necessary, must be done in kind as to layout, pattern, and paving material.

b. New streetscape pedestrian zones must be the same material and width as the pedestrian zone on abutting properties. If no sidewalk exists on abutting properties, the new pedestrian zone must match the material and widths on the block. If no pedestrian zone exists on the block, the new pedestrian zone must be concrete and 6 feet wide.

5. On-site parking requirements:

a. On-site parking is not allowed in the front yard.

b. Carports and garages must be behind the rear of the primary structure. If the primary structure is located on a corner lot, the primary street setback of that side street will apply to the construction of a carport or garage.

DIVISION 6.18. **COLLIER HEIGHTS (HD9)**

A. Statement of Intent

The intent of the Collier Heights Historic District is as follows:

1. To preserve the integrity of the neighborhood, a mid-20th century suburb created for African Americans, by African Americans;
2. To preserve the environment, physical layout, and examples of early and mid-20th century architecture in the district;
3. To encourage and ensure development compatible with the existing character of the district;
4. To ensure that new development using contemporary design and materials is compatible with and sensitive to the character of the district;
5. To preserve the residential character of the district;
6. To prevent the encroachment of commercial areas into the residential areas; and
7. To encourage economic development, neighborhood revitalization, and promote the health, safety, and welfare of the district's residents.

B. Scope of Regulations

1. The official zoning map and regulations governing all properties within the Collier Heights Historic District will remain in full force and effect. The regulations contained in *Div. 6.18* will be overlaid upon, and shall be imposed in addition to, said existing zoning regulations.
2. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* will apply to this district.
3. Whenever the regulations of *Div. 6.18* conflict with said regulations of *Div. 6.1*, the regulations of *Div. 6.18* will apply.
4. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district will continue to apply; and any variance between said other regulations and these overlay district regulations (*Div. 6.18*) will be governed by the interpretation provision set forth in *Sec. XX, Further Provisions(c)*.

C. Boundaries

The boundaries for the Collier Heights Historic District constitute an overlay Historic District (HD) zoning district, which district are as shown on the official zoning map.

D. Organization

The overlay zoning regulations for the Collier Heights Historic District are composed of two parts. The first part consists of general regulations. The second part consists of specific regulations. Both parts will apply to all property located within this district.

E. General Regulations

The following general regulations apply to the Collier Heights Historic District.

1. General criteria:

   a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*.

   b. In the Collier Heights Historic District, the Commission will apply the standards referenced below only if the standards set forth elsewhere in this *Div. 6.18* do not specifically address the application including but not limited to multi-unit residential, institutional, commercial and mixed use structures:

      i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

      ii. The historic character of a property must be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property may not be removed.

      iii. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.

      iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

      v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

      vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, and materials.

      vii. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

      viii. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

      ix. New additions, exterior alterations, or related new construction, may not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

      x. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. **Certificates of appropriateness.** Certificates of appropriateness within this district are required as follows:

   a. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

b. Notwithstanding any other provision herein, the following work does not require a certificate of appropriateness:

   i. To repaint any structure or portion thereof; and

   ii. To complete ordinary repairs and maintenance, as defined by *Sec. XX, Same; Types and Procedures(a)*; and

c. The following work requires a certificate of appropriateness:

   i. To alter the street-facing or side facades and front or side roof planes of a structure;

   ii. To alter the rear facade or rear roof plane of a structure that is located on a corner lot, as defined by *Sec. XX, Regular Lots(3)*;

   iii. To erect a new structure;

   iv. To make an addition to any structure;

   v. To demolish or move any contributing principal structure, in whole or in part:

   vi. To request a variance from *Div. 6.18*; and

   vii. Subdivisions and consolidations of lots.

d. Type required:

   i. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness will be those specified in *Sec. XX, Same; Types and Procedures* of the Code of Ordinances.

   ii. Notwithstanding any other provision herein, no certificate of appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

   iii. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this Section.

   iv. The following must require a Type II certificates of appropriateness which will be reviewed by the Director of the commission:

      a) Fences, walls, and retaining walls;

      b) Rear or side decks, patios, and terraces;

      c) Skylights, solar panels and mechanical and communication equipment;

      d) New accessory structures and alterations to existing accessory structures, subject to the limitations for active recreation facilities set forth in *Sec. XX, Specific Regulations(12)(d)*;

      e) Storm doors and storm windows, security doors and exterior window treatments, shutters and awnings;

f) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring and exterior doors;

g) Replacement or renovation of the following original or historic elements with elements that otherwise meet the regulations: porch elements, windows, siding and exterior doors; and

h) Paving.

e. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Division, as applicable, and other criteria applicable to Type II certificates, the Director of the Urban Design Commission will issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Division, as applicable, the Director of the Urban Design Commission will deny the application with notice to the applicant sent within 14 days of receipt of the completed application. Appeals from any such decision of the Executive Director regarding the approval or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I certificates.

f. The following will require a Type II certificates of appropriateness which will be reviewed by the Commission:

i. To alter a principal structure, except as noted in *Sec. General Regulations(2)(d)(iv)*;

ii. Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and

iii. All site work, except as noted in *Sec. XX, General Regulations(1)(b)(iv)*.

g. The following shall require a Type III certificates of appropriateness which must be reviewed by the Commission:

i. All new principal structures;

ii. Additions to principal structure;

iii. Revisions to Type III certificate of appropriateness applications previously approved by the commission, conditionally or otherwise, including but not limited to changes in floor area ratio, lot coverage, setback, building footprint, or building height;

iv. Subdivisions and consolidations of lots; and

v. Variances from this *Div. 6.18*.

h. Type IV certificates of appropriateness will be reviewed by the Commission and will be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance, as determined by the commission.

3. **The compatibility rule.** In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) must match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."

    a. For the purposes of the compatibility rule, height and width will be measured at the street-facing building facade.

    b. Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

    c. When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons must all be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison must be made to a qualifying structure(s) on an adjacent block race or block, and if no such structure exists on an adjacent block face or block, the comparison must be made to a qualifying structure(s) located in the district.

4. **Variances.** The Commission will have the power to hear, grant and deny variances from the provisions of this Div. *6.18* when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other then financial hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances must be the same as those specified in *Div. 9.6, Quasi-Judicial Review*, which provisions are hereby incorporated herein.

5. Financial hardship exemptions:

    a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

    b. In order to qualify for a financial hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

    c. The burden of proof that the regulations pose such a hardship will be on the property owner. If the Commission finds that the requirement of *Subsection (5)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:

        i. The present and future income of the property owner(s) and those occupying the property;

ii. The availability, at present or in the future, of other sources of income or revenue, including loans, grants, and tax abatements;

iii. The costs associated with adherence to the district regulations;

iv. The degree of existing architectural importance and integrity of the structure; and

v. The purpose and intent of this Division.

d. The commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the financial hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

6. **Subdivision and consolidation.** The platting pattern of the district is an integral part of the historic character of the district. No subdivision or consolidation may be approved unless it can be shown that the proposed subdivision or consolidation is substantially consistent with the historic character or platting pattern of the district. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to *Sec. XX, Streets(a)(2)* and *XX, Lots(d)(6)*, all subdivisions or consolidations of lots must conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations. The compatibility rule will apply, and no subdivision or consolidation must be approved unless and until the commission has made a finding that it is consistent with this provision or with the historic platting pattern of the district and that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots.

F. Specific Regulations

In addition to the general regulations set forth in *Sec. XX, General Regulations*, and any other applicable regulations, the following regulations shall apply to all properties in the District:

1. Building facades, materials, and massing:

a. All new primary structures must conform to the existing building orientation by having street-facing building facades and front doors facing and parallel to the street, and except in those blocks in which the historic pattern is such that structures are situated at an angle to the street, in which case the compatibility rule will apply. If located on a corner lot, the orientation of the street-facing building facade must be based on the compatibility rule whenever possible.

b. Primary street, side and rear setbacks for all new primary structures must be subject to the compatibility rule. The primary street and rear setbacks of additions must be subject to the compatibility rule. The side setbacks of additions will not be subject to the compatibility rule but must be no closer than the side setbacks of the existing primary structure.

c. The compatibility rule will apply to the height of all new primary structures and additions. Regardless of the compatibility rule range, the highest ridge line of an addition may not be any higher than the highest ridge line of the existing structure.

d. The compatibility rule will apply to the form and pitch of the primary roof of the primary structure and additions.

e. The compatibility rule must apply to the overall design, size, scale, massing and width of new primary structures and additions.

f. The compatibility rule must apply to the height of the first story above the grade as measured at the street-facing building facade.

g. The compatibility rule must apply to all building facade materials on all facades, and in addition to all other applicable regulations, as follows:

i. The presence and dimensions of the exposed face of lap siding and wood shingles.

ii. The presence and type of brick and pattern of brickwork.

iii. The presence and type of stone and pattern of stonework.

iv. The presence, material and texture of stucco.

v. The materials and pattern of roofing.

2. Windows and doors:

a. Original or historic windows and exterior doors must be retained.

b. Replacement windows or exterior doors are allowed only when the original or historic windows and exterior doors cannot be rehabilitated.

c. If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors must match the original or historic in light design, function, materials, shape, and size.

d. Replacement windows and doors for non-original or non-historic windows and doors must be compatible with the architectural style of the structure or must be subject to the compatibility rule.

e. On existing principal structures, new doors and windows in new openings, when allowed, must be compatible in scale, size, proportion, placement and style to existing windows and doors.

f. On the primary street and side facades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.

3. Storm doors, storm windows, security doors and exterior window treatments, shutters and awnings:

a. Shutters and awnings may not be added to the structure if they were not original to the structure.

b. Original or historic shutters and awnings must be retained.

c. Replacement shutters and awnings are only allowed when original or historic shutters and awnings cannot be rehabilitated.

d. If original or historic shutters and awnings cannot be rehabilitated, any replacement shutters and awnings must match the original or historic shutters and awnings in design, materials and configuration.

e. On the primary street and side facades of new primary structures and additions, storm doors, security doors, storm windows, or security windows may not cover or obscure significant architectural details.

4. Foundations:

a. Replacement foundation materials must replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.

b. On the primary street and side facades of new primary structures and additions, foundations must be of masonry or concrete construction. Other foundation materials are allowed provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.

5. Chimneys:

a. Original or historic chimneys must be retained.

b. Replacement chimneys are only allowed when original or historic chimneys cannot be rehabilitated.

c. If original or historic chimneys cannot be rehabilitated, replacement chimneys must match the original or historic chimney in design, materials and configuration.

d. Chimneys that are part of a new principal structure or the primary street or side facades of additions must be faced with brick. No chimneys may be cantilevered from the facade of the structure.

6. Roofs and roof features:

a. Replacement roofing must be of the same texture and appearance as the existing.

b. Rolled or membrane roofing is allowed only on flat roofs. Metal roofs are not allowed.

c. The shape and pitch of roofs for new principal structures and additions must be subject to the compatibility rule.

7. Skylights:

a. Skylights must be placed on the rear roof plane of either the primary or accessory structure.

b. If skylights are visible from the public street, the glass must be tinted to match the surrounding roof area. Protruding "bubble" skylights are not allowed.

8. **Solar panels.** Solar panels must be placed on the rear roof plane of either the primary or accessory structure.

9. Decks, patios and terraces:

a. Decks, patios and terraces must be constructed to the rear of the structure and may not extend beyond the sides of the structure.

b. Decks, patios and terraces on corner lots must be screened with vegetation to reduce visibility from the public street.

10. Porches and stoops:

a. Original or historic porches or stoops, including their component features must be retained.

b. Replacement porches or stoops or their component features are only allowed when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.

c. If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features must match the original in shape, size, internal proportions, and materials.

d. Porches or stoops must be a part of new primary structures or additions based on the compatibility rule and if present the primary street or side facade must contain railings and decorative features consistent with the architectural style of the principal structure or must be subject to the compatibility rule.

e. Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.

11. Attached garages and carports:

a. The presence, location, and design of carports or garages for all new primary structures must be subject to the compatibility rule.

b. The placement and location of attached, new carports and garages on existing primary structures must meet the compatibility rule.

c. Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.

d. Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.

12. Accessory structures and active recreation facilities:

a. No wind turbines or similar, freestanding energy creating devices are allowed in the district.

b. All other accessory structures, such as, detached garages, detached carports, greenhouses, mechanical or communications equipments, must be located to the side or rear of the primary structure and may not project beyond the front of the primary structure. All accessory structures must have side setbacks of at least 15 feet or must be no closer than the side setback of the existing primary structure and must have rear setbacks of at least 15 feet. Side street setbacks for accessory structure must be established by the compatibility rule. The predominant exterior materials must be metal, siding, or brick.

c. In addition, all mechanical and communications equipment must be screened with planting or fence materials if said equipment is visible from the public street.

d. In addition, swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:

i. Such active recreation facilities must follow the requirements in *Sec. XX, Specific Regulations(12)(b);*

ii. Such active recreation facilities in any yard, required or other, adjacent to a street or between any primary structure and any public street must require a variance from the Commission, which variance will be granted only upon finding that:

a) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and

b) The area for such activity could not reasonably be located elsewhere on the lot.

iii. The Commission may condition any variance for such active recreation facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to minimize any potential negative impacts of the proposed facility on adjoining property owners.

13. Freestanding mailboxes and mailbox structures are allowed in the front yard immediately adjacent to the public street provided the mailbox or mailbox structure does not exceed 4 feet in height, 2 feet in depth, and 2 feet in width. Additional components may be attached to one of both sides of the mailbox or mailbox structure and each individual component shall not exceed 2 feet in height, 2 feet in depth, and 2 feet in width. Freestanding mailboxes and mailbox structures, and any attached components must be brick or metal.

14. Landscaping and grading:

a. Grading may 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.

b. Approval of a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties, including plant materials that reflect the existing character of the district.

c. New grades must meet existing topography in a smooth transition.

15. Paved surfaces:

a. Original or historic paved surfaces must be retained.

b. Replacement paved surfaces are only allowed when original or historic chimneys cannot be rehabilitated.

c. If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces must match the original or historic paved surface in layout, patterns, finish, and materials.

d. The layout, pattern, finish and material of new paved areas will be subject to the compatibility rule.

e. New driveways may not exceed a width of 10 feet between the primary structure and any public street except for the minimum flare required to allow access to double-width carports or garages.

16. Fences and walls:

a. Fences and walls are not allowed between the primary structure and any public street, any yard adjacent to a public street, or any yard adjacent to the space between the primary structure and any public street.

b. Where allowed, fences must he made of metal chain link, metal picket, or wood picket. Where allowed, walls must be made of wood or natural stone, brick, or concrete faced with true stucco.

c. Where allowed, fences and walls may not exceed 6 feet in height at any point.

17. Retaining walls:

a. Original or historic retaining walls must be retained.

b. Replacement retaining walls are only allowed when original or historic retaining walls cannot be rehabilitated.

c. If original or historic retaining walls cannot be rehabilitated, replacement retaining walls must match the original or historic retaining wall as to location, height, materials, pattern, and joinery.

d. The height of existing retaining must that can be seen from the public street must be maintained.

e. New retaining walls, visible from the public street, must be faced with natural stone or brick and their height must be subject to the compatibility rule.

f. The height of retaining walls not visible from the public street will not be restricted by this Division.

18. Ornamentation:

a. Original or historic ornamentation, such as railings, supports, columns, and decorative attachments must be retained.

b. Replacement ornamentation is only allowed when the original or historic ornamentation cannot be rehabilitated.

c. If original or historic ornamentation cannot be rehabilitated, replacement ornamentation must match the original or historic ornamentation as to location, size, number, design, reveal, and materials.

d. The installation of new ornamentation that does not currently exist is only allowed when it is consistent with the architectural style of the existing structure as documented through archival or photographic evidence.

19. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

    a. Existing public streetscapes and associated topography will be retained.

    b. Replacement streetscapes are only allowed when the original or historic public sidewalk cannot be rehabilitated.

    c. If original or historic streetscape pedestrian zone cannot be rehabilitated, the replacement pedestrian zones will match the original or historic pedestrian zones as to location, size, pattern, and materials.

    d. The compatibility rule will apply to the presence of pedestrian zones, and if installed, their width, paving materials and overall design.

20. **Design standards and criteria for alterations and additions to non-contributing structures.** Alterations and additions to non-contributing structures, requiring a certificate of appropriateness, must be consistent with and reinforce the architectural character of the entire existing structure or must comply with the applicable regulations in *Subsection XX, Specific Regulations.*

21. **Design criteria for alterations and additions to contributing structures.** Alterations and additions to contributing structures requiring a certificate of appropriateness must be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in *Subsection XX, Specific Regulations,* and may not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work must be compatible with the massing, size, scale and architectural features of the property and environment.

DIVISION 6.19. **MEANS STREET (LD9)**

A. Statement of Intent.

The intent of the Means Street Landmark District is as follows:

1. To preserve the historic physical pattern of the district, including the spatial relationships between buildings, and the spatial relationship between buildings and the street;
2. To preserve the architectural history of the district including commercial and industrial buildings that were constructed from 1859 to 1945;
3. To ensure that new development is complementary to and compatible with the existing historic structures in the district;
4. To ensure that new development that uses contemporary design and materials is compatible with and sensitive to the historic character of the Means Street Landmark District;
5. To encourage compatible economic development and neighborhood revitalization that promotes a livable, sustainable neighborhood;
6. To promote pedestrian and cycling convenience and connect buildings to the public life of the street; and
7. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare.

B. Scope of Regulations

The scope of these regulations for the Means Street Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 will also apply to this district. Whenever the regulations of Division 6.1 conflict with the provisions of this Division 6.19, the regulations of Division 6.19 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Means Street Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.19, the interpretation provision set forth in *Subsection XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Means Street Landmark District are as shown on the official zoning map.

D. General Regulations

The following general regulations apply to all properties within the Means Street Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Division 6.19 do not specifically address the application in whole or in part:

a. A property must be used for its current purpose or be placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures.* using minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property must be avoided.

c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.

d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.

i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The Compatibility Rule:

a. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of a contributing building on the block face.

b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

c. Whenever individual block faces are void of contributing structures, the contributing structures on the nearest block face within the district will be utilized.

3. Certificates of Appropriateness:

a. General Provisions:

i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.

ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

iii. No Certificate of Appropriateness is required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials. A Certificate of Appropriateness is required for replacements as indicated in *Subsection XX, General Regulations(3)(b)* below.

iv. No Certificate of Appropriateness is required for demolition or moving of non-contributing structures.

v. Type I Certificates of Appropriateness are not required in this district.

b. Type II Certificates of Appropriateness:

i. The following will require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:

a) Alterations to any façade of any principal structure;

b) All site work, including changes in streetscape elements;

c) New accessory structures and alterations to existing accessory structures;

d) Fences, walls and retaining walls;

e) Decks, rear porches, balconies, outdoor seating on the ground level and installation of mechanical equipment; and

f) Signage.

ii. If such Type II Certificates of Appropriateness meet the requirements of this Division and other criteria applicable to Type II certificates, the Director will issue the Type II certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Division and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Subsection XX, Same; Types and Procedures(a)* for Type I certificates.

c. The following will require a Type III Certificates of Appropriateness and will be reviewed by the Commission:

i. All new principal structures;

ii. Additions, including roof top additions, roof top decks and roof top outdoor seating;

iii. Increase in height or building footprint revisions to previously approved plans that are yet to be completed; and

d. Variances.

e. Type IV Certificates of Appropriateness are required for the demolition or moving of any contributing building. Type IV Certificates of Appropriateness will be reviewed by the Commission.

i. A partial demolition of a contributing building requires a Type IV Certificate of Appropriateness only when, in the determination of the Director, said partial demolition will result in the loss of significant architectural features that destroys the building's historic or cultural interpretability or importance.

4. Contributing Buildings List:

a. All contributing buildings, structures or sites within the district will be shown on the list adopted herewith entitled "Means Street Landmark District Contributing Buildings List". Said contributing buildings list will identify each building, structure or site within the district that meets the definition of "Contributing Building, Structure or Site" set forth in *Sec. XX, Definitions*.

b. The Director will periodically review said contributing buildings list to correct errors or omissions to said contributing buildings list, or to reflect any changed conditions relevant to the contributing status of buildings, structures or sites within the district, consistent with the requirements of *Div. 6.19* and *Div. 6.1*, and must maintain public records of said List and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, will be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form will be mailed by first class mail to the owner or owners of the effected property within 5 calendar days of the initiation of the action by the Director.

c. An action by the Director to correct errors or omissions, or to update, the contributing buildings list as authorized in *Subsection XX, General Regulations(4)(b)* above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Subsection XX, General Regulations(4)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such affected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Subsection XX, General Regulations(4)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon

approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

d. All actions by the Director to correct errors or omissions, or to update, said list will be reviewed and approved by the Commission using the notice and procedures required for Type III Certificates of Appropriateness with the following modifications:

i. Hearings on such review and approval by the Commission will be scheduled by the Director within 30 days of the Director's action on such corrections or updates and will be decided by the Commission within a reasonable time; and

ii. The Commission will affirm the actions of the Director upon an expressed finding by the Commission that the Director's actions correctly applied the definitions and requirements for determining the contributing status of the properties in question in *Div. 6.19* and *Div. 6.1, General*.

In exercising its review, the Commission may reverse or affirm the actions of the Director, wholly or partly. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

5. Financial Hardship Exemptions:

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. This exemption will not apply to the review of demolitions of contributing structures that would otherwise require a Type IV Certificates of Appropriateness.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

c. If the Commission finds that the requirement of *Subsection (5)(b)* is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:

i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

a) The present and future income of the property owner(s) and those occupying the property;

b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;

c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;

d) The degree of existing architectural importance and integrity of the structure; and

e) The purpose and intent of this Division.

iii. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

6. **Variances.** Variance applications from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*.

7. **Prohibited Variances.** Notwithstanding any provision in this Chapter or part to the contrary, no variance from this Division's maximum building height requirements or use may be allowed or authorized by the Commission, commission staff or any other board, official or entity.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principal purposes taking into account all limitations listed herein:

a. Retail bank.

b. Private day care, private education.

c. Private club.

d. General indoor entertainment and recreation.

e. All food and beverage uses.

f. All lodging.

g. Multi-unit dwellings.

h. Private museums and libraries.

i. General office, sound recording studio, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care are not allowed.

j. Research and development.

k. Convention hall or event facility.

l. General personal services, hair of nail salon.

m. General retail, grocery store, artisan workshop.

n. Religious assembly.

o. Urban gardens.

p. Market gardens.

q. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

r. Farmer's market.

s. Maternity supportive housing.

2. The following permitted uses and restrictions will apply to all properties within this district:

a. **Nonconforming Uses.** This Section addresses permitted principal uses and structures within the district. Lawful nonconforming uses and structures will be regulated pursuant to *Div. 9.7, Nonconformities* of the Zoning Ordinance. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

b. Non-Residential Use Restrictions:

i. Drive-through and drive-in establishments are not allowed.

ii. Off-premises storage of merchandise are not allowed as a principal use.

iii. Package drop or shipment locations, warehousing operations, parts distribution and similar other uses are not allowed.

iv. Fuel sales and all vehicular uses are not allowed.

v. Hours of operation:

a) For all food and beverage uses, including those licensed for the on-premise consumption of malt beverages, wine and/ or distilled spirits, hours of operation must be limited to 7:00 AM to midnight.

vi. Wireless Telecommunication. Only Type I, Type II, and Type III wireless telecommunication facilities are allowed, subject to all applicable use standards of Chapter 4 and the following:

a) Wireless telecommunications are authorized as specified above, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A*.

c. **Active Depth Uses.** Active depth uses, where, required must be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses allowed in the district, except that the following non-residential uses are not considered active depth uses:

i. Parking Accessory non-residential storage areas.

3. **Accessory Uses and Structures.** The following Accessory Uses and Structures provisions apply to the district:

   a. No storage is allowed in any portion of a structure adjacent to any public streetscape, public park, or plaza.

   b. No accessory structure may be constructed until construction of the principal structure has actually begun, and no accessory structure may be used or occupied until the principal structure is completed and in use.

   c. Accessory structures must be placed behind the principal structure within the buildable area of the lot.

   d. Accessory structures may not exceed the height of the principal structure.

   e. Swimming pools, tennis courts, and similar active recreation facilities are allowed subject to the following limitations:

      i. Such active recreation facilities will require a variance from the Commission, which variance will be granted only upon finding that:

      ii. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic; and

      iii. The area for such activity could not reasonably be located elsewhere on the lot.

      iv. The Commission may condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to mitigate any potential negative impacts of the proposed facility on adjoining property owners.

   f. Satellite dishes, devices for the generation of energy such as solar panels, and similar devices must be located only upon the rooftop of buildings.

F. Lot Standards

1. Building Heights:

   a. Building height of principal buildings with frontage on Marietta Street will be measured on the Marietta Street elevation from the average point of grade on the Marietta Street elevation to the highest point of the roof or façade, whichever is higher. Building height on all other buildings will be measured as provided in *Sec. 3.10.1*.

   b. For properties with frontage along Marietta Street, the maximum allowed building height is 100 feet. For all other properties, the maximum allowed building height is 80 feet.

2. Building Setbacks:

   a. For principal buildings with frontage along Marietta Street, the front façades may not be setback from the lot line. Further, the side yard building setback and the façades that face other public streets must be established through the utilization of the compatibility rule.

b. For all other principal buildings in the district, all front, side and public street facing façades must be established utilization the compatibility rule, except that sublot side yard building setbacks will be allowed as a minimum setback regardless of the compatibility rule application.

c. The rear yard building setbacks not regulated.

G. Design Standards

The following design standards provisions apply to the district.

1. Building Compatibility:

   a. All elements of new construction must be utilized in a meaningful, coherent manner and must meet the requirements. Further, contemporary design for new construction and for additions to existing properties is not discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions otherwise satisfy the district regulations, as applicable.

   b. Alterations to existing contributing buildings must be internally consistent with its architecture and meet the requirements set forth in *Subsection XX, General Regulations(1)*.

   c. The compatibility rule will apply to a contributing building's general façade organization, proportion, scale, roof form, pitch and materials, door and other architectural details.

2. Windows and Doors:

   a. The compatibility rule will apply to the following aspects of windows and doors on a contributing building and additions to contributing buildings:

      i. The style and material of the individual window or door.

      ii. The size and shape of individual window and door openings.

      iii. The overall pattern of windows and doors and glazing as it relates to the building façade.

      iv. The materials for exterior framing, casing, and trim for windows and doors, and for bulkheads.

   b. All buildings facing Marietta Street must have a storefront design on the ground story similar to existing storefronts on Marietta Street.

   c. On contributing buildings, if muntins or mullions are used, such muntins or mullions must be either true divided lights or simulated divided lights with muntins or mullions integral to the sash and permanently affixed to the exterior face of glass.

   d. A minimum of 60% of the length of the building façade at ground level must contain glazing.

   e. Required glazing may not include painted glass and reflective glass, or other similarly treated materials.

3. Facades of Contributing Buildings:

a. Building materials for the facades of principal structures will be determined by the compatibility rule. However, concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not allowed on any facade.

b. Covering of the original facade is not allowed.

c. Painting of unpainted building materials and masonry is not allowed.

d. All cleaning of stone, terra cotta, and brick must be done with low-pressure water and mild detergents.

e. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and joint profile.

f. Cornice lines must cap all building facades and must consist of sheet metal, brick, cast concrete or terra cotta materials.

4. Decks and Outdoor Dining:

a. Decks are allowed when located to the rear of the principal structure and on the roof of the principal structure.

b. Outdoor dining areas are allowed on the roof of the principal structure and at the ground level.

c. When visible from a public street and associated with a contributing building, the design and materials of all decks and outdoor dining areas must be consistent with the historic character of the district.

5. Structures on the Roofs of Contributing Buildings:

a. The enclosed floor area of a new habitable structure on a roof may not exceed 25% of the roof area above occupied space, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.

6. Screening:

a. Frontages must be screened as specified in Sec. 8.4.3.

b. Site elements must be screened as specified in Sec. 8.4.4.

7. Active Depth Uses (See *Subsection XX, Permitted Principal Uses and Structures(2)(h)*):

a. Active depth uses must be provided at the ground level within buildings and parking structures for the entire length of any building facade abutting a public street except at ingress and egress points into parking structures or loading areas.

b. Active depth uses must be provided for a minimum depth of 20 feet, as measured from the ground level building facade.

8. Fences, Walls and Retaining Walls:

a. Barbed wire and razor wire or similar elements are not allowed.

b. Fences and walls between the building and the street are not allowed except to meet the minimum requirements for outdoor dining.

c. Retaining walls adjacent to a public street or streetscape may not exceed 4 feet in height, unless required by the existing topography.

d. Where allowed, fences must only be a total height of 8 feet.

9. Awnings and Canopies on Contributing Buildings:

a. Original awnings and canopies must be retained, provided replacement awnings or canopies are allowed only when original awnings or canopies cannot be rehabilitated.

b. Installation of new canopies must be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.

c. New awning frames attached to storefronts, doors or windows must replicate the shape of the covered area and fit within that area.

d. New awnings must be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

e. Multiple awnings on a single building must be similar in shape and configuration.

f. Only that portion of the awning used for signage may be illuminated.

10. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

a. A Special G streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Division 3.5.

b. Any existing decorative hardscape treatment of streetscapes, including amenity zone or pedestrian zone areas, must be retained as part of any new development or replaced with materials that match in size, shape and color.

c. Upon redevelopment of a parcel reasonable efforts must be made to place utilities underground or to the rear of structures to allow for unobstructed use of streetscapes.

H. On-site Parking, Parking Structures, Driveways and Curb Cuts

1. The standards of *Division 8.3*, except *Sec. 8.3.3*, apply unless otherwise specified as follows:

a. Surface Parking:

i. When utilized, on-site surface parking is not allowed between a building and a public street without an intervening building.

ii. All surface parking regardless of the number of parking spaces provided, must comply with all of the requirements of Chapter 158, Article II Tree Protection.

2. The following regulations will apply to parking structures within the district:

   a. Parking structure façades must have the appearance of a horizontal storied building and must utilize the compatibility rule for any contributing structures in the district for the purposes of determining building materials, building massing and architectural features.

   b. Parking structures must meet the active depth use requirements for the district.

3. On-site Loading Reductions:

   a. Reductions in on-site loading requirements will be reviewed by the Commission.

4. The vehicular access standards of Sec. 8.3.2 apply, unless otherwise specified as follows.

   a. Use of shared, non-independent driveways and alleys is allowed. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.

   b. Circular drives and drop-off lanes are not allowed between any principal building and any public street.

   c. Streetscape paving materials must be continued across intervening driveways.

5. **Electric Vehicle Charging Stations.** A building, commercial establishment, or other property, which provides automobile parking facilities must provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces or portion thereof. No more than five such stations are required for a parking facility.

DIVISION 6.20. **BRIARCLIFF PLAZA (LD10)**

A. Statement of Intent

The intent of the Briarcliff Plaza Landmark District is as follows:

1. To preserve the architectural history of the district, which includes the two, multiple tenant commercial buildings constructed in 1939 — 1940;
2. To preserve the historic spatial relationships of the district, including between buildings and the parking lot, and the buildings, the parking lot, and the street;
3. To ensure that new construction is complementary to and compatible with the existing historic buildings in the district;
4. To ensure that the original material and design features of the historic commercial buildings serve as the basis to determine the compatibility and appropriateness of all future rehabilitation and new construction plans;
5. To promote pedestrian accessibility and to connect buildings to the public life of the streets; and
6. To preserve and enhance the historic and architectural appearance of the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Briarcliff Plaza Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of Division 6.1 will apply to this district. Whenever the regulations of Division 6.20 conflict with the provisions of Division 6.1, the regulations of Division 6.20 will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Briarcliff Plaza Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this Division 6.20, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.

C. Boundaries

The boundaries of the Briarcliff Plaza Landmark District are as shown on the official zoning map.

D. General Regulations

The following general regulations apply to all properties within the Briarcliff Plaza Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards set forth below only when the standards set forth elsewhere in Division 6.20 do not specifically address the application in whole or in part:
    a. A property must be used for its historic purpose, in this case a neighborhood shopping center inclusive of commercial, retail, restaurant, service and entertainment establishments, or be

placed in a new use authorized in *Sec. XX, Permitted Principal Uses and Structures* using minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property must be retained and preserved. The removal of historic materials or alteration of features and exterior spaces that characterize a property must be avoided.

c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.

d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials may not be used. The surface cleaning of structures, if appropriate, must be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.

i. New additions, exterior alterations, or related new construction may not destroy historic materials that characterize the property. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The Compatibility Rule:

a. The intent of these regulations is to ensure that alterations to existing structures are compatible with the massing, size, scale, and architectural features in the district. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:

i. The elements in question that are not quantifiable must be compatible with the contributing buildings on which it is located.

ii. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.

b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. Certificates of Appropriateness:

   a. General Provisions:

      i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.

      ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

      iii. No Certificate of Appropriateness is required to make ordinary repairs and maintenance using in-kind materials.

      iv. No Certificate of Appropriateness is required for interior work.

      v. No Type I Certificates of Appropriateness is required in this district.

   b. Type II Certificates of Appropriateness:

      i. **Type II Certificates Reviewed by the Director.** The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:

         a) Exterior alterations to any façade of any principal structure;

         b) All site work, including dumpster enclosures;

         c) Accessory outdoor dining areas;

         d) Food trucks and similar temporary outdoor eating and drinking establishments;

         e) Outdoor active recreational uses (ground story only); and

         f) Signage.

      If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Sec. XX, Same; Types and Procedures(a)* for Type I Certificates.

   c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and are required for:

      i. Additions;

      ii. New construction (excluding interiors of the existing buildings);

      iii. Building footprint revisions to previously approved plans that are yet to be constructed;

      iv. Variances and administrative appeals.

d. Type IV Certificates of Appropriateness:

i. Type IV Certificates of Appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.

ii. A partial demolition of a contributing structure requires a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

4. Contributing Buildings and Structures:

a. The 1027 Ponce de Leon Avenue building, the 1061 Ponce de Leon Avenue building, and the open, undeveloped space between 1061 Ponce de Leon Avenue building and Ponce de Leon Avenue.

5. Financial Hardship Exemptions:

a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

c. If the Commission finds that the requirement of *Subsection (5)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:

i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

a) The present and future income of the property owner(s) and those occupying the property;

b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;

c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;

d) The degree of existing architectural importance and integrity of the structure; and

e) The purpose and intent of this Division.

iii. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case

upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

6. Variances and Administrative Appeals:

   a. Variance applications and administrative appeals from these regulations will be heard by the Commission. The Commission has the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions*. The Commission has the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a)* through *Sec. XX, Appeals from Decisions of Administrative Official (d)*.

   b. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

E. Permitted Principal Uses and Structures

1. **Permitted Principal Uses and Structures.** A building or premises must be used for the following principal purposes:

   a. Retail bank.

   b. Private day care, private eduction.

   c. Private clubs.

   d. General indoor entertainment and recreation.

   e. General outdoor entertainment and recreation.

   f. Laundry service.

   g. All food and beverage uses.

   h. Farmer's markets, subject to provisions found in *Sec. XX, Application(32)* of the Code.

   i. Food trucks and similar temporary outdoor eating and drinking establishments.

   j. Institutions of higher learning, including colleges and universities.

   k. Private museums and libraries.

   l. Light vehicle sales and rental, to the extent such operations occur entirely within interior space only.

   m. General office, sound recording studio, general medical, and indoor animal care. Indoor animal care must be located within soundproof buildings, laboratories, and studios when located within 300 feet of any residential use, however boarding of animals and pet day care are not allowed.

n. Research and development.

o. General personal services, hair of nail salon.

p. Body art studio.

q. General retail, grocery store, artisan workshop, package store.

r. Religious assembly.

s. Showroom.

2. The following permitted uses and restrictions will apply to all properties within this District:

a. Nonconforming uses and structures. Lawful nonconforming uses and structures will be regulated pursuant to *Sec. XX. Nonconformities*; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

b. Drive-through and drive-in establishments are not allowed.

c. Off-premises storage of merchandise is not allowed as a principal use.

d. With the exception of showrooms, no merchandise will be stored other than that to be sold at retail on the premises and no storage for such merchandise may occupy more than 40% of the floor area on the premises.

e. Wireless Telecommunication. Only Type I, Type II, and Type III wireless telecommunication facilities are allowed, subject to all applicable use standards of Chapter 4 and the following:

i. Wireless telecommunications are authorized as specified above, provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A.*

f. Outdoor Uses:

i. Accessory outdoor dining areas, outdoor active recreational uses, food trucks and similar temporary outdoor eating and drinking establishments are allowed anywhere within the district.

ii. At any given time, up to 3 food trucks and similar temporary outdoor eating and drinking establishments may be located between the existing buildings and Ponce de Leon Avenue. This limit does not include accessory outdoor dining areas or outdoor active recreational uses associated with permanent eating and drinking establishments, and such uses lawfully permitted through the City of Atlanta's special event/outdoor event permitting process.

iii. Food trucks and similar temporary outdoor eating and drinking establishments and ground story outdoor active recreational uses may only be permitted for the time period specified by the Director in the issuance of the Certificate of Appropriateness unless re-approved.

F. Lot Standards

1. Maximum combined building square footage in the District may not exceed 55,000 square feet.
2. Maximum allowed building height is 35 feet exclusive of rooftop patios structures. Excluding structures housing elevator and stairwell landings and equipment, rooftop patio structures may not exceed an additional 15 feet in height as measured from the roof pitch and may not occupy more than 25% of the total roof area.
3. The minimum building setback on the 1061 Ponce de Leon Avenue building is 75 feet from Ponce de Leon Avenue, not including canopies or marques. Outdoor dining is allowed within the Ponce de Leon Avenue building setback of the 1061 Ponce de Leon Avenue building. All other building setbacks in the District must be zero (0) feet.

G. Building Standards

The following building standard provisions apply to the district.

1. Building Compatibility:
   a. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in *Sec. XX, General Regulations(1)*.
   b. The compatibility rule must apply to a principal structure's general façade organization, proportion, scale, roof form and pitch, materials, and other architectural details.
2. Windows and doors:
   a. The compatibility rule will apply to the following aspects of windows and doors:
      i. The style and material of the individual windows or doors.
      ii. The size and shape of the individual window and door openings.
      iii. The overall pattern of windows and doors and glazing as it relates to the building façade.
      iv. The size and shape of storefront openings.
      v. The materials for exterior framing, casing, and trim for windows and doors.
      vi. The use of tile and glass block for bulkheads, door surrounds, and transoms.
   b. Storefront glass may not be painted or reflective.
   c. Ground story-level development without glazing may not exceed a maximum length of 10 feet of façade, except for the frontages along Cleburne Terrace and North Highland Avenue.
3. Façades:
   a. Building materials for the façades of principal structures must be determined by the compatibility rule. Corrugated metal, exposed concrete block, cementitious, wood, and vinyl siding are not allowed on any façade.
   b. Covering of the original façade is not allowed.

c. Painting of unpainted building materials and masonry is not allowed.

d. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Pressure washing is an approved method of physical treatment.

e. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.

f. All building façades must have coping.

4. Ground story active depth must be provided for a minimum depth of 20 feet, as measured from the ground story building façade in the following locations:

   a. On the 1027 Ponce de Leon Avenue building façade facing Cleburne Terrace; and

   b. On the 1027 Ponce de Leon Avenue and 1061 Ponce de Leon Avenue building façades facing Ponce de Leon Avenue.

   c. Uses in the active depth must be serviced by plumbing, heating and electricity and are limited to the uses allowed by *Sec. XX, Permitted Principal Uses and Structures*.

5. Fences, Walls and Retaining Walls:

   a. New barbed wire, razor wire, wood and chain link or similar elements are not allowed.

   b. Fences and walls are not allowed between the façade of the building and the street.

   c. Where allowed, fences and walls may only total combined height of 6 feet.

6. No loading areas or dumpsters are allowed between the building façade and Ponce de Leon Avenue.

7. Lighting and Security Features:

   a. Security, decorative, and other lighting must minimize light spillage by providing cutoff luminaries that have a maximum 90-degree lighting. The Commission may also require other elements to reduce light spillage.

   b. Any security, decorative, or other lighting luminaries must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

   c. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices must provide visibility into the interior of protected space when in use, and must be prohibited from being opaque.

   d. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.

8. Canopies:

   a. Original canopies must be retained where possible.

b. Replacement canopies, or portions thereof, are only allowed when original canopies cannot be rehabilitated.

c. Installation of new canopies, where none previously existed, are only allowed when they adhere to the characteristics of the original structure's architectural style.

d. Canopies may be externally illuminated.

9. All exterior stairs must be metal and are not allowed between the existing building façades and the Ponce de Leon Avenue frontage.

10. The existing pedestrian hardscaped walkway located between the 1061 Ponce de Leon Avenue building and the parking lot must be retained.

H. On-site Parking, Driveways and Curb Cuts

1. The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified.

2. No loading spaces are required in this District.

3. No new curb cuts are allowed and existing curb cuts may not be widened.

DIVISION 6.21. **PRATT-PULLMAN (LD11)**

A. Statement of Intent

The intent of the Pratt-Pullman Landmark District is as follows:

1. To preserve the architectural history of the district, which includes multiple industrial buildings constructed during two primary periods of development (1904-1906 and 1925-1927);
2. To ensure that new construction is compatible with the existing historic buildings in the district;
3. To encourage economic development that promotes a livable, sustainable neighborhood and city; and
4. To preserve the historic character of the contributing buildings and features in the district so as to substantially promote the public health, safety and general welfare of the citizens of the City of Atlanta.

B. Scope of Regulations

The scope of these regulations for the Pratt-Pullman Landmark District is as follows:

1. Except where it is otherwise explicitly provided, the provisions of *Div. 6.1* of this part will apply to this district. Whenever the regulations of *Div. 6.21* conflict with the provisions of *Div. 6.1*, the regulations of *Div. 6.21* will apply.
2. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this Pratt-Pullman Landmark District will continue to apply. In the event of any conflict between said other regulations and the following regulations of this *Div. 6.1*, the interpretation provision set forth in *Sec. XX, Further Provisions(c)* of the Code of Ordinances will govern.

C. Boundaries

The boundaries of the Pratt-Pullman Landmark District are as shown on the official zoning map.

D. General regulations.

The following general regulations apply to all properties within the Pratt-Pullman Landmark District, except where otherwise stated.

1. **General Criteria.** The Commission will apply the standards for the rehabilitation of contributing buildings set forth below only when the standards set forth elsewhere in *Div. 6.21* do not specifically address the application in whole or in part:
    a. The extant historic character of a property must be retained and preserved.
    b. The removal of historic materials or alteration of features that characterize a property must be avoided where feasible and where altered done so in a manner that does not significantly alter the overall contributing character of the structure.

c. Each property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, may not be undertaken.

d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved.

f. Deteriorated historic features must be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the contributing features in design, material, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project must be protected and preserved. If such resources must be disturbed, mitigation measures must be undertaken.

i. Repair and replacement of historic materials should be replacements in kind where feasible.

j. New additions, alterations, or related new construction may not destroy historic materials that characterize the overall contributing character of the property. The new work must be differentiated from the old of the contributing property and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

k. New additions and adjacent or related new construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired;

l. New construction must be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The Compatibility Rule:

a. The intent of these regulations is to ensure that additions to contributing structures and new structures in the primary view corridor(s) of contributing structures are compatible with the historic context in which they will reside. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" as follows:

i. The elements in question that are not quantifiable must be the same as contributing buildings in the district or must be compatible with, but differentiated from the contributing buildings in the district.

ii. Where quantifiable, the element must be no smaller than the smallest or larger than the largest such dimension of the contributing building on which it is located.

b. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

3. **Variances and Administrative Appeals.** Variance applications and applications for administrative appeals from these regulations will be heard by the Commission. The Commission must have the authority to grant or deny variances from the provisions of this Division pursuant to the procedures, standards, and criteria specified in *Sec. XX, Intent* through *Sec. XX, Special Exceptions.* The Commission must have the authority to grant or deny applications for administrative appeal pursuant to the standards in *Sec. XX, Appeals from Decisions of Administrative Official (a) through (d)*. Appeals from final decisions of the Commission regarding variances and administrative appeals will be as provided for in *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

4. Certificates of Appropriateness:

   a. General Provisions:

      i. The procedures for determining the correct type of Certificate of Appropriateness will be those specified in *Sec. XX, Same; Types and Procedures*, except as otherwise provided herein.

      ii. No Certificate of Appropriateness is required unless, at a minimum, the work would otherwise require a building permit.

      iii. No Certificate of Appropriateness is required to make ordinary repairs and maintenance using in-kind materials.

      iv. No Certificate of Appropriateness is required for interior work.

      v. No Type I Certificates of Appropriateness is required in this district.

   b. Type II Certificates of Appropriateness:

      i. Type II Certificates reviewed by the Director. The following require a Type II Certificate of Appropriateness, and will be reviewed by the Director of the Commission:

         a) Exterior alterations to any façade of any principal structure;

         b) All site work, including dumpster enclosures; and

         c) Signage.

         If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director will issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director will deny the application, with notice to the applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the Appeals Section of *Div. XX. General* for Type I Certificates.

   c. **Type III Certificates of Appropriateness.** The following Type III Certificates of Appropriateness will be reviewed by the Commission and are required for:

      i. Additions;

ii. New construction (excluding interiors of the existing buildings);

iii. Building footprint revisions to previously approved plans that are yet to be constructed; and

iv. Variances and administrative appeals.

d. Type IV Certificates of Appropriateness:

i. Type IV Certificates of Appropriateness will be reviewed by the Commission and are required for the demolition or moving of any contributing structure.

ii. A partial demolition of a contributing structure requires a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

5. **Contributing Buildings and Structures.** All brick and masonry buildings and structures constructed within the period of significance (1904-1927) will be considered contributing to the District, including the brick and masonry portions of buildings to which metal buildings or sheds have been attached. In addition, the lateral transfer table structure and components thereof will also be contributing to the District.

6. Financial Hardship Exemptions:

a. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.

b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.

c. If the Commission finds that the requirement of *Subsection (6)(b)* herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with each of the following factors, standards and criteria:

i. The burden of proof that the regulations and guidelines pose such a hardship will be on the property owner.

ii. The Commission will consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

a) The present and future income of the property owner(s) and those occupying the property;

b) The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;

c) The costs associated with adherence to the district regulations in comparison to the costs associated with achieving the same proposal without the district regulations;

d) The degree of existing architectural importance and integrity of the structure; and

e) The purpose and intent of this Division.

iii. The Commission must balance these factors as applied to the applicant for said exemption and will grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations. Appeals from a final decision by the Commission on such reviews will be taken by any person aggrieved by such decision pursuant to Code *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness*.

E. Permitted principal uses and structures.

1. **Permitted Principal Uses and Structures.** A building or premises may only be used for the following principal purposes:

a. Services/Retail:

i. Retail banks.

ii. Hair and nail salons.

iii. Laundry service.

iv. Light vehicle sales and rental, to the extent such operations occur entirely within interior space only.

v. General personal service.

vi. General retail, wholesale bakery, artisan workshop, catering establishment, not to exceed 10,000 square feet per establishment.

vii. Showrooms..

viii. Small discount variety stores, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.

b. Dining/Recreation:

i. General indoor entertainment and recreation.

ii. General outdoor entertainment and recreation.

iii. All food and beverage uses.

iv. Farmer's markets, subject to provisions found in *Sec. XX, Application(32)* of the Code.

v. Food trucks.

vi. Market gardens.

vii. Private museums and libraries.

viii. Urban gardens.

c. Film/Art:

i. Film, video, and music production and related supporting uses, including production equipment storage and distribution.

ii. Public art, including structures for placement of public art.

d. Education/Daycare/Schools:

i. Religious assembly.

ii. Private day care.

iii. Private education.

e. Office/Hotel:

i. Live work use, including home art studios and galleries.

ii. General office, sound recording studio, general medical, and indoor animal care.

iii. Research and development.

iv. All lodging uses, provided that only one lodging use is allowed in this District without the issuance of a special use permit.

f. Residential:

i. Single-unit, two-unit and multi-unit dwellings.

ii. Maternity supportive housing.

iii. Short-term rentals, subject to the regulations in Atlanta City Code Sec. 20-1001.

2. Permitted Accessory Uses and Structures:

a. Residential accessory uses and structures allowed within this District must include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential uses within the District subject to the restrictions contained elsewhere in this Division.

b. Non-residential accessory uses and structures allowed within this District must include those accessory and incidental to permitted non-residential principal uses and structures and specifically includes storage and support facilities for film, video, and music production to serve authorized non-residential uses within the District subject to the restrictions contained elsewhere in this Division.

3. **Special Permits.** The following uses will require the issuance of a Special Use Permit:

a. Private clubs.

b. All lodging uses, to the extent one such use already exists in the District.

c. General retail exceeding 10,000 square feet.

d. Small discount variety stores exceeding 10,000 square feet, provided that no small discount variety store may be located within 5,280 feet of another small discount variety store.

4. The following permitted uses and restrictions apply to all properties within this District:

a. **Nonconforming Uses and Structures.** Lawful nonconforming uses and structures will be regulated pursuant to *Div. 9.7, Nonconformities*; provided, however, no sunset provisions apply to an existing lawful nonconforming uses or structures. Any alteration or addition to nonconforming uses or structures will require an appropriate Certificate of Appropriateness by the Commission.

F. Building Standards

1. Building Height:

a. Maximum building height within the District must be as follows:

i. Within 50 feet from the back of curb of Rogers Street, the maximum allowed building height is 40 feet;

ii. Within the area between 50 feet and 70 feet from the back of curb of Rogers Street, the maximum allowed building height is 70 feet; and

iii. More than 70 feet from the back of curb of Rogers Street, the maximum allowed building height is 90 feet.

b. In addition to the limitations set forth in *Sec. XX, Lot Standards(1)(a)* above, directly between any contributing building and Rogers Street, the maximum allowed building height is limited to 28 feet for construction of any new buildings.

c. The building heights allowed in this subsection are intended to be the maximums authorized but are subject to the other provisions of this District.

2. Transitions and Screening Requirements:

a. **Transitional Height Planes.** Where this District adjoins a district in the R-1 through R-5 classification without an intervening street, height within the District will be limited as follows: No portion of any structure may protrude through a transitional height plane beginning 35 feet above the transitional yard nearest to the common district boundary and extending inward over this District at an angle of 45 degrees.

b. Transitions:

i. **Side Yard.** Adjacent to a House-Scale or Neighborhood-Scale district without an intervening street, a 20-foot transitional side yard is required which may not be paved or used for parking or servicing.

ii. **Rear Yard.** Adjacent to an House-Scale or Neighborhood-Scale district without an intervening street, a 20-foot transitional rear yard is required which may not be paved or used for parking or servicing.

c. Screening:

i. Where a lot in this District adjoins a lot in a House-Scale or Neighborhood-Scale district without an intervening street, opaque fencing or screening not less than 6 feet in height must be provided and maintained in a sightly condition.

3. **Front, Side and Rear Yard Setbacks.** The front yard building setback must be determined by the streetscape improvement requirements along Rogers Street. Minimum side and rear yard building setbacks in this District must be zero feet, except for the transition and screening requirements in *Sec. XX, Lot Standards(2)(b)*.

4. **Streetscapes.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section.

   a. No awning or canopy may encroach beyond the pedestrian zone.

   b. Where property within this district abuts a House-Scale or Neighborhood-Scale district without an intervening street, the pedestrian zone area within 20 feet of such districts must taper as necessary to provide a smooth transition to the existing pedestrian zone on the adjacent property. In the event that the abutting district has no existing pedestrian zone, the pedestrian zone must taper to a width of 6 feet.

5. **Street Setback.** For purposes of these regulations, the area between any building, parking garage, or parking lot and the required streetscape, when no intervening building exists, must be defined as the street setback zone. Street setback must meet the following requirements.

   a. **Dimension.** A minimum five-foot street setback will be required for residential uses. No street setback is required for nonresidential uses.

   b. When ground story residential units are provided, street setbacks must be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the street setback area.

   c. Residential terraces, porches and stoops must have a maximum ground story elevation of 24 inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in *Subsection XX, Special Permits, General(3)*.

   d. The street setback zone must be no more than 24 inches above the adjacent streetscape for a minimum linear distance of 15 feet from the nearest edge of the adjacent streetscape, unless existing topographical considerations render this requirement unreasonable.

6. Maximum lot coverage in the District may not exceed 75% as measured across the entire District

7. Building Massing and Placement:

   a. Directly between the contributing buildings and Rogers Street, only 50% of the linear north-south distance must be occupied by permanent buildings or structures, excluding any existing buildings or structures.

   b. Notwithstanding the requirements of this District, previously existing structures in existence between 1904 and 1927 but no longer in existence may be reconstructed to their original footprints, height and massing where the applicant shows by archived evidence or sworn

affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

G. Design standards.

1. The following Design Standards provisions apply to the District.

   a. Building Compatibility:

      i. Alterations and additions to existing contributing buildings must be consistent with its architecture and meet the requirements set forth in *XX, General Regulations(1)*.

      ii. The compatibility rule will apply to a principal structure's general façade organization, proportion, scale, materials, and other architectural details.

   b. Windows and doors:

      i. The compatibility rule will apply to the following aspects of windows and doors:

         a) The style and material of the individual windows or doors.

         b) The size and shape of the individual window and door openings.

         c) The overall pattern of windows and doors and glazing as it relates to the building façade.

         d) The materials for exterior framing, casing, and trim for windows and doors.

      ii. Painted glass and reflective glass, or other similarly treated glazing is not allowed along façades abutting the public right-of-way.

   c. Façades:

      i. Building materials for the façades of principal structures will be determined by the compatibility rule.

      ii. Painting of unpainted building materials and masonry for which painting is character defining and thus contributing is not allowed on contributing buildings.

      iii. All cleaning of stone, ceramic tile, and brick must be done with mild detergents. Low pressure pressure washing is an approved method of physical treatment.

      iv. All repairs to original mortar must be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints must be duplicated in width and in joint profile.

   d. Fences, Walls, and Retaining Walls:

      i. New fences and walls exceeding 42 inches in height are not allowed between the façade of the building and the public right-of-way except to accommodate outdoor dining.

      ii. Where allowed, new fences and walls (excluding retaining walls) may not exceed a total combined height of 6 feet.

   e. Lighting and Security Features:

i. Security, decorative, and other lighting must minimize light spillage by providing cutoff lights that have a maximum 90-degree lighting.

ii. Any security, decorative, or other lights must be located a minimum height of 8 feet above the streetscape, driveway, or pedestrian area.

f. Screening:

i. Frontages must be screened as specified in Sec. 8.4.3.

ii. Site elements must be screened as specified in Sec. 8.4.4.

g. **Loading Space Requirements.** Minimum on-site loading spaces must be provided according to the Pratt-Pullman Landmark District Loading Table. The residential and nonresidential loading requirements must be met independently. All loading access ways and areas must provide a minimum vertical clearance of 14 feet and are not allowed within the required streetscape. Reduction of on-site loading requirements may be approved by the Director subject to a shared loading arrangement that avoids conflicting loading demands.

Pratt-Pullman Landmark District Loading Table	**Unit of Measure**	**Required Loading Spaces (12' x 35')**	**Required Loading Spaces (12' x 55')**
Residential Uses	Fewer than 50 units	None	None
	51 to 200 units	1	None
	201 units or more	2	None
Non-Residential Uses	40,001 sq. ft. to 100,000 sq. ft. floor area	2	None
	100,001 sq. ft. to 250,000 sq. ft. floor area	2	1
	250,001 sq. ft. floor area or more	2	2

h. **Affordable Housing.** At least 10% of the total residential rental units in the District must be leased to households having an income, as certified by prospective tenant(s) at the time of execution of the applicable lease agreement that does not exceed 80% of area median income for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta Georgia Department of Housing and Urban Development ("HUD") Metro Fair Market Rent Area (as published by HUD as of the date of the tenant's application). The monthly rent amount (including utilities and mandatory fees) for each affordable housing unit must be no more than 30% of the household's monthly gross income as published periodically by HUD.

2. Notwithstanding anything in the District to the contrary, structures rebuilt under *Sec. XX, Lot Standards(7)(b)* may be, but are not required to be, reconstructed using their original materials, architectural elements, glazing patterns, roof form, and other exterior physical characteristics, where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such exterior physical characteristics existed on the former structure.

H. Parking.

1. The standards of Division 8.3, except Sec. 8.3.3, apply unless otherwise specified as follows or in this Division:

2. Parking Screening:

   a. Where on-site surface parking is provided between the building and the public right-of-way either:

      i. The on-site surface parking lot must be screened from the adjacent public right-of-way and streetscapes a berm or vegetative screen at a minimum of 30 inches in height between the on-site surface parking lot and the adjacent public right-of-way. Driveway crossings, pedestrian and bike paths will be allowed to interrupt the screening.

      ii. The on-site surface parking lot must be located at least 30 inches below the public right-of-way and required streetscape.

   b. Any parking structure facing the eastern boundary of the District must be screened along the eastern façade.

DIVISION 6.22. **PONCEY-HIGHLAND (HD10)**

A. Title and Purpose

The intent of the regulations for the Poncey-Highland Historic District ("the district") is as follows:

1. To preserve the overall architectural history and character of the residential buildings that were constructed in the district during the 1905—1940 development period and non-residential buildings in the 1914—1955 time period, and to ensure that additions, alterations, and renovations to those buildings are consistent with the historic character of the individual structure or that additions are clearly contemporary in style;

2. To preserve the district's historic development patterns characterized primarily by single-unit houses, duplexes, multi-unit buildings, small-scale and medium-scaled commercial buildings, and scattered industrial buildings;

3. To retain the predominant historic and existing residential architectural forms and styles of the district, including Bungalow, Duplex, American Small House, American Foursquare, Single Building Apartment, and Garden/Courtyard Apartment forms; and Craftsman, Neoclassical Revival, Colonial Revival, Mediterranean Revival, and Italian Renaissance Revival styles;

4. To retain the predominant historic and exiting commercial and industrial architectural forms and styles of the district, including pre-World War II, three-part storefront buildings and pre- and post-World War II masonry, large-windowed manufacturing, warehousing, and industrial buildings;

5. To preserve the historic and existing physical site planning patterns of the district, including spatial relationships between buildings, and between buildings and the public street that reflect the historic pedestrian and non-automobile movement in the district; and to allow for alterations and additions to properties that reinforce the historic and existing features and site planning patterns;

6. To prevent the subdivision or consolidation of existing lots in any manner that would disrupt the historic platting pattern, lot sizes, and spatial relationships established during the 1905-1940 residential development period and the 1914-1955 non-residential development period, or otherwise detract from the identified historic qualities of the district;

7. To encourage neighborhood revitalization, compatible commercial and multi-unit development and prevention of displacement of residents and long-standing businesses;

8. To ensure all new construction observes, and is compatible with, the general setbacks, height, scale and massing of the original and historic development and site planning patterns;

9. To ensure the construction of new primary structures in residential subareas is either compatible with the historic and existing architectural character of the district and is internally consistent to the identified predominant architectural forms and styles; or is of an architectural style that is internally consistent and clearly non-historic contextual in style;

10. To retain the existing overall commercial and non-residential land use patterns, discourage encroachment of the commercial areas into residential subareas, to allow the conversion of non-residential buildings forms into residential use and maintain the small-scale and diversity of the commercial uses historically found along the district's significant transportation corridors; and

11. To preserve and enhance the historic and architectural appearance of the district to substantially promote the public health, safety and general welfare.

The district is further divided into seven subareas with the following additional purposes for each subarea:

12. **Residential Core, Subarea 1.** To preserve the subarea's low-rise character of small-scale detached, residential buildings, site features, and uses compatible with that form, and retain the existing contributing buildings.

13. **Beltline Residential, Subarea 2.** To encourage the redevelopment of the area to a mix of low-rise residential uses with a variety of architectural styles to serve as a transition between more intense mixed-use development along the Beltline, less intensive residential Subarea 6 to the north, and Freedom Park to the east, per the Poncey-Highland Neighborhood Master Plan and Atlanta Beltline Subarea 5 Master Plan; and to allow the demolition of historic buildings due to the limited intact historic fabric in the subarea.

14. **North Highland Mixed-Use, Subarea 3.** To retain the subarea's pedestrian scale and character, ensure that new development reinforces the subarea's pedestrian scale and character, retain the existing contributing buildings, reinforce its role as a mixed-use, neighborhood-oriented commercial center, and expand housing options.

15. **Ponce de Leon Mixed-Use, Subarea 4.** To encourage a mix of residential and non-residential uses that balance Ponce de Leon Avenue's role as an arterial corridor with its close proximity to residential areas, and to retain the existing contributing buildings.

16. **Beltline Mixed-Use, Subarea 5.** To encourage intense mixed-use development along the Atlanta Beltline that supports existing City of Atlanta plans, including, but not limited to, the Beltline Redevelopment Plan and the Atlanta Beltline Subarea 5 Master Plan, and to incorporate the existing contributing buildings into new development.

17. **Bonaventure-Somerset Residential, Subarea 6.** To preserve the subarea's low-rise character of small-scale, detached residential buildings, site features, and uses compatible with that form, and to retain existing contributing buildings.

18. **Freedom Park Transitional, Subarea 7.** To preserve Freedom Park's exclusive continued use as open space.

B. Scope of Regulations

The scope of the regulations for the Poncey-Highland District is as follows:

1. Except where it is otherwise explicitly provided, Division 6.1 applies to the Poncey-Highland Historic district. Whenever the regulations of the Poncey-Highland Historic District (Division 6.22) conflict with the provisions of Division 6.1, the regulations of the Poncey-Highland Historic District (*Div. 6.22*) will govern.

2. The Beltline Overlay District only applies in Subarea 5 of this district. However, this provision will not limit the applicability of *Chapter 36A* of this part (Affordable Workforce Housing - Beltline Overlay District), which will remain in full effect in accordance with *Sec. XX, General Regulations and Procedures(10).*

3. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within the Poncey-Highland District will apply. When there is any conflict between said other regulations and the following regulations of the Poncey-Highland Historic District (*Div. 6.22*) the interpretation provision set forth in *Sec. XX, Further Provisions(c)* will govern.

4. When there is any conflict between the density and height provisions of zoning conditions existing before September 17, 2020, or any conflict between, the other chapters of the Zoning Ordinance and this Division, the Poncey-Highland Historic District (*Div. 6.22*) will govern.

5. Graphics are included in this Division but only illustrate the intent and requirement of the text. In the case of a conflict between the text and any graphics, the text will govern.

C. Boundaries and Subareas

The boundaries of the Poncey-Highland Historic District are as shown on the official zoning map. The district is divided into seven subareas, delineated on said map, as follows:

1. Residential Core, Subarea 1 (SA1),
2. Beltline Residential, Subarea 2 (SA2),
3. North Highland Mixed-Use, Subarea 3 (SA3),
4. Ponce de Leon Mixed-Use, Subarea 4 (SA 4),
5. Beltline Mixed-Use, Subarea 5 (SA5),
6. Bonaventure-Somerset Residential, Subarea 6 (SA6),
7. Freedom Park Transitional, Subarea 7 (SA7).

D. Definitions

The following definitions apply to the Poncey-Highland Historic District only. If a term is not defined below, then the definitions in *Div. 6.1* and *Chapter 10* will govern:

Addition. Any change to an existing structure where additional square footage is added to the structure by expanding the exterior envelope of the structure.

Alterations. Any change to an existing structure that does not add additional square footage to the existing heated space and does not move exterior walls. Examples of alterations include, but are not limited to, window replacement, siding replacement, front porch railing/column replacement, etc.

Animal care. A facility designed or arranged for the care of animals. Animal care includes animal grooming, veterinary clinic, kennels, and doggy day care.

Beltline corridor. The definition in Chapter 36 of this part (Beltline Overlay District Regulations).

Block. Both sides of the street where the property is located between the two closest public street intersections.

Block face. The same side of the street where the property is located between the two closest, public street intersections.

Building type. A category of building determined by general use, form, and configuration.

Certificates of appropriateness. City of Atlanta applications/permits used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

Demolition. The removal or destruction of more than 50% of a structure, or removal or destruction of any portion of the structure inside the lot compatibility zone.

Demolition, partial. The removal or destruction of up to 50% of a structure outside the lot compatibility zone.

District right-of-way. All public streets within the Poncey-Highland Historic District and the Beltline Corridor, but not Freedom Parkway; and all public or private streets required by *Sec. XX, Lot Standards(3)*.

Historic/contributing building. A building, also known as a contributing structure, that reinforces the visual integrity or historic interpretability of the Poncey-Highland Historic District.

Internally consistent. That the architectural form or style of and the architectural elements on a given building are a cohesive expression of the identified architectural style or form of that building and not a combination or mixture of various architectural styles or forms.

Lot compatibility zone. The portion of a lot located within 60 horizontal feet of the front lot line, but no more than 50% of the lot depth as measured from the front lot line and no more than the front 50% of the principal structure, and the portion of a lot located within 20 feet of all other lot lines adjacent to streets other than the front lot line.

Non-historic/non-contributing Building. A building, also known as a non-contributing structure, that does not reinforce the visual integrity or historic interpretability of the Poncey-Highland Historic District.

Original. Part of the building or structure since its initial construction.

Street. A public street or a private street required by *Sec. XX, Lot Standards(3),* unless otherwise indicated. Public and private alleys are not considered streets.

Ordinary repairs and maintenance. Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to, a building, structure or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using materials with the same appearance, or, as similar in appearance as possible to the original.

E. General Regulations and Procedures

The following apply to all properties in the district.

1. **Certificates of appropriateness.** A City of Atlanta application/permit used to review and approve design, development and construction activities on properties or districts designated as Historic and Landmark by the City of Atlanta.

a. Type I certificates of appropriateness for ordinary repairs and maintenance (as defined in *Sec. XX, Definitions(18)*) are not required. A certificate of appropriateness is not required if a building permit is not required for such work. Painting or repainting of any structure or portion thereof does not require a certificate of appropriateness but must comply with *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(1)(e*) or *Sec. XX, Subarea 3, 4, and 5 Alterations and Additions to Historic Buildings(1)(e)* about painting of unpainted masonry surfaces.

b. Type II certificates of appropriateness are required from the Director of the Urban Design Commission ("the Director") for the following activities, except for those activities noted in *Sec. XX, General Regulations and Procedures(1)(a)* above:

   i. All exterior alterations to existing structures within the lot compatibility zone;

   ii. Dormer additions and gable additions that are no higher than the ridgeline of the primary structure and at least maintain the setbacks of the primary structure;

   iii. Roof plane extensions that at least maintain the side setbacks of the primary structure;

   iv. Rear additions which are no higher than the highest ridgeline of the primary structure and at least maintain the side setbacks of the primary structure;

   v. New accessory structures;

   vi. Fences, walls, and retaining walls in yards adjacent to a District right-of-way;

   vii. Decks, walkways, driveways, and other paving;

   viii. Replats, subdivisions, and consolidations; and

   ix. Notwithstanding *Sec. XX, Signs, General Regulations(v)* of the Zoning Ordinance, Type II certificates of appropriateness for new signage or alterations to existing signage will be reviewed and approved by the Director.

c. If the proposed activity meets the applicable district regulations, the Director must issue a Type II certificate within 14 days of the receipt of a complete application. If the proposed activity does not meet the applicable district regulations, the Director must deny the application with notice to the applicant within 14 days of the application. Appeals from a decision of the Director about a Type II certificate of appropriateness by any aggrieved person will be processed as prescribed in the appeals portion of *Sec. XX, General Regulations and Procedures* of the Zoning Ordinance.

d. Type III certificates of appropriateness are required from the Commission ("Commission") for the following activities, except for those activities noted in *Sec. XX, General Regulations and Procedures(1)(a) and (b*) above:

   i. All new primary structures;

   ii. Additions to the side of a primary structure, second story additions, and all other additions, except those noted in *Sec. XX, General Regulations and Procedures(1)(b)*;

   iii. Revisions to previously approved plans that result in an increase in the floor area ratio, lot coverage, or height; or an expansion of the building footprint; and

iv. Variances.

e. Type IV certificates of appropriateness are required from the Commission only for the demolition or moving of any historic/contributing principal building. However, a partial demolition of a historic/contributing primary building also requires a Type IV certificate of appropriateness when the partial demolition will result in the loss of significant architectural features that destroys the building's historic interpretability or importance to the district. Pursuant to *Sec. XX, Title and Purpose(13)*, demolition or partial demolition of a historic/contributing primary building in Subarea 2 does not require a Type IV certificate of appropriateness.

2. Variances:

a. Variances must be heard by the Commission. The Commission has the authority to grant or deny variances from the provisions of the district when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances must be as specified in *Div. 9.6, Quasi-Judicial Review* of the Zoning Ordinance.

b. Zoning variances granted prior to September 17, 2020. Any property owner who obtained a variance from the board of zoning appeal on or after January 1, 1982, and before September 17, 2020, to construct all, or a portion, of a project in the district, is entitled to construct said project according to the plans presented in that application.

3. Financial hardship exemptions:

a. These regulations establish a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of neighborhood revitalization and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations on the grounds of economic hardship to the property owner.

b. The burden of proving economic hardship by a preponderance of the evidence is on the applicant.

c. The commission must consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present income of the property owner(s) and those occupying the property;

ii. The age of the property owner;

iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;

iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;

v. The costs associated with adherence to these regulations;

vi. The degree of existing architectural significance and integrity of the structure; and

vii. The purpose and intent of this Division.

d. The Commission must consider these factors. If it finds that the applicant's economic hardship outweighs the need for strict adherence to these regulations it must grant an exemption, in whole or in part, as appropriate.

e. Subdivisions, consolidations, and replatting of lots:

f. *Subareas 1, 2, 6*. The platting pattern of lots is an integral part of the historic character of these subareas. No subdivision, consolidation, or replat may be approved by the City of Atlanta unless it can be shown through archival documentation or maps that the proposal is substantially consistent with the original platting pattern of the subarea. In addition to the regulations of the City of Atlanta Subdivision and Zoning Ordinances, including but not limited to *Sec. XX, Streets(a)(2) and XX, Lots(d)(6*), all subdivisions, consolidations and replats of lots must conform to the original platting pattern in the subarea with regard to the area of the lot, dimensions, and configurations, except in Subarea 6, where contributing multi-unit properties containing four or more units may be consolidated with other immediately adjacent contributing multi-unit properties containing four or more units.

g. *Subareas 3, 4, 5, 7:*

i. Subdivision. No subdivision of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the particular subarea or of the District as a whole, may be reasonably situated and constructed upon such lots.

ii. Consolidation and replatting of lots. No consolidation of lots or replatting of lots may be approved unless it can be shown that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the District as a whole, may be reasonably situated and constructed upon such lots.

4. **The Compatibility Rule.** To permit flexibility and to ensure alterations and additions to existing structures and the design of new structures are sensitive to and sympathetic toward the existing character of the district, some regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) must match the predominant original or historic elements of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing. If there is not a predominant original or historic element on the same block, the element in question shall be consistent with the architectural style of the structure. Where quantifiable, the element in question (i.e., building height and width as measured at street-facing building facade, story height, lot dimensions, etc.), must be no smaller than the smallest or larger than the largest such dimension of the historic/contributing buildings of like use on the same block, including the subject property if historic/contributing." Those elements that the compatibility rule applies to are specified in the District regulations by reference to "compatibility rule."

5. **Rebuilding of detached house, stacked flat, townhouse, and carriage house building types.** After a partial or complete destruction of an entire structure or any portions of a detached house, stacked flat, townhouse, or carriage house building type due to fire, tree fall damage, or other unintentional causes, for the purposes of zoning compliance, the previously existing structure or portion of structure may be rebuilt to its previously existing exterior condition in all respects, including but not limited to height, setbacks, location, lot coverage, building components, architectural elements, and general design. If the structure or portions of a structure are not

rebuilt to their previously existing exterior condition, all aspects of the new structure or new portions of an existing structure must meet the District regulations and all other applicable Zoning Ordinance regulations.

6. **Height calculation.** The height of structures is measured as follows:

   a. *In Subareas 1, 2, 3, 4, 6, and 7*, the height of structures is measured on the street-facing building facade from the average point of grade along said street-facing building facade to the highest point of the roof or facade, whichever is higher.

   b. In Subarea 5, the height of structures with one or more facades adjacent to the Beltline corridor is measured on the Beltline corridor-facing facade from the average point of grade along said facade to the highest point of the roof or facade, whichever is higher. The height of structures with no facades adjacent to the Beltline corridor is measured as indicated in *Sec. XX, General Regulations and Procedures(7)(a)* above.

7. **Default review standards.** The Commission will apply the following standards when the standards set forth elsewhere in this District do not specifically address the proposed work including but not limited to work proposed for the following building types: stacked flats, commercial blocks, shopfronts, towers, or civic buildings.

   a. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive design and appearance, features, spaces, and spatial relationships.

   b. The historic character of a property must be retained and preserved. The or alteration of the design, appearance, features, spaces, and spatial relationships that characterize a property must be avoided.

   c. Each property must be recognized as a physical record of its time, place, and use. Changes may not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.

   d. Changes to a property that have acquired historic significance in their own right must be retained and preserved.

   e. Distinctive designs, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, must be preserved.

   f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, texture, appearance, and, where possible, materials.

   g. Chemical or physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used.

   h. Archaeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

   i. New additions, exterior alterations, or related new construction may not destroy historic features and spatial relationships that characterize the property. The new work may be differentiated from the old and must be compatible with the historic features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

j. New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

8. Contributing buildings status:

a. All contributing buildings within the district are shown on the map adopted herewith entitled "Poncey-Highland Historic District." Said map identifies each building in the district that meets the definition of "contributing building, structure or site" set forth in *Sec. XX, Definitions* and further defined as a "Historic/Contributing Property" in *Sec. XX, Definitions.*

b. The Director must periodically review said map to correct errors or omissions to said map, or to reflect any changed conditions relevant to the contributing status of buildings within the district, consistent with the requirements of *Div. 6.22 and Div. 6.1*, and must maintain public records of said list and all such errors, omissions or updates. An action by the Director to correct such errors or omissions, or to make updates, must be initiated by execution of a signed and dated form promulgated by the Director specifying the action initiated, the reason(s) for such action, and the identification of all property subject to said action. Said form must be mailed by first class mail to the owner(s) of the effected property within five calendar days of the initiation of the action by the Director.

c. An action by the Director to correct errors or omissions, or to update, the map as authorized in *Sec. XX, General Regulations and Procedures(9)(b*) above will result in the immediate prohibition of any new or amended applications of any kind effecting such property, including but not limited to demolition requests, building permits or land disturbance permits, and including acceptance of any such application or request by any City of Atlanta bureau, agency, official, employee or agent. Said prohibitions will become automatically effective without further action of any kind immediately upon the date and time that the Director takes an action authorized in *Sec. XX, General Regulations and Procedures(9)(b)* above. The purpose and intent of this provision is to maintain the status quo regarding any such effected property until the Director's action is reviewed and affirmed or reversed by the Commission in the manner specified in *Sec. XX, General Regulations and Procedures(9)(d)* below. The period of this mandatory interim protection will be 90 days or until a final decision reviewing such action is made by the Commission, whichever first occurs, commencing on the date and time of the Director's decision. This interim control period allows and is based upon approximately 30 days for the initial scheduling of the public hearing following the Director's action and approximately 60 days for completion of the public hearing and a final decision by the Commission.

d. All actions by the Director to correct errors or omissions, or to update, said map must be reviewed and approved by the Commission using the notice and procedures required for Type III certificates of appropriateness with the following modifications:

i. Hearings on such review and approval by the Commission must be scheduled by the Director within 30 days of the Director's action on such correction(s) or update(s) and must be decided by the Commission within a reasonable time; and

ii. The Commission will affirm the action(s) of the Director upon an expressed finding by the Commission that the Director's action(s) correctly applied the definitions and

requirements for determining the contributing status of the properties in question in *Div. 6.22* and *Div. 6.1*.

iii. In exercising its review, the Commission may reverse or affirm the action(s) of the Director, wholly or partly. Appeals from a decision by the Commission on such reviews shall be taken by any person aggrieved by such decision pursuant to *Sec. XX, Judicial Review of Decisions on Certificates of Appropriateness.*

9. **Affordable workforce housing for Beltline zoning overlay district.** *Chapter 36A* of this part must remain in full force and effect for the properties located in the district which were otherwise subject to *Chapter 36A* prior to September 17, 2020.

F. Subarea 1 and 6 Alterations and Additions to Historic Buildings

The following apply to alterations and additions to existing historic/contributing buildings within the lot compatibility zone in *Subareas 1 and 6.*

1. Alterations:

a. Windows and doors:

i. Replacement windows must match the size, light pattern, and appearance of the original or historic windows; be a design consistent with the architectural style and age of the building or have the same design and appearance as the existing windows.

ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.

iii. The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is allowed.

iv. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.

v. New or replacement doors must be solid panel or fixed glass in a solid panel, and the design must meet the compatibility rule, must be consistent with the architectural style of the building, or must match the previously existing door.

vi. Skylights are allowed on roof slopes outside the lot compatibility zone.

b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent in design and appearance with the existing architectural style of the building or what was removed.

c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed is allowed and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited

to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

d. **Awnings or canopies.** Original or historic awnings or canopies must be retained, and new awnings or canopies may be installed if they are consistent with the architectural style of the building.

e. **Masonry surfaces.** The coating or painting of uncoated/unpainted masonry surfaces is allowed with the use of a paint product specified for use on exterior masonry surfaces. The color of the coating/paint is not regulated. Except for allowed coating/painting, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.

f. Front or side stoops and porches:

i. Existing original or historic stoops and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic stoops and porches may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material. Original or historic stoops may be removed if they are replaced with a stoop or porch that meets *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(1)(f)(iii)*.

ii. Existing non-original or non-historic stoops and porches may be repaired, replaced, or otherwise maintained to retain their previously existing appearance and components.

iii. New stoops and porches are allowed and must be consistent with the architectural style of the building with setbacks that meet the compatibility rule.

g. **New decks.** Decks are allowed only on the rear facade of the primary building and may not project past the side facades of the primary structure.

h. **Chimneys.** Chimneys may be raised in height in conjunction with a dormer, gable, or second story addition, or roof plane extension and such extension must be consistent with the architectural style of the building. Structurally unstable chimneys may be removed.

i. **Other alterations.** All other alterations must be consistent with the architectural style of the building or must meet the compatibility rule.

j. **Roofs.** Solar energy generating roofing shingles are allowed. Solar panels are allowed only outside of the lot compatibility zone.

2. Dormer and gable additions:

a. A dormer addition must only occupy a portion of an existing roof plane; and a gable addition may occupy an entire roof plane but may not exceed the highest point of the existing roof plane.

b. Within the lot compatibility zone, must be consistent with the architectural style of the building;

c. Within the lot compatibility zone, roof form, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building; and

d. The existing eave or cornice lines of the building must be retained.

3. Rear additions:

   a. Rear additions must be no higher than the existing, highest ridgeline; and

   b. Within the lot compatibility zone, roof form, windows, door, architectural elements, and ornamentation must be internally consistent with the architectural style of the addition.

4. All building type roof plane extensions:

   a. On building with a side gabled principal roof, the front roof plane may be extended if the existing roof form and pitch is maintained;

   b. Within the lot compatibility zone, windows, doors, and architectural elements, and ornamentation must be consistent with the architectural style of the building; and

   c. The existing eave or cornice lines of the building must be retained.

5. Second story additions: detached house:

   a. Must contain new vertical walls aligned with or parallel to the perimeter of the existing building that create habitable floor area above an existing habitable floor, except as required by *(c)* below;

   b. Must be secondary in design to the existing building;

   c. Must be set back a minimum of 10 feet measured from the front-most wall of the building (excluding any front porch, open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all facades visible from a public street which distinguish the addition from the existing detached house;

   d. Must contain a plate height (distance from subfloor to the top top plate) that does not exceed the plate height of the story beneath the proposed addition;

   e. Within the lot compatibility zone, windows, doors, architectural elements, and ornamentation must be consistent with the architectural style of the building, except as otherwise allowed by *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(5)(c)* above;

   f. The existing eave or cornice lines of the building must be retained; and

   g. The roof form and pitch must match the form of both the primary roof and any secondary gables on the front facade.

6. Upper story/roof top additions: stacked flat, civic building:

   a. Must be secondary in design to the existing building;

   b. Must be set back a minimum of 10 feet behind the front-most wall of the structure (excluding any front porch, open or enclosed); or must include distinct, clearly articulated architectural elements or treatments along all public street-facing facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated copping; and

c. The existing eave or cornice lines of the building must be retained.

7. All other additions or combinations of additions listed in *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(2)* through *(6)* must meet the compatibility rule, comply with *Sec. XX, General Regulations and Procedures(8)* and all other district regulations.

G. Subarea 1 and 6 alterations and Additions to Existing Non-Historic Buildings and Subarea 2 Alterations and Additions to All Buildings

The following apply to alterations and additions to existing non-historic/non-contributing detached houses within the lot compatibility zone in Subareas 1 and 6 and all detached houses in Subarea 2.

1. Within the lot compatibility zone, alterations and additions must comply with one of the following options:

   a. Alterations and additions must be consistent with the architectural style of the existing building, and additions may not be wider or taller than the existing building; or

   b. Alterations and additions must increase the compatibility of the building with the district by incorporating a single architectural style exhibited by the original or historic features of historic/contributing buildings on the block face and the resulting maximum height must meet the compatibility rule; or

   c. Alterations and additions must comply with *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2*) Contextual Architectural Forms and Styles regulations and the resulting maximum height must meet the compatibility rule; or

   d. Second story additions must comply with *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings(5)* Detached House Second Story Additions: Detached House.

H. Subarea 1, 2, and 6 Construction of All New Building Types

New principal buildings in Subareas 1, 2, and 6 must meet all applicable provisions of this Section and either *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(1)* Original/Historic Architectural Forms and Styles or *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* Contextual Architectural Forms and Styles, but not a combination of both.

1. **Original/historic architectural forms and styles.** The following regulations apply to facades within the lot compatibility zone:

   a. Building facades:

      i. Must be an architectural style of a historic/contributing building of like use on the block face.

      ii. Must have a front porch facing and parallel to the street.

   b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must meet the compatibility rule and must be internally consistent with the architectural style.

   c. Windows and doors:

i. The ratio of window and door opening area to wall area must meet the compatibility rule and must be internally consistent with the architectural style.

ii. The scale, size, proportion, and location of all window and doors openings must meet the compatibility rule and must be internally consistent with the architectural style.

iii. The front door must be visible from and face the public street.

d. **Siding and facade sheathing.** Must meet the compatibility rule and must be internally consistent with the architectural style. Further, brick, brick veneer, true stucco, wood or smooth faced cementitious shingles, or horizontal wood or smooth faced cementitious lap siding are the only permissible building materials for the facades.

e. Foundation:

i. Slab on grade, raised slab, or turn-down slab foundations are not allowed.

ii. Foundation material must meet the compatibility rule and must be internally consistent with the architectural style.

f. Roofs and roof materials:

i. Form and pitch, as well as ridge, overhang, and soffit construction must meet the compatibility rule and must be internally consistent with the architectural style.

ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, and solar energy generating shingles are permissible roofing materials.

iii. Solar panels are permissible only outside of the lot compatibility zone.

iv. Membrane, cold-rolled, and corrugated roofing are allowed only on roofs outside of the lot compatibility zone.

g. Chimneys:

i. When any portion of a chimney is a façade element, the chimney must originate at grade.

ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.

h. Porches:

i. Porches are required. The dimensions, location, and shape must meet the compatibility rule and must be internally consistent with the architectural style.

ii. Required porches must contain balustrades, columns, and other features which must meet the compatibility rule and must be internally consistent with the architectural style. Additional height needed to meet building codes must be attained by using a distinct railing extension.

i. **Shutters.** Shutters may be used if they are internally consistent with the architectural style. Shutters must be operable, or appear operable, and must fit the size of the window.

j. Decks and balconies:

i. Decks are only allowed at the rear of the primary structure and may not project past the side facade of the primary structure. Decks are allowed at any level.

ii. Balconies are allowed on any facade if they are internally consistent with the architectural style.

2. **Contextual architectural forms and styles.** The following regulations apply to those facades which are within the lot compatibility zone within *Subareas 1 and 6:*

a. Contextual architectural forms and styles must be all forms and styles that do not conform to the requirements of *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(1) Original/Historic Architectural Forms and Styles*, but do comply with this Section, *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)*.

b. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style.

c. Windows and doors:

i. The ratio of window and door opening area to wall area must be internally consistent with the architectural style.

ii. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style.

iii. The primary front door must be visible from and face the public street.

d. **Siding and facade sheathing.** Must be internally consistent with the architectural style. Brick, brick veneer, stone, true stucco, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels are permissible building materials for facades. When installed within the lot compatibility zone, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.

e. **Foundation materials.** Must be internally consistent with the architectural style.

f. Roofs and roof materials:

i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.

ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials.

iii. Solar panels are permissible outside of the lot compatibility zone.

iv. Membrane or cold-rolled roofing is allowed only on roofs outside the lot compatibility zone. Corrugated roofing materials are not allowed.

g. Chimneys:

i. When any portion of a chimney is a facade element, the chimney must originate at grade.

ii. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.

h. **Shutters.** Shutters are not allowed.

i. Decks and balconies:

i. Decks are only allowed at the rear of the primary structure and at any level and may not project past the side facade of the primary structure. Decks are allowed at any story.

ii. Balconies are allowed on any facade if it is internally consistent with the architectural style.

I. Subarea 3, 4, and 5 alterations and additions to historic buildings

The following apply to alterations and additions to existing historic/contributing buildings in Subareas 3, 4, and 5, except that for building types "detached house" and "stacked flats," as defined in *Sec. XX, Building Type Standards*, the following must only apply to alterations and additions within the lot compatibility zone of those properties.

1. Alterations:

a. Windows and doors:

i. Replacement windows must match the size, light pattern, design and appearance of the original or historic windows or doors; be a design consistent with the architectural style and age of the building; or have the same design and appearance as the existing windows.

ii. All replacement windows with light divisions must have true divided lights or simulated divided lights with exterior light divisions permanently affixed to the exterior of the glass.

iii. Dropped ceilings, when located below the head of a window, must be sufficiently recessed from the window opening to maintain the original exterior appearance.

iv. New or replacement doors must meet the compatibility rule or be consistent with the architectural style of the building or match the previously existing door.

b. **Siding and facade materials.** Replacement siding and facade materials must be consistent in design and appearance with the original or historic materials. If the original or historic siding and facade materials are not present, the replacement siding and facade materials must be consistent with the design and appearance of the existing architectural style of the building or what was removed.

c. **Other architectural elements and ornamentation.** Original or historic architectural elements and ornamentation must be retained, but, if necessary, may be repaired or replaced in a manner that maintains their previous design and appearance. Installation of new architectural elements and ornaments where none previously existed are allowed and must meet the compatibility rule. Architectural elements and ornamentation include, but are not limited to chimneys, brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, half-timbering, and attic vents.

d. **Awnings and canopies.** Original or historic awnings or canopies must be retained. New awnings or canopies may be installed if they are consistent with the architectural style of the building.

e. **Masonry surfaces.** The coating/painting of uncoated/unpainted masonry surfaces is not allowed. Further, original or historic masonry surfaces may not be covered, sheathed over, or coated in any other way.

f. Front or side vestibules, stoops and porches:

i. Existing original or historic vestibules, stoops, and porches must be retained, but, if necessary, may be repaired in a manner that maintains their previous design and appearance. Original or historic vestibules, stoops and porches and may be enclosed with screen wire or glass provided that the original or historic features of the porch, including balustrades, rails, headers, and columns, are retained and not obscured by the enclosure material.

ii. New vestibules, stoops, and porches are allowed and must be consistent with the architectural style of the building and have setbacks that meet the compatibility rule.

g. **New decks.** Decks are allowed on the rear facade of the primary building and may not project past the side facades of the primary structure.

h. **Foundation materials.** Must be internally consistent with the architectural style.

i. Roofs and roof materials:

i. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style.

ii. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles are permissible roofing materials. Membrane or cold-rolled roofing is allowed only on roofs not visible from a district right-of-way. Corrugated roofing materials are not allowed.

iii. Solar panels are permissible but must be located to be the least visible possible from a district right-of-way.

j. **Other alterations.** All other alterations must be consistent with the architectural style of the building and must meet the compatibility rule.

2. Side and rear additions:

a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or must meet *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* as applied to portions visible from a district right-of-way.

b. Side additions that are between the building and the public street but do not affect the street-facing building facade that existed prior to the addition.

3. Upper story/roof top additions:

a. If visible from a district right-of-way, building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the historic building or *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types(2)* as applied to portions visible from a district right-of-way.

b. Must be set back a minimum of 10 feet behind the front most street-facing building facades (excluding any front porch, stoop or vestibule open or enclosed) or must include distinct, clearly articulated architectural elements or treatments along all street-facing building facades which distinguish the addition from the existing building and may not obscure or cover in any way an existing parapet wall or associated copping; and

c. The existing eave or cornice lines of the building must be retained.

J. Subarea 3, 4, 5 Alterations and Additions to Existing Non-Historic Buildings and Construction of New Buildings

The following apply to alterations and additions to existing non-historic/non-contributing buildings and to new construction Subareas 3, 4, and 5.

1. **Facade divisions.** When the following standards refer to the "architectural style," such term applies to the entire building, except when the street-facing building facade is divided into vertical divisions per *Sec. XX, Building Type Standards(18)(b*) and each Division has a distinct architectural style. When *Sec. XX, Building Type Standards(18)(b)* is utilized, the term "architectural style" only applies to the specific facade Division.

2. **Materials, elements, and ornamentation.** Building materials, architectural elements, and ornamentation must be internally consistent with the architectural style of the building or the addition.

3. Windows and doors:

   a. The ratio of window and door opening area to wall area must be internally consistent with the architectural style of the building or the addition.

   b. The scale, size, proportion, and location of all window and door openings must be internally consistent with the architectural style of the building or the addition.

4. **Siding and facade sheathing.** Must be internally consistent with the architectural style of the building or addition, except as follows:

   a. The first three stories of all street-facing building facades must be faced in brick, brick veneer, stone, or masonry, or metal.

   b. Stories above the fourth story on all street-facing building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, or glass curtain walls, or smooth faced cementitious panels. When visible from the district right-of-way, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens. Non-street facing building facades must be faced in brick, brick veneer, stone, masonry, or metal, true stucco, concrete, architectural panels, glass curtain walls, wood or smooth faced cementitious shingles, wood or smooth faced cementitious lap siding, or smooth faced cementitious panels.

c. When installed on any facade, smooth faced cementitious panels may not utilize a board and batten application. All panels must include a metal reveal channel, lap joint, expansion joint, or rain screen as an alternative to battens.

5. **Foundation materials.** Must be internally consistent with the architectural style of the building or the addition.

6. Roofs and roof materials:

   a. Form and pitch, as well as ridge, overhang, and soffit construction must be internally consistent with the architectural style of the building or the addition.

   b. Clay tile, slate, composition asphalt shingles, fiberglass shingles, metal shingles, metal panels, and solar energy generating shingles permissible roofing materials. Membrane or cold-rolled roofing is allowed only on roofs not visible from a district right-of-way. Corrugated roofing materials are not allowed.

   c. Solar panels are permissible but must be located to be the least visible possible from a district right-of-way.

7. Chimneys:

   a. When any portion of a chimney is a facade element, the chimney must originate at grade.

   b. Exterior portions of chimneys must be faced with brick, brick veneer, or true stucco. Siding on chimneys is not allowed.

8. Shutters. Inoperable shutters are not allowed.

K. Permitted principal uses and structures

The following permitted uses and restrictions apply to all subareas in this district:

1. The permitted principal uses and special permit uses set forth in Table 1: Poncey-Highland District Table of Uses are the only uses permitted, as listed within each subarea.

2. **Permitted principal uses.** A building or premises may only be used for the principal uses indicated with a "P" in Table 1, subject to further restrictions where noted.

3. Special permits:

   a. Uses permissible only by special permit are subject to requirements of this Division or elsewhere in this Zoning Ordinance and are also subject to the applicable provisions of *Sec. XX, Special Permits, Intent: Classes of Special Permits*, et seq. Special use permits are required as indicated with "SUP" in Table 1.

   b. The Commission may recommend conditions for special use permits regarding fencing, screening or other buffering, existence or location of lighting, hours of use, vehicular traffic congestion and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

4. **Nonconforming uses.** This Section addresses permitted principal uses and structures within each subarea. Lawful nonconforming uses and structures are regulated by *Div. XX. Special Use Permit*.

Any alteration or addition to nonconforming uses or structures require an appropriate certificate of appropriateness by the Commission.

5. Prohibited uses:

   a. All uses marked with an "--" or not listed in Table 1 are not allowed in the Subarea(s) identified unless authorized in *Sec. XX, Permitted Principal Uses and Structures(6)* below.

   b. No use or manner of operation is allowed 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.

   c. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is not allowed in this district, subject to the provisions in Chapter 74, Article IV, noise control.

TABLE 1: PONCEY-HIGHLAND DISTRICT TABLE OF USES	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional	Use Standards
RESIDENTIAL USES								
Household Living								
General household living as follows:								*Sec. 4.3.2.A.*
1 dwelling per lot	P (1)	P (1)	P (1)	P (1)	P (1)	P (1)	--	
2 dwellings per lot (sublots not allowed)	--	P (2)	P (2)	P (2)	P (2)	P (2)	--	
3 or more dwellings per lot in townhouse building type	--	P	P	P	P	--	--	
3 or more dwellings per lot in a cottage court building type	--	P	P	P	P	--	--	
3 or more dwellings on a lot of record that contained such legal dwelling units before January 1, 2020	P	P	P	P	P	P	--	
3 or more dwellings on a lot, other	--	--	P	P	P	--	--	
Live-work	--	--	P	P	P	--	--	*Sec. 4.3.2.A.*
Purpose-built student housing	--	--	P	P	P	--	--	
Group Living								
General supervised group living	--	--	S	S	S	--	--	*Sec. 4.3.2.B.*
General unsupervised group living	--	--	P	P	P	--	--	*Sec. 4.3.2.B.*

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

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Dormitory, fraternity, or sorority	--	--	S	S	S	--	--	
Emergency shelter	--	--	S	S	S	--	--	*Sec. 4.3.2.B.*
Maternity supportive housing	P	P	P	P	P	P	P	
PUBLIC AND INSTITUTIONAL USES								
Civic								
General civic	P	P	P	P	P	P	P	
Community center, private	S	S	S	S	S	S	S	
Library or museum, private	--	--	P	P	P	--	--	
Religious assembly	P	P	P	P	P	P	--	
Private Education								
General private education	P	P	P	P	P	P	--	
College or university, private	--	--	P	P	P	--	--	
Commercial school	--	--	P	P	P	--	--	
Day care, private	--	--	P	P	P	--	--	
Parks and Open Space								
General parks and open space	--	--	P	P	P	--	--	
Cemetery	--	--	--	--	S	--	--	
Utility								
General utility	P	P	P	P	P	P	P	
Commercial wind or solar	--	--	--	--	--	--	--	
Wireless Telecommunication								.
Type I: Modification (4)	--	--	P*	P*	P*	--	--	*Sec. 4.3.3.A*
Type II: Small wireless collocation (4)	--	--	P*	P*	P*	--	--	*Sec. 4.3.3.A*
Type III: Non-small wireless collocation (4)	--	--	P*	P*	P*	--	--	*Sec. 4.3.3.A*
Type IV: Small wireless structure	--	--	--	--	--	--	--	*Sec. 4.3.3.A*
Type V: Non-small wireless structure	--	--	--	--	--	--	--	*Sec. 4.3.3.A*
COMMERCIAL USES								
Adult Establishment								
Adult Establishment	--	--	--	--	--	--	--	*Sec. 4.3.4.A.*
Agriculture								
Farmers market	P*	P*	P*	P*	P*	--	--	*Sec. 4.3.4.B.*

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Indoor growing system	--	--	P	P	P	--	--	
Urban garden	P*	P*	P*	P*	P*	P*	P*	*Sec. 4.3.4.A.*
Entertainment and Recreation								
General indoor entertainment and recreation	--	--	P	P	P	--	--	
General outdoor entertainment and recreation	--	--	--	--	--	--	--	
ATV park	--	--	--	--	--	--	--	*Sec. 4.3.4.C.*
Club, private	--	--	S	S	S	--	--	
Convention hall or event facility	--	--	P	P	P	--	--	
Golf course	--	--	--	--	--	--	--	
Lounge or nightclub	--	--	--	S	S	--	--	*Sec. 4.3.4.C.*
Party house	--	--	--	--	--	--	--	*Sec. 4.3.4.C.*
Sports arena, stadium, or field	--	--	--	--	--	--	--	*Sec. 4.3.4.C.*
Food and Beverage								
General food and beverage	--	--	P	P	P	--	--	
Bakery, wholesale	--	--	P	P	P	--	--	*Sec. 4.3.4.D.*
Bar	--	--	P	P	P	--	--	*Sec. 4.3.4.D.*
Catering establishment	--	--	P	P	P	--	--	*Sec. 4.3.4.D.*
Delivery-based commercial kitchen	--	--	--	--	--	--	--	*Sec. 4.3.4.D.*
Microbrewery, microdistillery, or winery	--	--	P	P	P	--	--	*Sec. 4.3.4.D.*
Lodging								
General lodging	--	--	P	P	P	--	--	*Sec. 4.3.4.E.*
Bed and breakfast	--	--	P*	P*	P*	--	--	*Sec. 4.3.4.E.*
Short-term rental	P*	P*	P*	P*	P*	P*	--	*Sec. 4.3.4.E.*
Medical								
General medical	--	--	P	P	P	--	--	
Hospital	--	--	--	P	P	--	--	
Medical laboratory	--	--	--	--	--	--	--	
Office								
General office	--	--	P	P	P	--	--	
Sound recording studio	--	--	P	P	P	--	--	
Parking								

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Commercial parking lot (3)	--	--	--	--	S	--	--	
Commercial parking structure	--	--	P	P	P	--	--	
Personal Service								
General personal service	--	--	P	P	P	--	--	*Sec. 4.3.4.F.*
Animal care, indoor	--	--	S	S	P	--	--	*Sec. 4.3.4.F.*
Animal care, outdoor	--	--	--	--	P	--	--	
Body art studio	--	--	P	P	P	--	--	*Sec. 4.3.4.F.*
Funeral home	--	--	--	S	S	--	--	*Sec. 4.3.4.F.*
Hair or nail salon	--	--	P	P	P	--	--	*Sec. 4.3.4.F.*
Laundry service								*Sec. 4.3.4.F.*
Up to to 5,000 SF	--	--	P	P	P	--	--	
Retail								
General retail	--	--	P	P	P	--	--	
Alternative financial service	--	--	--	--	--	--	--	*Sec. 4.3.4.G.*
Artisan workshop	--	--	P	P	P	--	--	
Grocery store								
Up to 2,000 SF	--	P	P	P	P	--	--	
Above 2,000 SF	--	--	P	P	P	--	--	
Hookah or vape store	--	--	P	P	P	--	--	*Sec. 4.3.4.G.*
Package store	--	--	P	P	P	--	--	*Sec. 4.3.4.G.*
Retail bank	--	--	P	P	P	--	--	*Sec. 4.3.4.G.*
Small discount variety store	--	--	P*	P*	P*	--	--	*Sec. 4.3.4.G.*
Transportation								
Passenger terminal	--	--	--	--	--	--	--	
Helipad	--	--	--	--	--	--	--	
Truck stop	--	--	--	--	--	--	--	*Sec. 4.3.4.H.*
Vehicle Sale and Service								
Vehicle sale and rental, light	--	--	--	--	--	--	--	*Sec. 4.3.4.I.*
Vehicle sale and rental, heavy	--	--	--	--	--	--	--	*Sec. 4.3.4.I.*
Vehicle service and repair, light	--	--	--	S	S	--	--	*Sec. 4.3.4.I.*
Vehicle service and repair, heavy	--	--	--	--	--	--	--	*Sec. 4.3.4.I.*
Car wash	--	--	--	--	--	--	--	*Sec. 4.3.4.I.*
Fuel sales	--	--	--	S	S	--	--	*Sec. 4.3.4.I.*

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Wholesale Trade								
General wholesale trade	--	--	P	P	P	--	--	
Showroom	--	--	P	P	P	--	--	
Wholesale trade mart	--	--	--	--	--	--	--	
INDUSTRIAL USES								
Industrial and Manufacturing								
Low-impact industrial and manufacturing								*Sec. 4.3.5.A.*
Up to 8,000 SF	--	--	P	P	P	--	--	
8,001 - 15,000 SF	--	--	P	P	P	--	--	
Above 15,000 SF	--	--	P	P	P	--	--	
High-impact industrial and manufacturing	--	--	--	--	--	--	--	*Sec. 4.3.5.A.*
Crematorium	--	--	--	--	--	--	--	
Research and development	--	--	P	P	P	--	--	*Sec. 4.3.5.A.*
Warehouse and Distribution								
General warehouse and distribution	--	--	--	--	--	--	--	
Data Center	--	--	--	--	--	--	--	*Sec. 4.3.5.B.*
Freight terminal	--	--	--	--	--	--	--	
Micro-distribution hub								
Up to 2,000 SF	--	--	--	P	P	--	--	
2,000 - 8,000 SF	--	--	--	--	--	--	--	
Self-storage	--	--	--	--	--	--	--	*Sec. 4.3.5.B.*
Storage yard	--	--	--	--	--	--	--	*Sec. 4.3.5.B.*
Waste-Related Service								
General waste-related service	--	--	--	--	--	--	--	*Sec. 4.3.5.C.*
Green waste	--	--	--	--	--	--	--	*Sec. 4.3.5.C.*
Recycling drop-off center	--	--	--	--	--	--	--	*Sec. 4.3.5.C.*
ACCESSORY USES								
Accessory dwelling unit								*Sec. 4.5.2.A.*
1 accessory dwelling unit	P	P	P	P	P	P	P	
Up to 2 accessory dwelling units	--	--	--	--	--	--	--	
Up to 4 accessory dwelling units	--	--	--	--	--	--	--	
Accessory residential structure	P*	P*	P*	P*	P*	P*	P*	*Sec. 4.5.2.B.*

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Drive-thru, enclosed	--	--	--	--	--	--	--	*Sec. 4.5.2.C.*
Drive-thru, unenclosed	--	--	--	--	--	--	--	*Sec. 4.5.2.D.*
EV charging station, levels 1 and 2	P	P	P	P	P	P	P	
EV charging station, level 3	--	--	P	P	P	--	--	
Home art studio and gallery	P*	P*	P*	P*	P*	P*	--	*Sec. 4.5.2.G.*
Home occupation	P*	P*	P*	P*	P*	P*	--	*Sec. 4.5.2.H.*
Hookah or vapor consumption	--	--	P	P	P	--	--	
Outdoor amplified sound	--	--	P	P	P	--	--	*Sec. 4.5.2.J.*
Outdoor dining	--	--	P*	P*	P*	--	--	*Sec. 4.5.2.K.*
Outdoor display	--	--	P*	P*	P*	--	--	*Sec. 4.5.2.L.*
Outdoor pet area	--	--	P	P	P	--	--	
Outdoor storage, minor	--	--	P*	P*	P*	--	--	*Sec. 4.5.2.N.*
Outdoor storage, major	--	--	--	--	--	--	--	*Sec. 4.5.2.O.*
Pedestrian bridge or tunnel	--	--	--	--	--	--	--	*Sec. 4.5.2.P.*
Public Art	S*	S*	S*	S*	S*	S*	S*	*Sec. 4.5.2.Q.*
Renewable energy device	P	P	P	P	P	P	P	
TEMPORARY USES								
General temporary event								
Up to 90 days	--	--	P	P	P	--	--	
Beyond 90 days	--	--	S	S	S	--	--	
Active construction structure	P	P	P	P	P	P	P	
Temporary outdoor sales	--	--	P*	P*	P*	--	--	*Sec. 4.6.2.C.*

(1) No more than two total dwelling units are allowed on any lot of record; this number includes the sum of the principal dwelling unit(s) and any attached or detached accessory dwelling units.

(2) Accessory dwelling units are not allowed.

(3) Commercial parking lots must comply with *Sec. XX, Permitted Principal Uses and Structures(6)(b)*

(4) Wireless telecommunication uses must comply with *Sec. XX, Permitted Principal Uses and Structures(6)(c)*

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6. The following additional permitted principal use and structures provisions apply:

   a. Except as otherwise herein provided, no merchandise may be stored other than that to be sold at retail on the premises; and no storage for such merchandise may occupy more than 40% of the floor area on the premises. No off-premises storage of such merchandise is allowed as either a principal or accessory use.

b. **Commercial parking lots.** Commercial parking lots require a special use permit that meets all the following requirements:

i. All requirements of *Sec. XX, Parking, Driveways, and Curb Cuts;*

ii. All requirements of *Sec. XX, Title and Purpose* et seq.;

iii. All special use permits granted for such use will expire three years after the issuance of said permit. No property interests of any kind related to such use may extend beyond said three-year permit period. All infrastructure related to the park for hire use, such as pay structures, attendant stands, pavement and parking striping, lot signs and so forth, must be removed by the former SUP holder or owner within 30 days of the expiration of said SUP.

iv. Properties that have been granted a special use permit for park-for-hire surface parking lots may not obtain additional subsequent special use permits for such use following the expiration of the initial permit.

v. Applicants must submit an area parking analysis to document the need for such use. The area parking analysis must demonstrate that the current inventory of publicly accessible parking supply located within 2,000 linear feet of the proposed parking lot is insufficient for the active commercial uses located within the same area.

c. **Wireless Telecommunication.** Only Type I, Type II, and Type III wireless telecommunication facilities are allowed in Subareas 3, 4, and 5 subject to all applicable use standards of Chapter 4 and the following:

i. Wireless telecommunications are authorized as noted in Subareas 3, 4, and 5 provided a Type II Certificate of Appropriateness is granted and, as part of said certificate, the applicant demonstrates compliance with the criteria set forth in *Sec. 4.3.3.A.*

L. Accessory Uses and Structures

1. **All subareas.** The following accessory uses and structures standards apply to all subareas.

a. Accessory uses and structures are allowed and include those customarily accessory and clearly incidental to permitted principal uses and structures, including accessory parking to serve authorized uses within the district and including devices for the generation of energy such as solar panels or solar energy-generating roofing materials, electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and similar devices. Solar panels or solar energy-generating roofing materials are allowed on any roof plane of a principal or accessory structure.

b. Urban gardens are allowed as an accessory use. Market gardens are allowed as an accessory use only on parcels which are used as places of worship or schools.

c. Active recreation facilities in any yard, required or other, adjacent to a street requires a variance from the Commission, which variance may only be granted upon finding that:

i. The location is not objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic;

ii. The area for such activity could not reasonably be located elsewhere on the lot; and

iii. The Commission may further condition any variance for such facilities based on concerns regarding fencing, screening or other buffering, existence or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

2. **Subareas 1, 2, and 6.** The following additional accessory uses and structures provisions apply to Subareas 1, 2, and 6.

a. Accessory buildings and uses allowed as specified in *Sec. XX, Permitted Accessory Uses and Structures* for single-unit, two-unit and authorized multiple-family property, subject to limitations and requirements set forth in this Chapter or elsewhere in this part.

b. Accessory dwelling units (ADU) are only allowed on lots where the principal use is a single-unit dwelling and subject to the following:

i. The ADU may be either attached to the principal dwelling unit or detached within an accessory building.

ii. The ADU may not exceed 1,200 square feet or 50% of the area of the principal dwelling to which it is accessory, whichever is less, with a minimum of 750 square feet allowed.

iii. For the purposes of *Sec. XX, Accessory Uses and Structures(2)(c)(v)* which limits the total allowable area of the accessory building to 40% of the principal building, the square footage of the ADU is not included when calculating the total area of the accessory building.

c. All permitted accessory uses and structures must comply with the following:

i. Except in the case of home occupation, no accessory use may be of a commercial nature.

ii. May not be constructed until construction of the primary structure has started and may not be used or occupied until the primary structure is completed and in use.

iii. May not cover more than 25% of the rear yard.

iv. Must be behind the primary structure, except for electric vehicle charging stations equipped with Level 1 or Level 2 EVSE, and solar panels and solar energy-generating roofing materials which may be located on any roof plane on the primary structure.

v. May not contain a total floor area greater than 40% of the floor area of the primary structure.

vi. May not exceed 20 feet in height, except accessory structures containing an ADU may not exceed 25 feet in height.

vii. Must conform with carriage house standards when the accessory structure contains a garage and is accessory to a single-unit dwelling or two-unit dwelling.

M. Transitional Uses, Structures, Requirements (*Sec. XX, Transitional Uses,*

#007

Posted by **Matthew** on **04/07/2026** at **10:12am** [Comment ID: 2584] - Link

Suggestion

Agree: 0, Disagree: 0

Historic districts should allow more accessory dwelling units by right where the scale and form are compatible with the district, instead of limiting them so narrowly. For example, this draft includes at least one district where ADUs are only allowed on lots with a single-unit principal use, which is too restrictive if the goal is to add gentle density without changing neighborhood character.

> Reply by **SiteAdmin** on **04/07/2026** at **10:50am** [Comment ID: 2585] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> No changes are being made to historic district regulations as part of ATL Zoning 2.0. Any updates to these districts would need to be undertaken following adoption.

Structures, Requirements.)

1. Transitional height planes:

   a. No transitional height plane provisions apply in Subareas 1, 2, and 6.

   b. In Subareas 3, 4, and 5 no portion of any structure may protrude through a height limiting plane beginning at the specified number of feet above the point set forth in *Sec. XX, Transitional Uses, Structures, Requirements(1)(c)* below and extending inward over this subarea at an angle of 45 degrees. The following districts are considered "protected districts" for purposes of this Section *XX, Transitional Uses, Structures, Requirements:*

      i. Subareas 1, 2, and 6;

      ii. House-Scale districts;

      iii. Neighborhood-Scale districts

      iv. Other landmark or historic districts and or district subareas having with allowable uses and densities predominantly similar to those allowed in the district classifications listed in *Subsections (i) through (iii)* above.

   c. Proximity to districts and measurement applications:

      i. For parcels in this subarea that are contiguous to a protected district, the transitional height plane is measured beginning 35 feet above the required Subarea 3, 4, or 5 setback or transitional yard adjoining the common property line with such protected district. As used here "contiguous" means abutting or only separated by an existing alley of record.

      ii. For parcels in this subarea that are not contiguous to but are within 150 feet of a protected district, the transitional height plane is measured beginning 15 feet above the nearest lot line of the protected district, provided this transitional height plane does not extend more than 150 linear feet (measured along the ground) from the protected district up to and into Subarea 3, 4, or 5. See diagrams at *Sec. XX, Application(62)*.

      iii. The purpose and intent of this provision is to provide protection for the named protected districts from nearby taller or larger structures regardless of the presence of an intervening public right of way or park or space, public or private street or alley, or any lot or parcel remnant.

      iv. Transitional height plane measurements are applied to parcels on a point-by-point basis and not average grade.

2. Transitions and screening:

   a. No transition and screening provisions apply in Subareas 1, 2, and 6.

   b. Where Subarea 3, 4, or 5 adjoins Subarea 1, 2, or 6 without an intervening public street, one of the following is required:

      i. A Type A Transition, as specified in Sec. 8.4.1; or

      ii. A Type B Transition, as specified in Sec. 8.4.1; or

iii. A minimum 20 feet wide residential building, including a conforming detached house, cottage court, carriage house, townhouse, or stacked flat building type not exceeding 35 feet in height. Such building may only contain dwelling units.

c. Where Subarea 4 adjoins Subarea 1 across an intervening public street, a minimum 30 feet deep residential building, including a conforming detached house, cottage court, or townhouse building type not exceeding 35 feet in height is required along the entire street frontage. Such building may only contain dwelling units.

N. Lot Standards

All development must comply with Table 2 "Poncey-Highland Historic District Lot Standards Table," Table 3 "Poncey-Highland Subarea 1 Lot Coverage Table," Table 4: Poncey-Highland Historic District Building Height Table," and with subsections 1 through 4. "CR" refers to the compatibility rule.

TABLE 2: PONCEY-HIGHLAND DISTRICT LOT STANDARDS TABLE	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential	Sub Area 7: Freedom Park Transitional
Maximum FAR (times net lot area)	0.5	0.85	3.2 [1]	3.2 [1]	8.2 [1]	0.5	n/a
Minimum Lot Area	CR	CR	800 sf	800 sf	800 sf	CR	n/a
Minimum Lot Width	CR	CR	16 ft.	16 sf.	16 sf.	CR	n/a
Yard Requirements:							
Front [2]	CR	CR	CR	5 ft. min/30 ft max.	5 ft min	CR	n/a
Side (detached houses)	CR, but 3 ft. min.	CR, but 3 ft. min.	0 ft min.	0 ft min.	0 ft min.	CR, but 3 ft. min.	n/a
Side (carriage houses)	3 ft. min.	3 ft. min.	0 ft min.	0 ft min.	0 ft min.	0 ft min.	n/a
Side (all other building types)	7 ft. min.	7 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	7 ft. min.	n/a
Rear (detached houses)	CR, but 5 ft. min.	CR, but 5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	CR, but 5 ft. min.	n/a
Rear (carriage houses)	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	n/a
Rear (all other buildings)	7 ft. min.	7 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	7 ft. min.	n/a

Maximum Lot Coverage	See Table 3	See Table 3	85%	85%	85%	See Table 3	n/a
Minimum Outdoor Amenity Space Requirements [4]:							
All Uses	None	None	10%	10%	10%	None	n/a

Key: CR = Per the compatibility rule

Notes:

[1] FAR in this subarea excludes any floor area in buildings built before 1945.

[2] Measured from the back of the required sidewalk along all public and private streets.

[3] Lot coverage excludes areas deemed "pervious" by the Post Development Stormwater Management Ordinance.

[4] There is no minimum outdoor amenity space requirements for buildings built before 1945.

TABLE 3: PONCEY-HIGHLAND SUBAREA 1,2, AND 6 LOT COVERAGE TABLE Lots of record in the indicated Subareas 1, 2, and 6 are subject to the following maximum lot coverages.	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 6: Bonaventure-Somerset Residential
Lot of Record Size			
4,499 sf or smaller	70% max.	80% max.	70% max.
4,500 sf to 4,999 sf	68% max.	78% max.	68% max.
5,000 sf to 5,999 sf	66% max.	76% max.	66% max.
5,500 sf 6,000 sf	64% max.	74% max.	64% max.
6,000 sf to 5,999 SF	62% max.	72% max.	62% max.
6,500 sf to 6,749 SF	60% max	70% max	60% max
7,000 sf to 7,499 sf	58% max.	68% max.	58% max.
7,500 sf to 7,999 sf	56% max.	66% max.	56% max.
8,000 sf to 8,499 sf	54% max.	64% max.	55% max.
8,500 sf to 8,999 sf	52% max.	62% max.	55% max.
9,000 sf or larger	50% max.	60% max.	55% max.

TABLE 4: PONCEY-HIGHLAND DISTRICT BUILDING HEIGHT TABLE General building height standards. These only apply in areas not subject to the additional restrictions below.	**Sub Area 1: Residential Core**	**Sub Area 2: Beltline Residential**	**Sub Area 3: N Highland Mixed-use**	**Sub Area 4: Ponce De Leon Mixed-use**	**Sub Area 5: Beltline Mixed-use**	**Sub Area 6: Bonaventure-Somerset Residential**	**Sub Area 7: Freedom Park Transitional**
Building Height Standards	CR	CR	78 ft. max., 18 ft. min. (see additional restrictions below)	85 ft. max., 30 ft. min. (see additional restrictions below)	185 ft max. (see additional restrictions below)	CR	35 ft. max.

ADDITIONAL BUILDING HEIGHT RESTRICTIONS
The general building height standards above will be further restricted in the following areas:

Subareas 4 and 5 only for portions of buildings within 60 feet of Subarea 1, 2, or 6	52 ft. max.
Subarea 3 east of N. Highland Avenue	3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 6 stories or 78 feet, whichever is less, in other locations
Subarea 3 west of N. Highland Avenue	3 stories or 42 ft max., whichever is less, for first 10 feet of building depth; and 4 stories or 54 feet, whichever is less, in other locations
Subarea 4 east of Freedom Parkway	5 stories or 75 ft. max., whichever is less [1]
Subarea 4 west of Freedom Parkway	6 stories or 85 ft. max., whichever is less [1]

Key: CR = Per the compatibility rule. S

Notes:

Heights shown in this table must be reduced by the transitional height plane, when applicable.

[1] The maximum building height may be increased by one story or 15 ft. maximum in order to divide the street-facing building facade into vertical divisions per *Sec. XX, Building Type Standards(18)(b)(i)*, provided such increased height does not constitute more than 30% of the total building footprint, or the maximum building height may also be increased by one story or 15 ft. maximum on sites where no upper story additions are proposed for contributing historic buildings.

1. **Lot compatibility zone height requirements.** The following height standards apply in the lot compatibility zone:

    a. On blocks with at least one historic two-story building (measured along the street-facing building facade), the maximum building height is determined by the compatibility rule.

    b. On all other blocks, the maximum building height is 30 feet.

2. Outdoor amenity space requirements.

   a. Outdoor amenity space must be as specified in *Sec. 3.4.3*.

3. **Blocks.** New development must incorporated new blocks as specified in *Sec. 8.3.1.*

4. **Future connectivity.** No development in Subarea 3, 4, or 5 may be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian connections to adjacent lots, including through the use of new public or private streets, except when the Director determines that such is impractical due to topographic or other site-specific constraints. This provision may not be interpreted to prohibit or restrict something which would otherwise be allowed in this district or require inter-parcel rights to be granted to adjacent property owners.

O. Building Type Standards

The following building type regulations apply to all subareas:

1. All primary existing and proposed primary buildings must comply with the requirements of this Section, as applicable to the specific building type.

2. Where a development contains multiple building types, the requirements of each building type must be met independently as if each building was located on its own lot, even when no subdivision is proposed.

3. Parking structures fronting or visible from a street or the Beltline corridor must also select and comply with the following standards for one building type:

   a. Building massing and active uses,

   b. Pedestrian access,

   c. Building elements,

   d. Transparency, and

   e. Parking location.

4. The building type utilized must be allowed in the subarea.

5. Applicants must select which allowed building type corresponds to the building they are proposing to construct, alter, or add to and must comply with the standards for that building type as it relates to that new construction, alteration, or addition. All building types selected must be approved by the Director.

6. *Table 5*. Allowed Building Types identifies the new building types allowed by subarea. Each building type may contain any use allowed in the subareas in which it is located unless otherwise noted by building type. On lots of record that contained legal building types other than those allowed by Table 5 before January 1, 2020, such other building types are allowed for new construction, alteration, or addition.

TABLE 5: Allowed Building Types Building Type	Sub Area 1: Residential Core	Sub Area 2: Beltline Residential	Sub Area 3: N Highland Mixed-use	Sub Area 4: Ponce De Leon Mixed-use	Sub Area 5: Beltline Mixed-use	Sub Area 6: Bonaventure-Somerset Residential
Detached House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes
Carriage House	Yes	Yes	Yes [1]	Yes [1]	Yes [1]	Yes
Cottage Court	No	Yes	Yes	Yes	No	No
Townhouse	No	Yes	Yes	Yes	Yes	No
Stacked Flat	No	No	Yes	Yes	Yes	No
Shopfront	No	No	Yes	No	No	No
Commercial Block	No	No	Yes	Yes	Yes	No
Tower	No	No	No	No	Yes	No
Civic	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

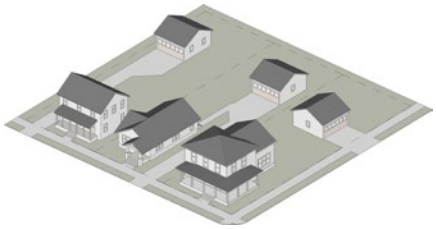
[1] Building type only allowed when used to meet the transitions and screening provisions of *Sec. XX*.

7. All primary buildings must be oriented to the street they face or the Beltline corridor, when applicable.

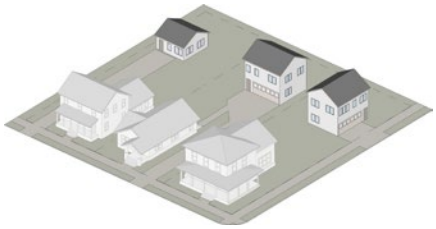
8. Where multiple building types are proposed for a single lot, the proposal must include potential lot lines for each building type, which conform with this *DIV. 6.22*, the purpose of which is only to determine compliance with building type standards.

9. The standards for building types do not apply to accessory structures, except carriage houses, and except parking structures as provided for in *Sec. XX, Building Type Standards(3)* above.

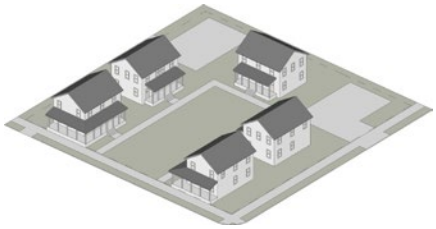
10. Detached house standards. The following applies to all detached houses.

(a) Description	
A detached house is a small-scale, freestanding building, set back from the public street, elevated above the ground level and designed to facilitate residential uses.	
(b) Building Density	
Dwelling units per building:	2 max. (either 1 principal dwelling + 1 ADU max.; or 2 principal dwellings max.)
Buildings per lot:	1 max., excluding accessory buildings
(c) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height:	See subarea requirements
Street-facing facade width:	n/a
Active depth:	n/a
(d) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street:	Required
Walkway width:	3 ft min./5 ft max.
(e) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
Each detached house must provide a porch.	
The required porch must face the street.	
(f) Glazing **(see** *Sec. XX, Building Type Standards(21)***)**	
Street-facing facades	10% min. wall area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors must be located on the side or rear facades of the principal structure and may not face a public street.	

11. Carriage house standards. The following applies to all carriage houses.

(a) Description	
A carriage house is a freestanding building, typically designed for use as a garage, storage, guest house, or accessory dwelling unit. A carriage house must be accessory to a principal dwelling and located on the same lot.	
(b) Building Density	
Accessory dwelling units per building:	1 max.
Buildings per lot:	2 max., excluding principal buildings
(c) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height:	See Sec. *XX, Accessory Uses and Structures* for accessory structure height
Street-facing facade width:	n/a
Active depth:	n/a
(d) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street:	Not required
Walkway width:	n/a
(e) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
n/a	
(f) Glazing **(see** *Sec. XX, Building Type Standards(21)***)**	
Street-facing facades	n/a
(g) Parking location	
On-site parking location is regulated by the principal dwelling unit.	

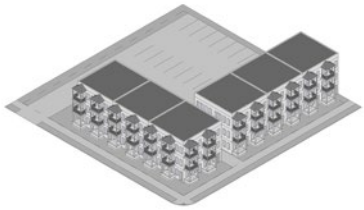
12. Cottage court standards. The following applies to all cottage courts.

(a) Description	
A cottage court accommodates three to ten detached dwelling units located around a shared internal courtyard. Units must all be on the same lot and no unit may be located above or below another. Cottage courts are for residential uses.	
(b) Building Density	
Dwelling units per cottage court:	3 min. / 10 max.
Buildings per lot:	10 max. excluding accessory buildings
Floor area per dwelling unit:	1,200 sf max
(c) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height:	See subarea requirements
Street-facing facade width:	No min./no max.
Active depth:	n/a
(d) Courtyard	
Area	3,000 sf min.
Width	40 ft. min.
Courtyard may not be parked or driven upon, except for emergency access.	
(e) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(f) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
Each cottage court unit along a street and each cottage court units along a courtyard must provide either a:	
(i) Stoop, or	
(ii) Porch	
A porch is required when adjacent to a street.	
(g) Glazing **(see** *Sec. XX, Building Type Standards(21)***)**	
Street-facing facades	10% min. area per floor, excluding basements and attics
(g) Parking location	
No on-site parking is allowed between the building and the street or between buildings and the courtyard.	
Garage doors, if located on the principal structure must be located on the side or rear façade and may not face the interior of the court or a public street.	

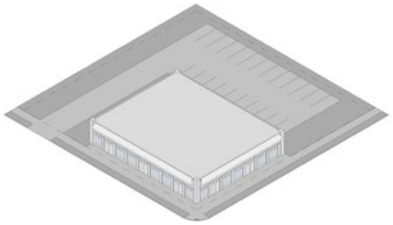
13. Townhouse standards. The following applies to all townhouses.

(a) Description	
A townhouse is a building type that accommodates three or more dwelling units or tenant spaces where each unit is separated by a common sidewall. No unit may be located above or below another.	
(b) Density and use	
Dwelling units per building	3 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height	52 ft max., except in subareas where a lower height limit applies
Street-facing facade width	16 ft min. /150 ft. max.
Active depth	20 ft. min, except corner units are only required to meet this requirement along one street
Percent of front lot width that must be abutted by a conforming townhouse building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street	Required for units along street
Walkway width:	3 ft min./5 ft max. must connect all dwellings to the street
(e) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
Each townhouse unit facing a street must provide one of the following:	
(i) Stoop, or	
(ii) Porch, or	
(iii) Storefront	
(f) Glazing **(see** *Sec. XX, Building Type Standards(21)***)**	
Street-facing facades	20% min. area per floor
(g) Parking location	
No on-site parking is allowed between the building and the street.	
Garage doors may not face a street.	

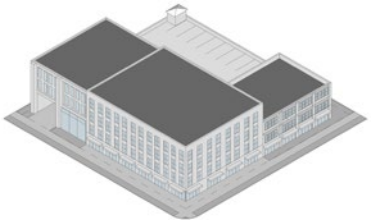
14. Stacked flat standards. The following applies to all stacked flats.

(a) Description	
A stacked flat building is a multi-story building type that was originally built to accommodates four or more dwelling units located above or below another unit. Nonresidential uses are allowed in stacked flats when allowed by subarea regulations.	
(b) Building Density	
Dwelling units per building	4 min./no max.
Buildings per lot	n/a
(c) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height	See subarea requirements
Street-facing facade width	150 ft. max.
Active depth	20 ft. min.
Percent of front lot width that must be abutted by a conforming stacked flat building	70% min., excluding transitional yards, existing alleys, and one new driveway
(d) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street	Required for lobby (if provided) and when four or more ground floor units are along a street
Walkway width:	3 ft min./10 ft max.
(e) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
n/a	
(f) Glazing **(see** *Sec. XX, Building Type Standards(21)***)**	
Street-facing facades	20% min. area per floor
(g) Parking Location	
No on-site parking is allowed between the building and the street.	

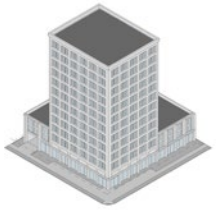
15. Shopfront standards. The following applies to all shopfronts.

(a) Description	
A shopfront is a single-story building containing pedestrian-oriented ground floor retail, restaurant, or service uses. Note: See commercial block standards for related standards for buildings more than one story in height.	
(b) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)*)	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. depth and may not be dwelling units
Percent of front lot width that must be abutted by a conforming shopfront building	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see *Sec. XX, Building Type Standards(19)*)	
Entrance facing street	Required for all tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see *Sec. XX, Building Type Standards(20)*)	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing **(see** *Sec. XX, Building Type Standards(21)*)	
Street-facing facades	70% min. area
Street-facing blank wall	20 ft. max.
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.	
(g) Building Type Location	
New shopfronts or commercial blocks must front North Highland Avenue.	

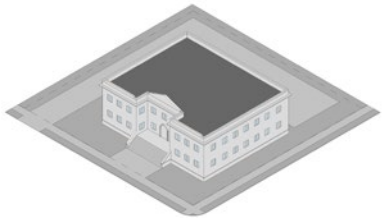
16. Commercial block standards. The following applies to all commercial blocks.

(a) Description	
A commercial block is a multi-story building designed for a vertical mix of uses, with pedestrian-oriented ground floor retail or service uses and upper floor residential, hospitality, or office uses.	
(b) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)*)	
Building height	See subarea requirements for min./7 stories max.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming commercial block	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see *Sec. XX, Building Type Standards(19)*)	
Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see *Sec. XX, Building Type Standards(20)*)	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing **(see** *Sec. XX, Building Type Standards(21)*)	
Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing façade.	
(g) Building Type Location	
New commercial blocks or towers must front Ponce de Leon Avenue.	
New commercial blocks or shopfronts must front North Highland Avenue.	

17. Tower standards. The following applies to all towers.

(a) Description	
A tower is a stacked unit or commercial block building of eight or more stories in height, which may include portions less than eight stories in height.	
(b) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)***)**	
Building height	8 stories min / see subarea requirements for mx.
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	
Portion of building under 8 stories in height	150 ft max.
Portion of building 8 or more stories in height	250 ft max.
Active depth	20 ft. min. and may not be dwelling units
Percent of front lot width that must be abutted by a conforming tower	70% min., excluding transitional yards, existing alleys, and one new driveway
(c) Pedestrian Access (see *Sec. XX, Building Type Standards(19)***)**	
Entrance facing street	Required for all ground floor tenant spaces along streets
Walkway width:	6 ft. min.
(d) Building Elements (see *Sec. XX, Building Type Standards(20)***)**	
Each individual tenant space facing a street must provide an awning/canopy.	
(e) Glazing *(see Sec. XX, Building Type Standards(21))*	
Street-facing ground floor facades	70% min. area
Street-facing upper floor facades	20% min. area per floor
Street-facing blank wall area	20 ft. max. per floor
(f) Parking Location	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking is allowed within 20 feet of a street-facing facade.	
(g) Building Type Location	
New towers or commercial blocks must front Ponce de Leon Avenue.	

18. Civic standards. The following applies to civic buildings.

(a) Description	
A civic building is designed to stand apart from its surroundings due to the special nature of its use as a public facility. Civic buildings may only be owned and used by the City of Atlanta, Fulton County, or other governmental entity; used for religious worship; or used for private schools.	
(b) Building Massing and Active Uses (see *Sec. XX, Building Type Standards(18)*)	
Building height	See subarea requirements
Ground floor height (floor to floor)	16 ft. min
Upper floor height (floor to floor)	10 ft. min
Street-facing facade width	150 ft. max.
Active depth	20 ft. min.
(c) Pedestrian Access (see *Sec. XX, Building Type Standards(19)*)	
Entrance facing street	Required
Walkway width:	6 ft. min.
(d) Building Elements (see *Sec. XX, Building Type Standards(20)*)	
n/a	
(e) Glazing **(see** *Sec. XX, Building Type Standards(21)*)	
Street-facing facades	15% min. area per floor
(f) Parking	
No exterior on-site parking is allowed between the building and the street.	
No interior, above-ground parking (either within the building or an accessory parking garage) is allowed within 40 feet of a public street.	

19. Building type massing and active uses:

    a. One primary mass required:

        i. The main body of all principal buildings must consist of one primary mass. Secondary and incidental wings may be attached to the main body of a building.

        ii. This requirement applies to each facade Division set forth in "b" below.

    b. **Street-facing facade widths.** These building massing standards apply to building types which include a street- facing facade width requirement. When required, buildings must use one of the following to divide the facade into the maximum street-facing width divisions shown for the building type in *Sec. XX, Building Type Standards(9)* through *Sec. XX, Building Type Standards(17),* as measured along the base of the facade:

        i. A change of facade material and window systems from grade to roof, and change of building height of at least one story; or

        ii. A change in facade composition or architectural style from grade to the roof; or

iii. Similar means intended to convey the impression of separate buildings. Change in color alone, setback alone, or any combination of the two may not be used to satisfy this requirement.

c. **Active uses.** The ground story of certain building types must provide "active uses" along public and private streets for the minimum indicated depth from the street-facing facade. For this purpose, "active use" means any permitted principal use with interior floor area that is served by plumbing, heating, and electricity. "Active use" specifically excludes parking; digital industry switchboards, relay equipment, and associated power generators; mechanical rooms; non-residential storage not associated with an industrial use; driveways; and queuing lanes parallel to the adjacent street.

20. Pedestrian access:

a. A pedestrian entry feature and walkway providing ingress and egress, operable to residents at all times and operable to customers, visitors, and employees during business hours, is required to meet street-facing pedestrian entrance requirements. Additional entry features off another street, pedestrian area, open space, or internal parking area are allowed but must have the same or shorter hours of operability as the street-facing entry feature.

b. A street address number must be located above the street-facing pedestrian entry feature utilizing numbers that are at least 6 inches in height. When multiple entry features exist on a street-facing facade, only one address is required.

c. On corner lots, an angled or mitered pedestrian entry feature may be provided along building corners to meet the street-facing pedestrian entry feature requirements.

d. Building elements may be required to meet the street-facing pedestrian entry feature requirements when required by building type.

21. Building elements:

a. **Intent.** The following apply when required by building type and are intended to ensure that certain building elements, when added to a street-facing facade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.

b. **Front porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.

i. Front porches must conform to *Sec. XX, Subarea 1 and 6 Alterations and Additions to Historic Buildings* through *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types.*

c. **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.

i. A stoop must be no more than 6 feet deep (not including steps).

ii. A stoop may extend into the required yard but may not encroach into the right-of-way or required pedestrian zone.

d. **Balcony.** A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

i. A balcony must be at least 4 feet deep.

ii. A balcony may extend into the required yard but may not encroach into the right-of-way or required pedestrian zone.

e. **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

i. An awning must be a minimum of 10 feet clear height above the pedestrian zone and must have a minimum depth of 6 feet.

ii. An awning may extend into a required yard.

iii. An awning may encroach into the required pedestrian zone but may not encroach into the right-of-way unless all applicable City regulations are met.

iv. Awning must be made of canvas and may not be reflective or shiny.

v. Awnings must have open ends called "shed awnings" to allow views into buildings.

vi. Awnings may not be internally lit.

vii. Awnings may not be narrower than nor 2 feet wider than the door or window opening that they serve. Where multiple doors and windows are less than 2 feet apart, multiple awnings may be combined into a single awning.

22. Glazing:

a. Glazing must be as specified in *Sec. 3.13.1*.

b. Blank wall area:

i. Blank wall area means a portion of the exterior facade of the building that does not include glazing.

ii. Blank wall area applies in a horizontal direction.

P. Parking, Driveways, and Curb Cuts

1. **Parking structure design standards.** Parking structure facades must have the appearance of a horizontal storied building. Parking structures are also subject to the subarea requirements of *Sec. XX, Subarea 1, 2, and 6 Construction of all New Building Types* or *Sec. 16-20V.010*, as applicable.

2. **Parking requirements.** The standards of *Sec. 8.3.4* and *Sec. 8.3.7* apply.

3. Commercial parking:

a. Parking spaces provided in excess of the parking requirements of *Sec. XX, Parking, Driveways, and Curb Cuts(2)* are only allowed as commercial. Said excess spaces are considered a principal use for the purposes of *Sec. Permitted Principal Uses and Structures* and require a special use permit, when indicated. When the number of spaces does not exceed the maximum requirements, said spaces may be used as commercial parking without a special use permit.

b. Commercial parking lots require not be within 65 feet of a right-of-way.

4. Surface parking:

   a. Surface parking must conform to the location requirements of the building type and may not be within 30 ft of the required steetscape.

5. **Driveways and curb cuts.** The vehicular access standards of Sec. 8.3.2 apply, unless otherwise specified as follows.

   a. Circular drives and driveway are not allowed between a building and a public street.

   b. Drop-off lanes on public streets must conform to all applicable City requirements.

   c. Driveways and curb cuts are not allowed on Ponce de Leon Avenue, North Highland Avenue, Moreland Avenue, Blue Ridge Avenue, or North Avenue when access can be provided from a side or rear street, or when reasonable access may be provided from an alley.

   d. Driveways and curb cuts serving development fully or partially in Subareas 3, 4, or 5 are not allowed in Subareas 1, 2, or 6.

   e. Sidewalk paving materials must continue across intervening driveways.

6. **Vehicle Use Areas.** The vehicle use areas standards of *Sec. 8.3.6* apply.

Q. Streetscapes

1. **Streetscapes required.** Streetscapes must be provided as specified in Sec. 3.5.1, except as otherwise specified in this Section

2. **All subareas.** In all subareas the following apply:

   a. Changes or additions of planters, trash containers, street lighting, and similar elements, require a certificate of appropriateness from the Director.

   b. Redevelopments must make reasonable efforts to place utilities underground or to the rear of structures to allow for unobstructed use of streetscape

   c. The Commission has the authority to reduce the required streetscape widths.

3. Subareas 1, 2, 6, 7. In Subareas 1, 2, 6, and 7 the following apply:

   a. A Special G streetscape matching the existing streetscape is required, but if no streetscape exists on the property or abutting properties, the new streetscape must match streetscape on the block. If no streetscape exists on the block, the streetscape must be as specified in Division 3.5.

   b. Existing decorative hardscapes in amenity zones or pedestrian zones must be retained or replaced with materials that match their size, shape, and color.

4. Subareas 3, 4, and 5. In Subareas 3, 4, and 5 streetscapes must be provided as follows:

TABLE 8: Subarea 3,4, and 5 Streetscape Table

	Ponce de Leon Avenue	North Highland Avenue, Moreland Avenue	Other Public or Private Streets

Amenity Zone Width:	7.5 ft. min.	5 ft. min.	5 ft. min.
Pedestrian **Zone Width:**	10 ft. min.	10 ft. min.	6 ft. min.

R. Site Design Standards

1. **Fences and walls.** Fences and walls must meet the following regulations:

   a. **Residential uses.** The following applies to residential uses:

      i. Fences in any yard, required or other, adjacent to a street may not exceed 4 feet in height.

      ii. Fences in all other locations may not exceed 6 feet in height.

   b. **Non-residential use fences.** The following applies to other non-residential uses:

      i. Fences are not allowed between a building and the required streetscape, except where specifically authorized in "ii" below for outdoor dining.

      ii. Fences are allowed between the building and the streetscape when they surround outdoor dining but may not exceed 3 feet in height.

      iii. Fences in all other locations may not exceed 6 feet in height.

   c. All uses:

      i. Retaining walls adjacent to a required streetscape may not exceed 4 feet in height, and the combined height of an otherwise authorized fence and retaining wall may not exceed 6 feet or the maximum allowed fence height, whichever is greater, unless existing topography prohibits retaining walls of a lesser height.

      ii. Retaining walls must be finished poured concrete or faced with stone, brick or smooth stucco.

      iii. No walls, except retaining walls, are allowed between a building and the required streetscape, unless used to screen off-street loading areas.

      iv. Barbed wire and razor wire are not allowed.

      v. Chain link fence or similar elements may not be visible from any public plaza, ground story outdoor dining area, or right-of-way.

2. Screening:

   a. Frontages must be screened as specified in Sec. 8.4.3.

   b. Site elements must be screened as specified in Sec. 8.4.4.

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 Specific Use	Subarea 1: Market District	Subarea 2 : Heritage District	Subarea 3: Campbellton District	Subarea 4: Western District
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 stepback (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

1. 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 Limitations[1]				
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 utliizes 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 Rights[2]	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 utliizes 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 *Sec. XX. Outdoor Amenity Space* and the standards of *Sec. XX. Outdoor Amenity Space*	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 *Sec. XX. Vehicle Parking*.	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 16-18I.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 *Sec. XX. New Street Incentive* and meeting the standards of *Sec. XX. Streets*.	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 *Sec. XX. Area-Wide Stormwater Facility Incentive*	GFA equal to 4 times the square footage dedicated or improved.

3. 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 luminaries 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.

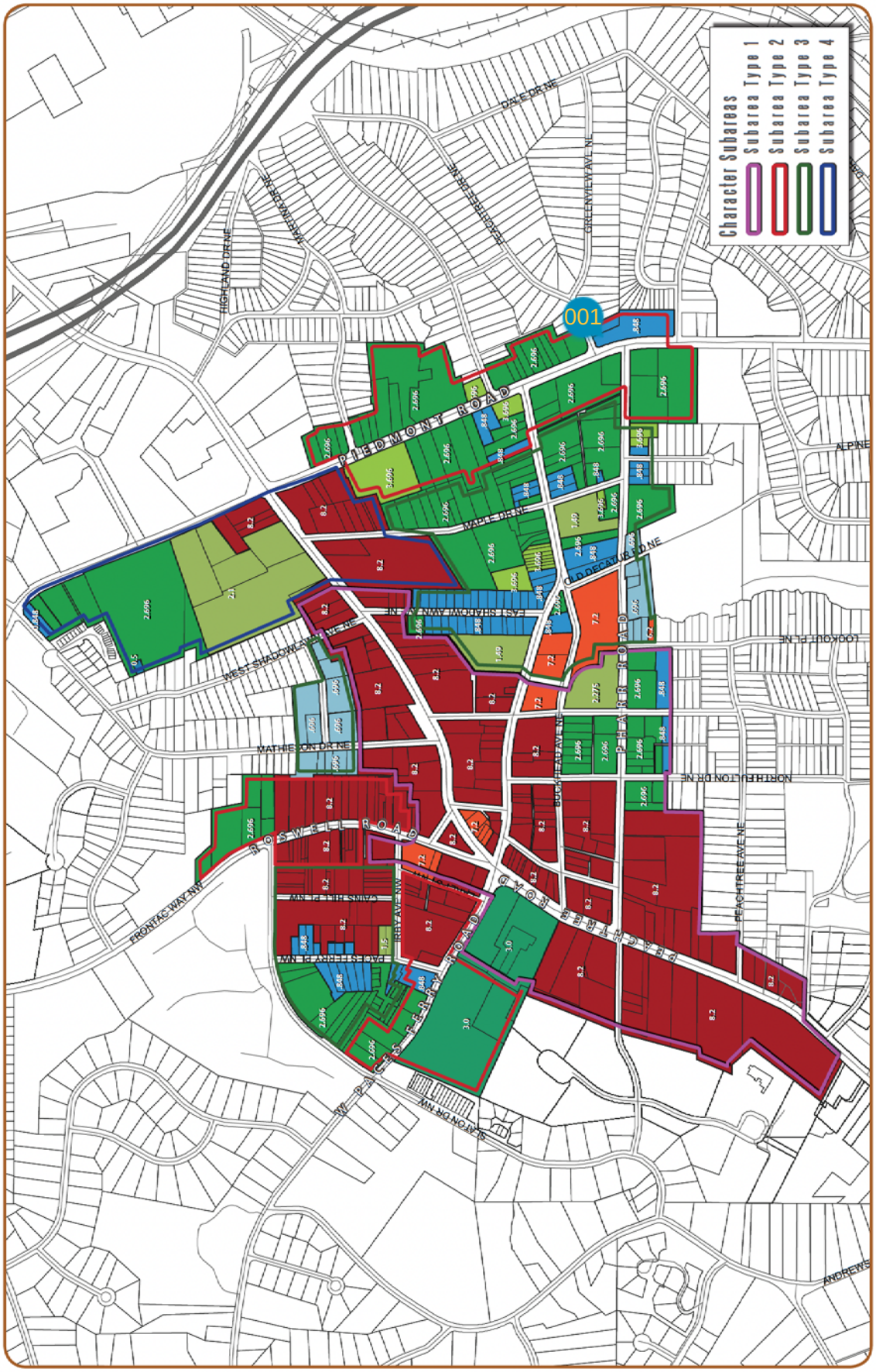
G. Architectural Design Standards

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



#001

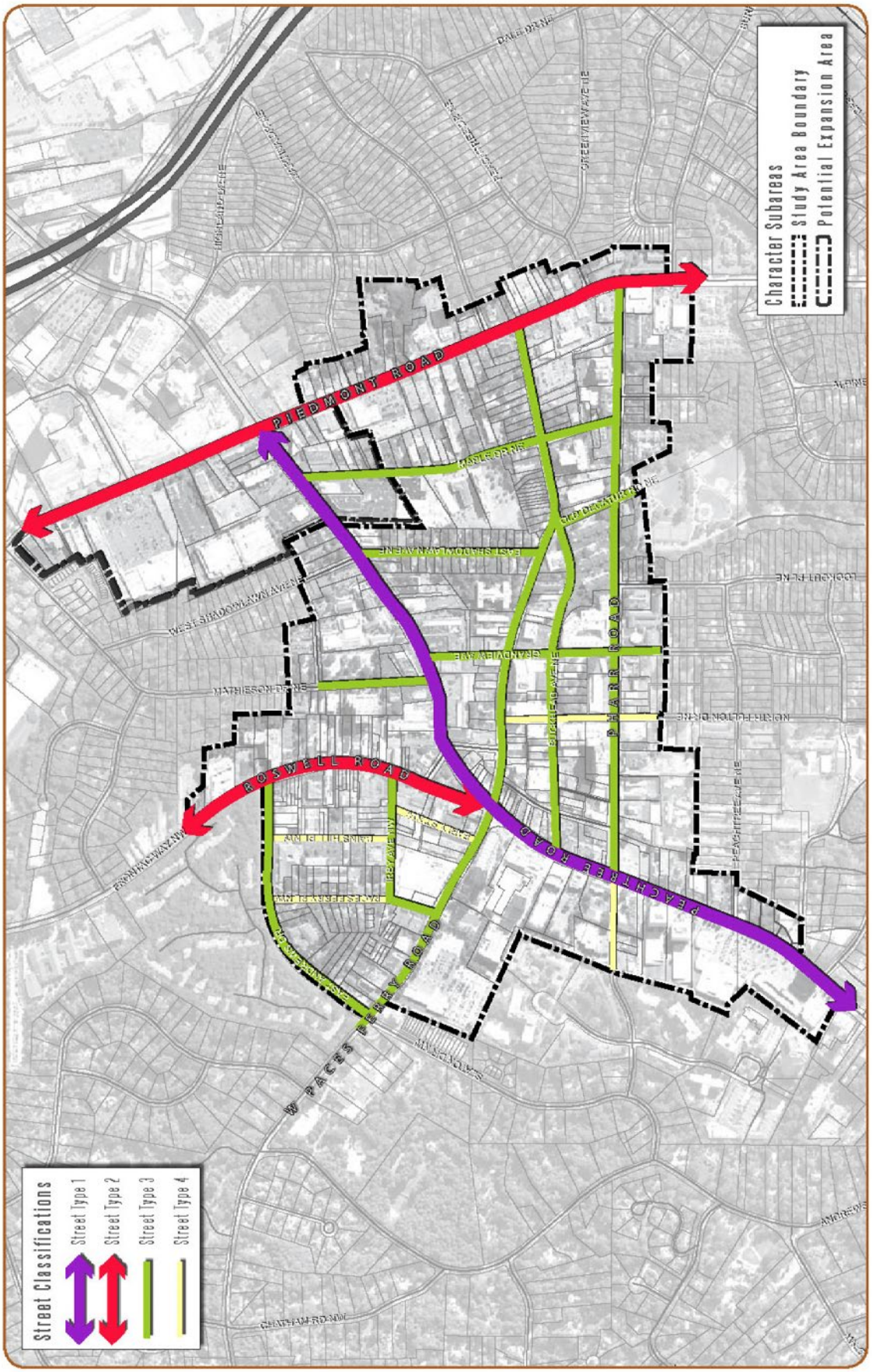
Posted by **jessicahilltroutman** on **01/26/2026** at **7:40am** [Comment ID: 1879] - Link

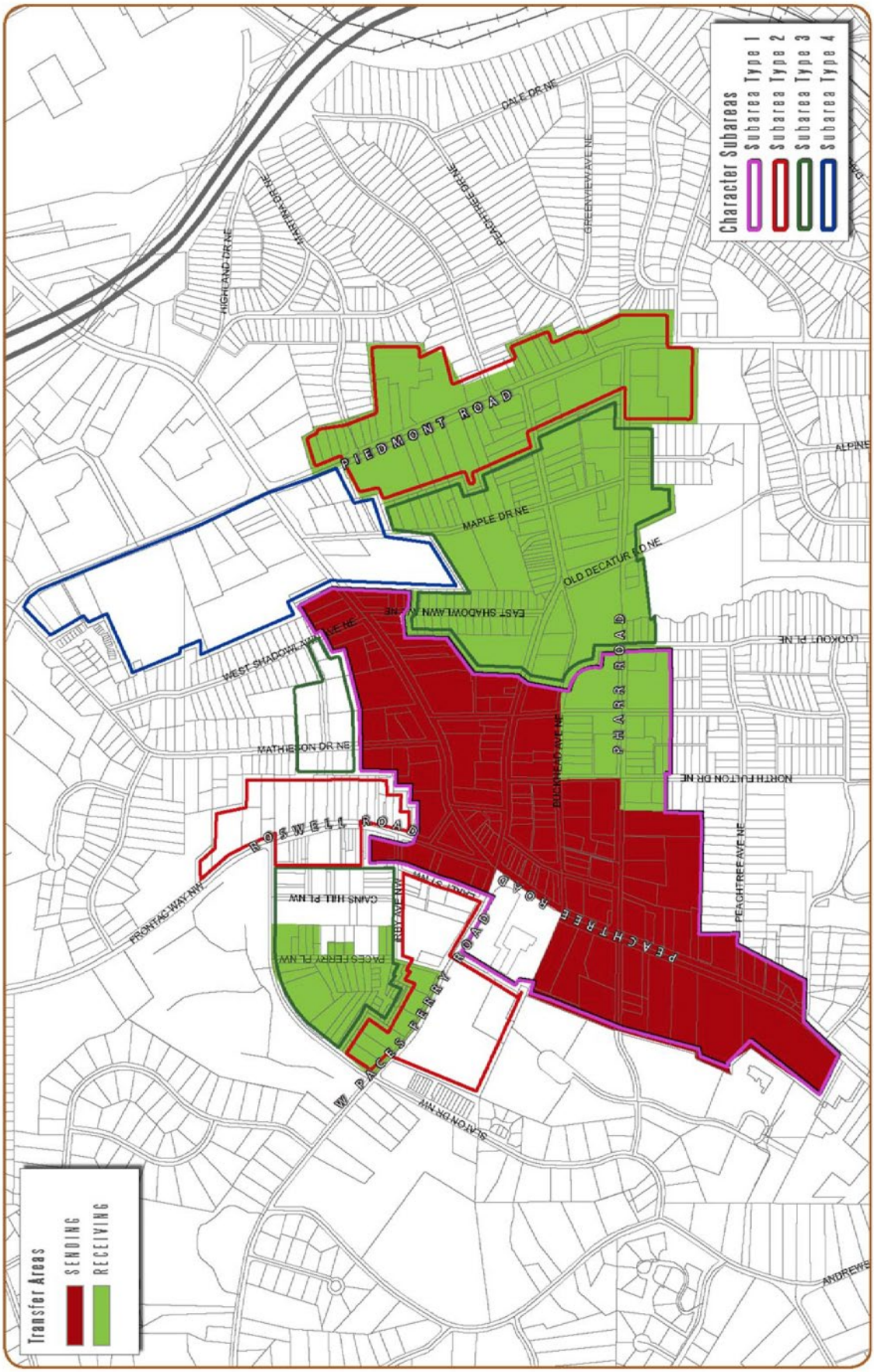
Agree: 0, Disagree: 0

This map is not current. There have been a handful of changes to the FAR map approved by Council since it was adopted in 2010. Among the changes are (1) Ordinance 16-O-1014 which modified 3190 Cains Hill, 3191-3195 Paces Ferry Place from a 1.5 and an 8.2 FAR to 5.587, (2) Ordinance 14-O-1504 which changed 514-526 East Paces Ferry and 3081-3075 Maple from 0.848 and 2.696 to 2.696 and (3) Ordinance 18-O-1502 for 87-99 W. Paces Ferry and 3188-3203 Paces Ferry Place which updated the FAR to 2.256.

> Reply by **SiteAdmin** on **01/26/2026** at **7:05pm** [Comment ID: 1880] - Link
>
> *Agree: 0, Disagree: 0*
>
> Thank you!

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;

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.

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.

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.

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[c]	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.

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. *Sec. XX. Street Setback*	See. *Sec. XX. Street Setback*	See. *Sec. XX. Street Setback*	See. *Sec. XX. Street Setback*
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/block area square footage) × 225) = 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.

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.

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:

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.

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

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

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 Plant 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.

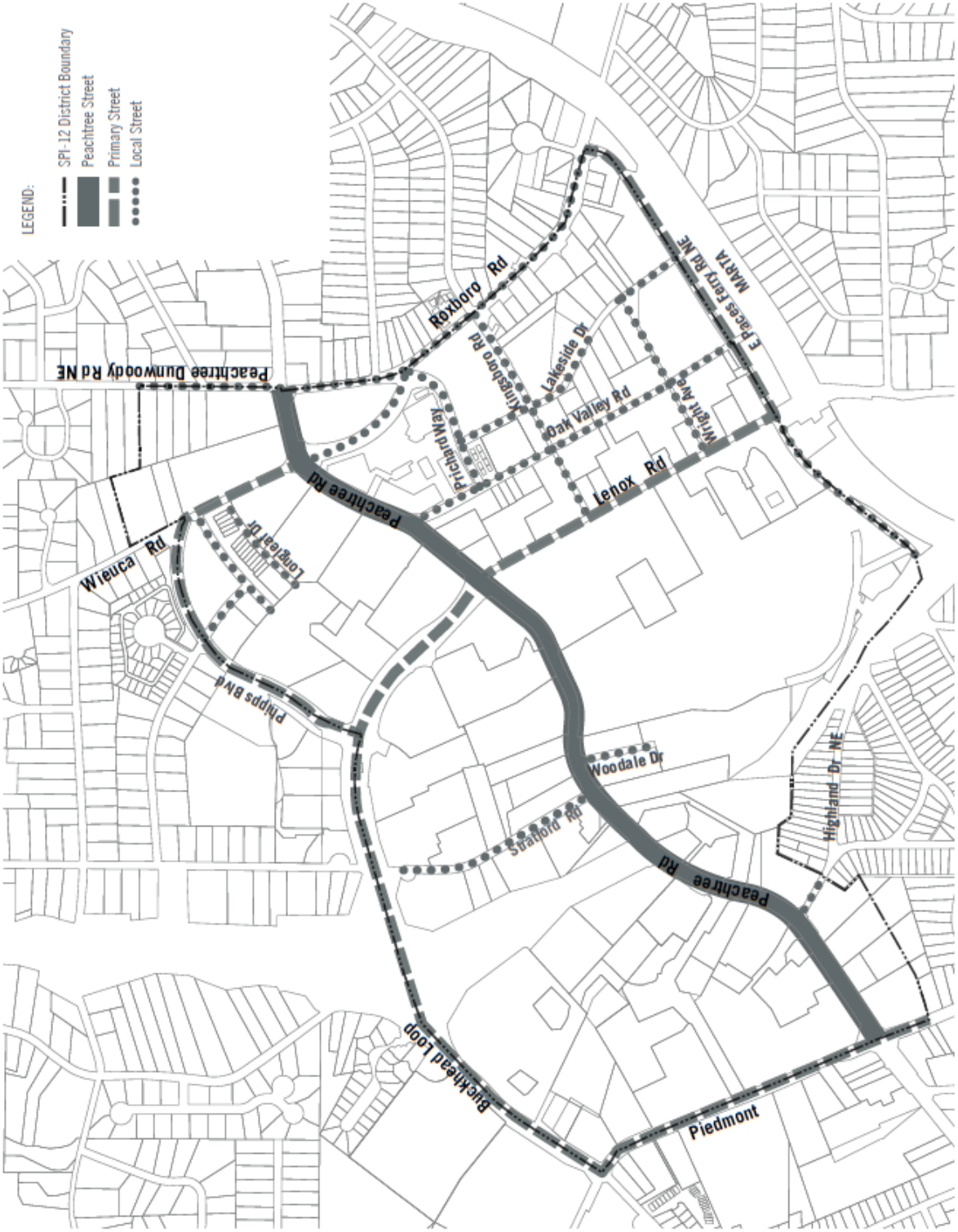
b. Developments meeting all of the above criteria will be entitled to either of the following opportunities:

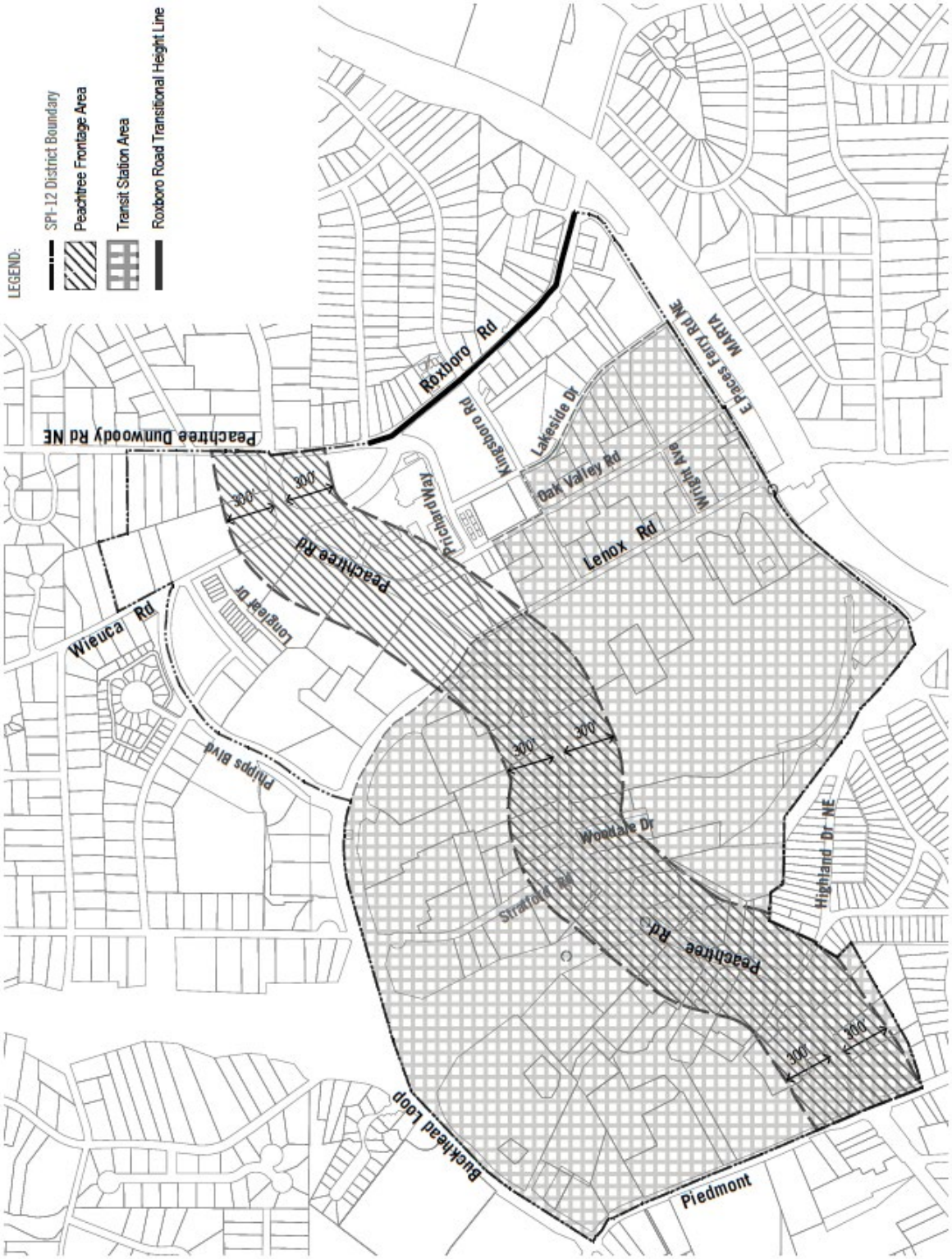
i. An additional building height of 30 feet will be permitted in excess of the total building height as regulated in *Sec. XX. Lot and Building Standards*

ii. An expedited permitting process when in accordance with a formal "expedited permit program" as established by the Office of Buildings.

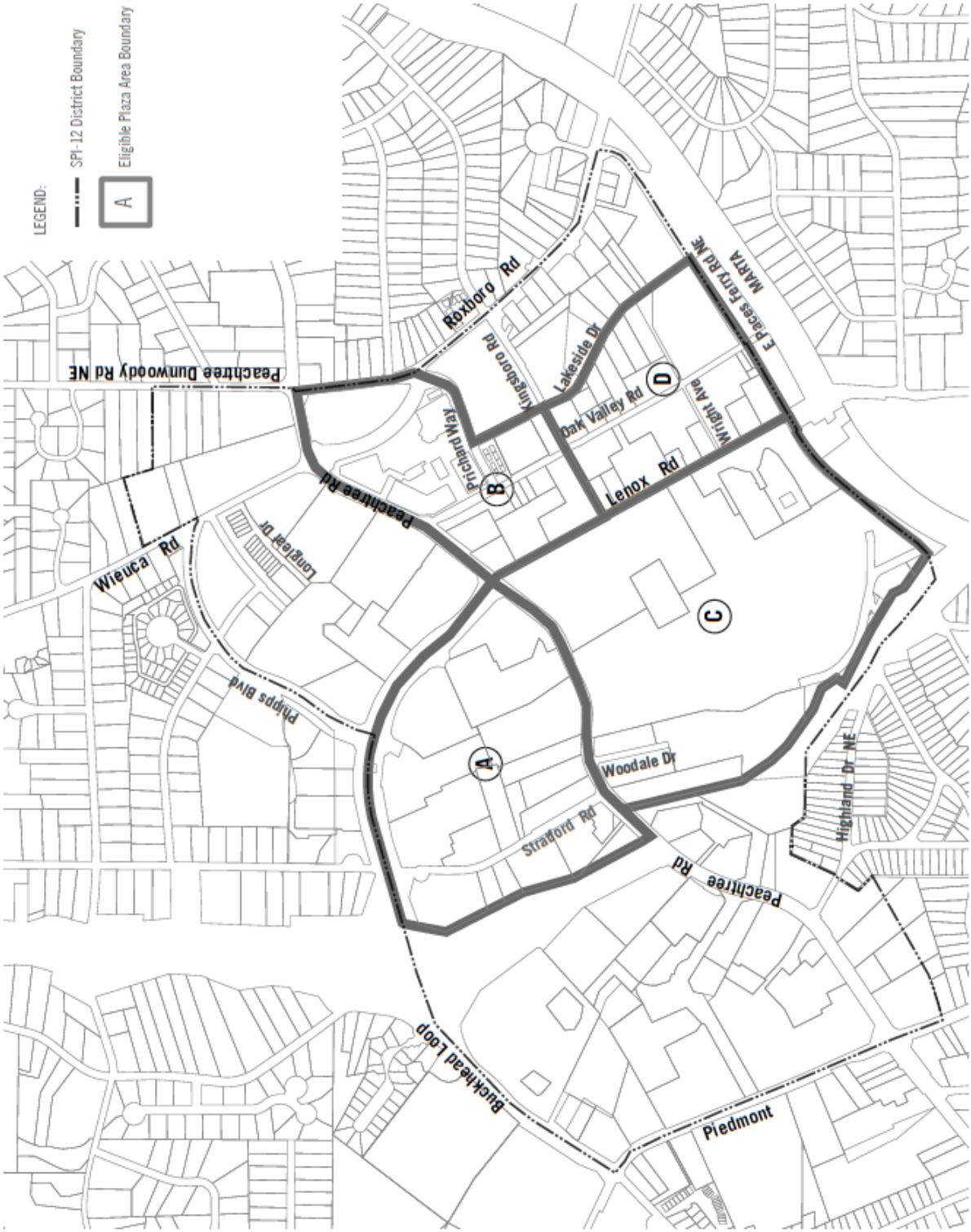
Sec. 7.3.8. Regulating Maps

A. Street Framework

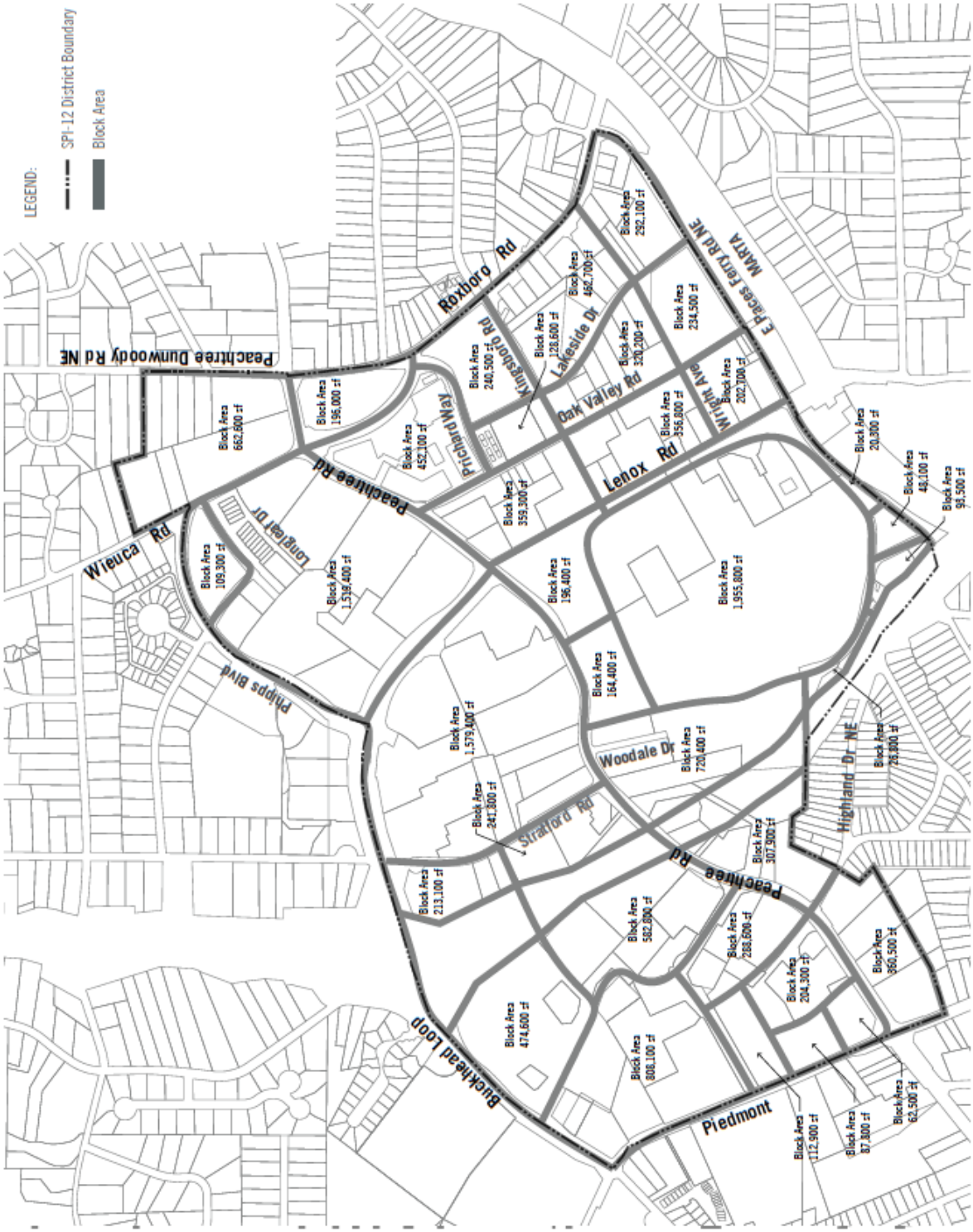




B. Height Framework



C. Incentivized Plazas



D. Block Areas

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*:

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.

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* 002	--	--
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.

#002

Posted by **Jennifer Friese** on **01/10/2026** at **3:38pm** [Comment ID: 1831] - Link

Suggestion

Agree: 0, Disagree: 0

I'm glad that at least Data Centers will require a SUP however I question whether they should be permitted in Midtown at all, they really seem antithetical to the goal of more residents and retail. The noise and tax on grid and infrastructure won't be a positive for Midtown SA1

> Reply by **SiteAdmin** on **01/10/2026** at **8:31pm** [Comment ID: 1833] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> This reflects the existing use provisions in SPI 16.

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.

#003

Posted by **steele145@comcast.net** on **04/08/2026** at **5:36pm** [Comment ID: 2739] - Link
Suggestion
Agree: 0, Disagree: 0
Please ensure the standard does not change and specify a Type A transition only, with Medium Screen 2.

SPI-16 requires a 20 Transitional Yard when next to R4 (N1) – ensure that Medium Screen 2 is specified in order to keep this in place.

> Reply by **SiteAdmin** on **04/09/2026** at **12:06pm** [Comment ID: 2777] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you.
>
> We will be incorporating existing SPI 16 requirements into the next draft.

#004

Posted by **dimmickph** on **01/23/2026** at **1:36pm** [Comment ID: 1876] - Link
Agree: 1, Disagree: 0
This should read, "Transitional Height Plane Type A as found in Sec.XX Transitions. "

> Reply by **SiteAdmin** on **01/23/2026** at **6:29pm** [Comment ID: 1877] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thanks. We will be cleaning this up based on your comment in Chapter 8.

#005

Posted by **Jennifer Friese** on **01/18/2026** at **2:19pm** [Comment ID: 1846] - Link
Suggestion
Agree: 1, Disagree: 0
Can this language be more specific: None (3) except for Type A THP contiguous or non-contiguous to all protected districts.

> Reply by **Jennifer 4** on **02/10/2026** at **7:44am** [Comment ID: 1943] - Link
> *Suggestion*
> *Agree: 0, Disagree: 0*
> Should read: None except for Type A Transition with Medium Screening (that matches current THP and 20' yard requirement)
>
> > Reply by **SiteAdmin** on **02/11/2026** at **10:44am** [Comment ID: 1958] - Link
> > *Answer*
> > *Agree: 1, Disagree: 0*
> > Transitional provisions in Legacy Districts will be moved back into those

districts. The standard will match the current requirement.

Reply by **Jennifer 5** on **02/11/2026** at **1:51pm** [Comment ID: 1960] - Link

Suggestion
Agree: 0, Disagree: 0
Thank you

#006

Posted by **Sue Olszewski** on **04/04/2026** at **4:07pm** [Comment ID: 2503] - Link
Agree: 1, Disagree: 0
Ensure the standard does not change. Please specify a Type A transition only with Medium Screen 2. SPI-16 requires a 20 Transitional Yard when next to R4 (N1) . Ensure that Medium Screen 2 is specified to keep this in place. (Med Screen 1 has only a 10' yard).

Reply by **SiteAdmin** on **04/05/2026** at **1:01pm** [Comment ID: 2531] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

As specified in other responses below, this draft standard will be updated to match SPI 16.

	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.

007

B. Bonus Incentives in Subarea 1 and 3

Type	Bonus	Criteria
Retail	2.0 FAR	• 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	• See *Sec. XX. Affordable Housing* below. This is the only Bonus Incentive applicable in Subarea 2.
Buried parking	3.0 FAR	• All on-site parking is located completely below the ground story on all type A and B streets.
Transit station area	3.2 FAR	• 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	• 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 *Sec. XX. Relationship of Building to Street*. • Provides standard signage indicating public parking. • Must be located a minimum distance of 1,000 feet from any other site utilizing this bonus.

#007

Posted by **Jennifer Friese 4** on **03/12/2026** at **12:15pm** [Comment ID: 2239] - Link

Suggestion

Agree: 0, Disagree: 0

Please memorialize the 20' Transitional Yard Requirement -in current SPI-16 when adjacent to R categories (House & Neighborhood Scale) as ALWAYS Medium Screening 2 (=20' yard)

> Reply by **SiteAdmin** on **03/12/2026** at **5:33pm** [Comment ID: 2241] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> This is in the revised draft.

Type	Bonus	Criteria
Reduced parking	0.8 FAR	• 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	• 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	• 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.	• 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	• 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 teh 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.

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 008

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.

#008

Posted by **Matthew** on **04/07/2026** at **6:32pm** [Comment ID: 2620] - Link

Suggestion

Agree: 0, Disagree: 0

Midtown’s bonus table gives large FAR incentives for buried parking and public parking, even though Midtown is the city’s strongest transit and walkable district. Those incentives push the code in the wrong direction. The biggest bonuses should instead go to affordable housing, transit-supportive design, reduced parking, and publicly accessible open space—not more parking supply. At minimum, subsidizing surface lots should be absolutely off the table.

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 liriope 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 liriope 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;

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, dormatory, 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;

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

011

1. All lighting, including all parking decks, surface parking lots and lit canopies must reduce light spillage onto adjacent properties by providing cutoff luminaries 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, curb cuts 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

010

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.

009

#009

Posted by **steele145@comcast.net** on **04/08/2026** at **5:38pm** [Comment ID: 2740] - Link
Suggestion
Agree: 0, Disagree: 0
The alley between Peachtree and Peachtree Circle is not wide enough for two way traffic and would be overwhelmed if new high-rises were required to use it. Please do not allow new development on Peachtree to have egress from the alley in SA1.

> Reply by **SiteAdmin** on **04/09/2026** at **12:05pm** [Comment ID: 2776] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Ansley Park residents have shared this comment several dozen times with us. We will be updating the text to match existing SPI 16 provisions.

#010

Posted by **Jennifer 4** on **02/10/2026** at **8:07am** [Comment ID: 1945] - Link
Agree: 1, Disagree: 0
Since Chapter 3 sets a city wide standard for egress only from alleys is it possible to include for Midtown SA1 a specific exemption that memorializes the long standing precedent for high-rises on Peachtree to have egress from the primary and side streets and NOT the alley since that alley backs into single family homes?

> Reply by **SiteAdmin** on **02/11/2026** at **10:42am** [Comment ID: 1957] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This existing provision appears on page 7-79 of the Midtown Legacy District. Because the alley connects to 17th Street and Peachtree Circle, it would be interpreted as providing vehicular access from a side street, which is prohibited.

#011

Posted by **Sue Olszewski** on **04/04/2026** at **4:18pm** [Comment ID: 2504] - Link
Agree: 1, Disagree: 0
Please note an exception to the city-wide standard that says all egress must come from an alley. The alley between Peachtree and Peachtree Circle is unique in that it has single family homes backing into high-rises. There are long standing agreements that have accommodated egress f from Peachtree development to be from Peachtree, 16th and 17th Streets. Do not allow development on Peachtree to have egress from the alley in SA1. The alley between Peachtree and Peachtree Circle iis not wide enough for two-way traffic and would be overwhelmed if new high-rises were required to use it.

Reply by **SiteAdmin** on **04/05/2026** at **1:02pm** [Comment ID: 2532] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

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, liriope 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.

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.

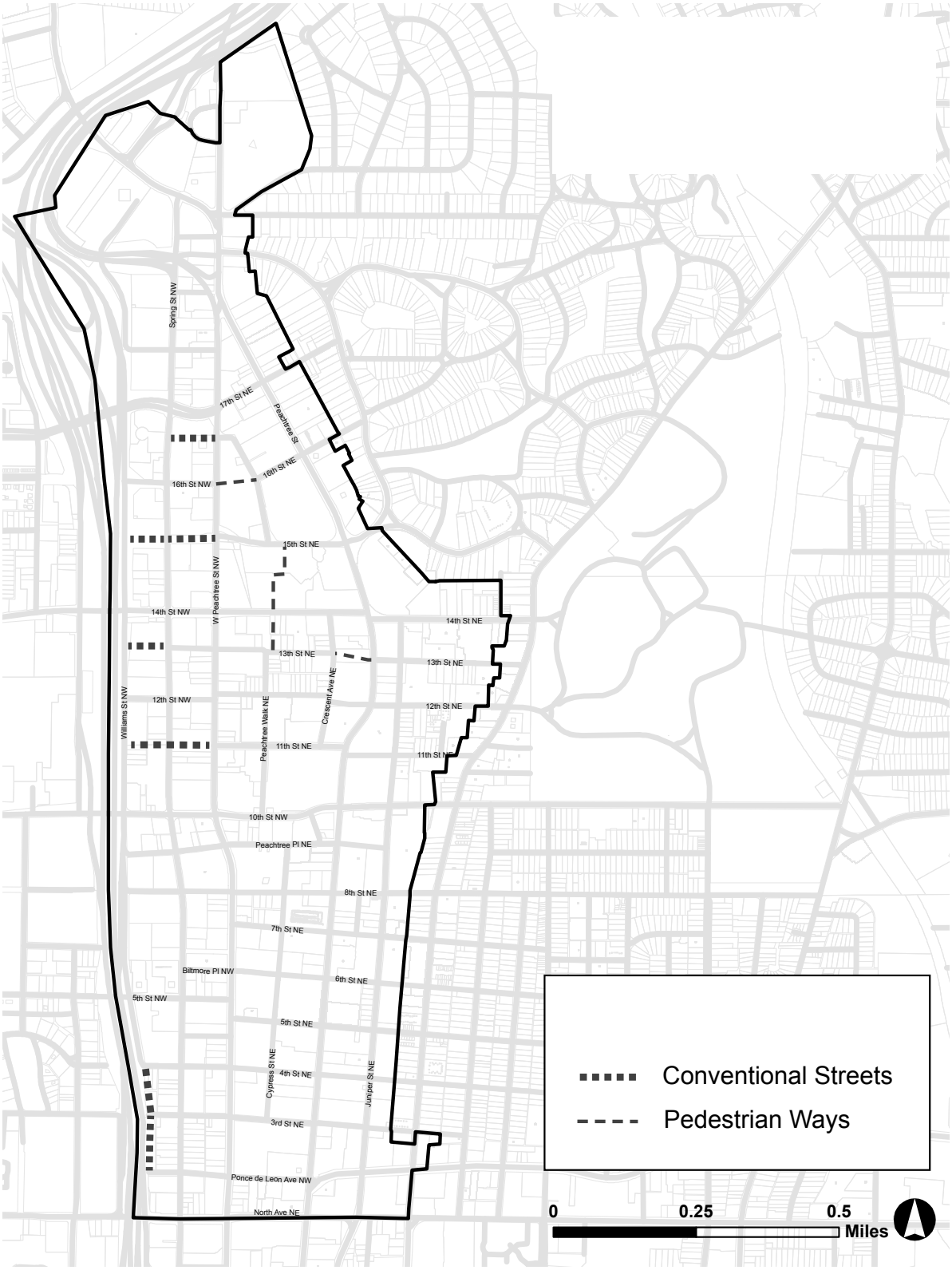
2. Transportation Management Plans

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

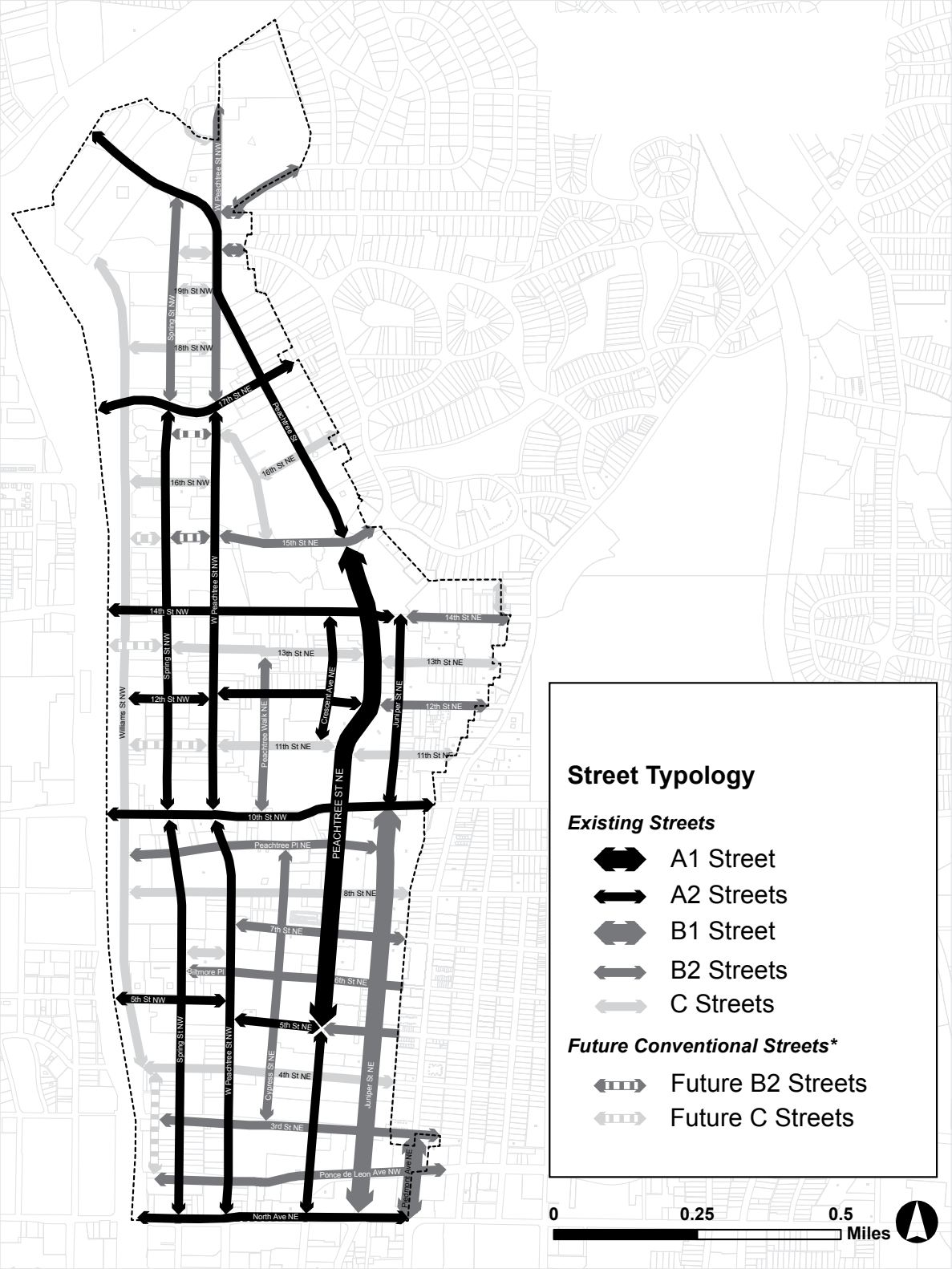
b. A summary report of ongoing implementation of the TMP must be submitted annually.

Sec. 7.4.8. **Regulating Maps**

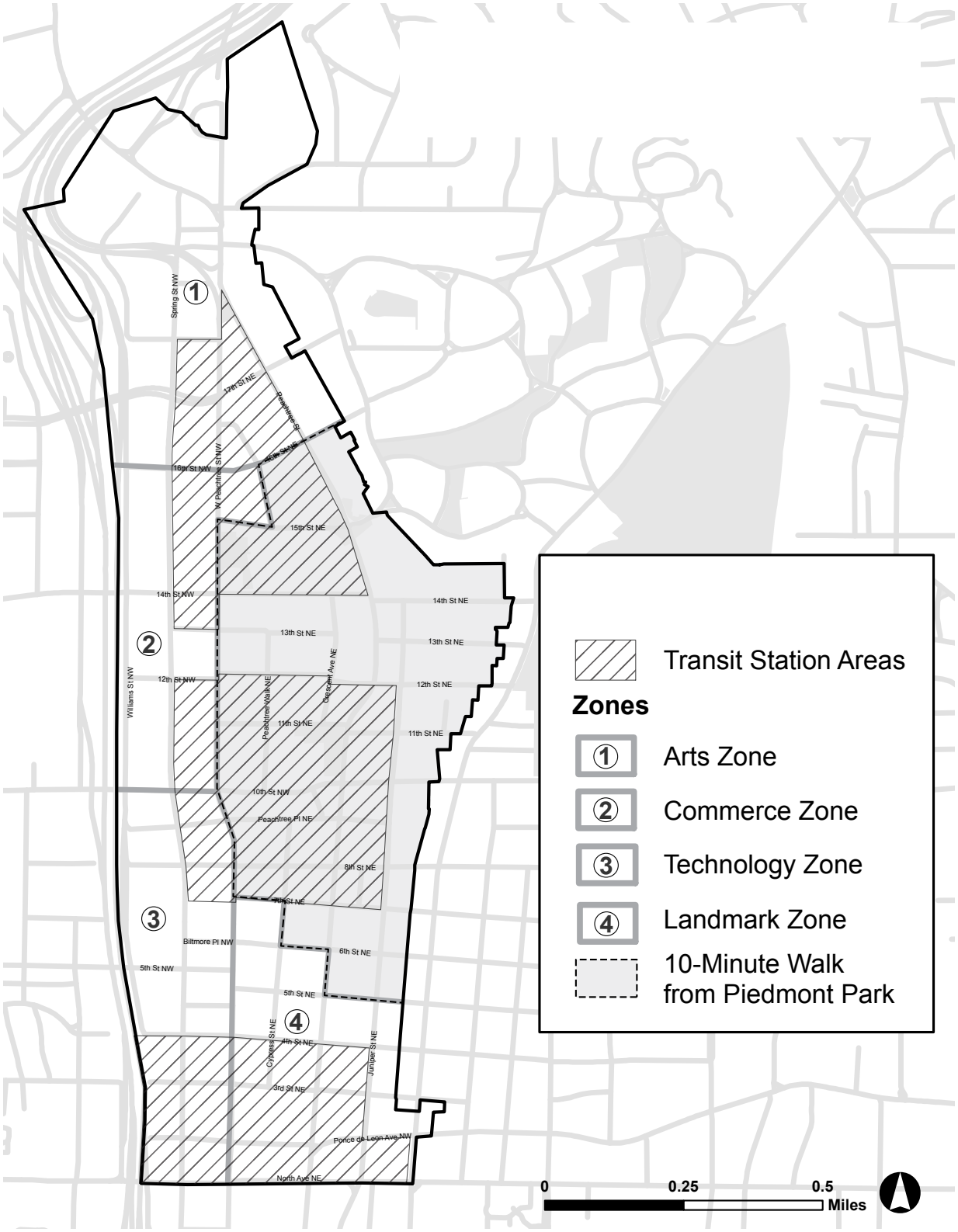
A. Conventional Streets and Pedestrian Ways



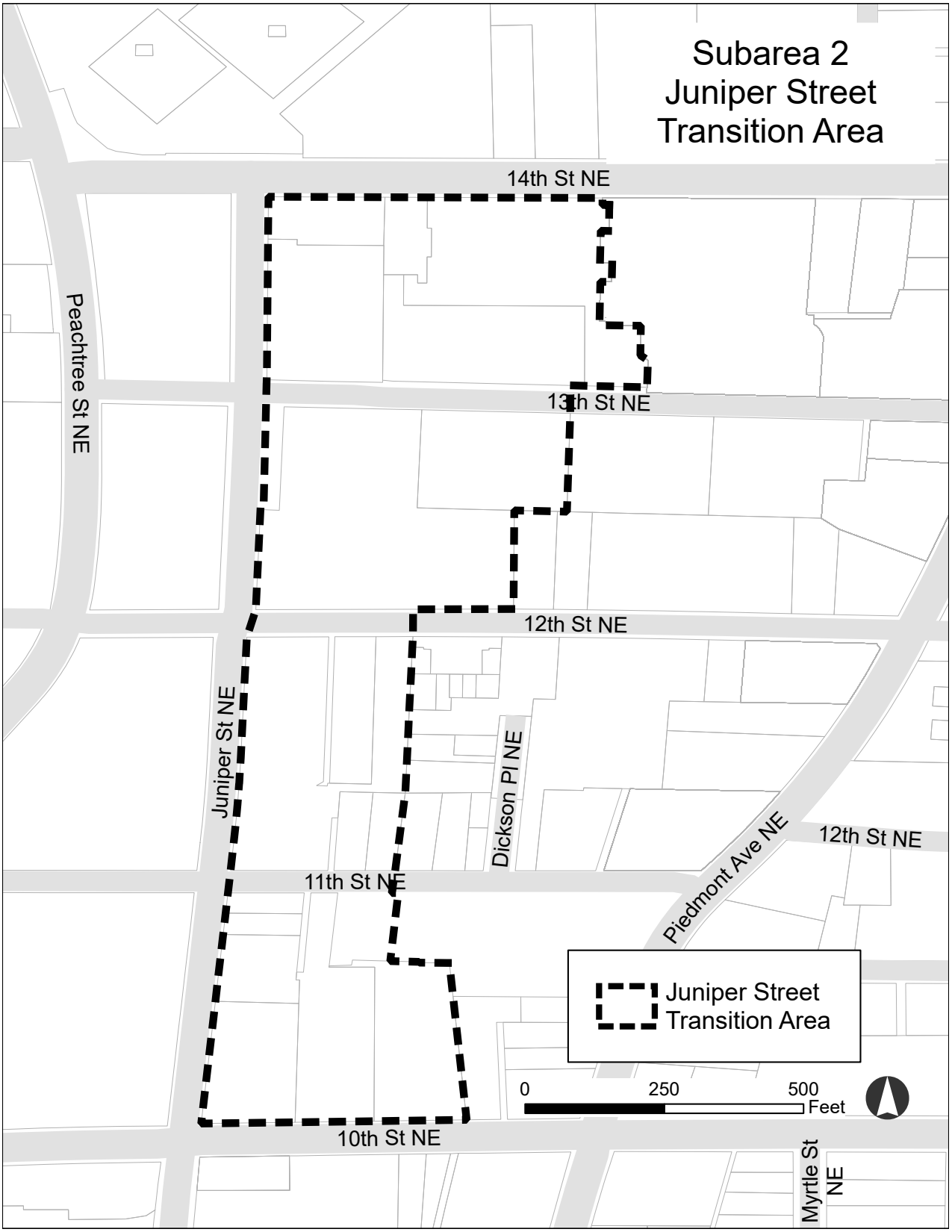
B. Street Typology



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.

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.

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*.

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 luminaries 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:

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, (cementious 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, (cementious 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, (cementious 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, (cementious 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.

CHAPTER 8.

DEVELOPMENT STANDARDS

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DIVISION 8.1. **GENERAL PROVISIONS**

Sec. 8.1.1. **Applicability**

A. Development standards apply based on the proposed project activity, as specified in the table below. The development standards apply to all zoning districts as conveyed in the table below, except as otherwise specified elsewhere in the Zoning Ordinance:

		PROJECT ACTIVITY						
DEVELOPMENT STANDARDS		New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Development Bonuses	*Div. XX.*							
Affordable Housing	*Sec. XX.*	●	●	○	○	○	○	○
Open Space	*Sec. XX.*	●	●	○	○	○	○	○
Inter-Parcel Connectivity	*Sec. XX.*	●	●	○	○	○	○	○
Small Commercial Space	*Sec. XX.*	●	●	○	○	○	○	○
Transit-Oriented Development	*Sec. XX.*	●	●	○	○	○	○	○
Site Access and Parking	*Div. XX.*							
Blocks and Connectivity	*Sec. XX.*	●	○	○	○	○	○	○
Vehicle Access	*Sec. XX.*	●	○	●	○	○	○	○
Pedestrian Access	*Sec. XX.*	●	●	●	○	○	●	○
Vehicle Parking	*Sec. XX.*	●	●	●	○	●	○	○
Vehicle Parking Design	*Sec. XX.*	●	●	●	○	●	○	○
Vehicle Use Areas	*Sec. XX.*	●	●	●	○	●	○	○
Bicycle Parking	*Sec. XX.*	●	●	●	○	●	○	○
Transitions and Landscaping	*Div. XX.*							
Transitions	*Sec. XX.*	●	●	●	○	●	○	○
Frontage Screening	*Sec. XX.*	●	●	●	○	●	○	○
Site Element Screening	*Sec. XX.*	●	●	●	○	●	○	○
Fences and Walls	*Sec. XX.*	●	○	●	○	●	○	○
Retaining Walls	*Sec. XX.*	●	○	●	○	●	○	○
Plants and Plant Material	*Sec. XX.*	●	●	●	○	○	○	○
Signs	*Div. XX.*	●	●	○	●	●	●	○
Lighting	*Div. XX.*	●	○	●	○	○	○	○

KEY: ● = Standards generally apply ○ = Standards do not apply

B. Where a standard is listed as applying, all applicable standards must be met. The applicable standards may be further modified by the applicability provisions for each development standard. For existing buildings and uses, applicability may also be modified by *Chapter 9. Nonconformities*.

C. Project activity is defined in *Chapter 10. General Standards and Definitions*.

DIVISION 8.2. **DEVELOPMENT BONUSES**

Sec. 8.2.1. **General Provisions**

A. Intent

To incentivize property owners to provide development that aligns with the goals and objectives of Plan A, the City of Atlanta's Comprehensive Development Plan, and other public purposes.

B. Applicability

1. Development bonus standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Development bonus standards apply in any zoning district that includes a base and bonus Floor Area Ratio (FAR), or a base and bonus building height.
3. Development bonus standards do not apply to Historic and Landmark Districts specified in *Ch. 6 Historic & Landmark Districts* Legacy Districts specified in *Ch. 7 Legacy Districts*.

C. Standards

A project must meet all of the applicable requirements of this Division to be eligible for a development bonus.

1. Floor Area Ratio (FAR)

a. An eligible project may use one or more development bonuses up to the maximum allowed bonus FAR for the zoning district. A project is not permitted to exceed the maximum bonus FAR for the zoning district using development bonuses.

b. Bonus density is represented as a percentage of the base FAR permitted by the zoning district.

c. The following table summarizes the development bonuses available to eligible projects:

Bonus Type	Bonus Density	Description
Affordable Housing	Up to max bonus FAR, varies by zoning district	Additional FAR for the provision of affordable housing units meeting the requirements of *Sec. XX. Affordable Housing Bonus*
Outdoor Amenity Space	20% of base FAR	Additional FAR for each additional 5% of outdoor amenity space meeting the requirements of *Sec. XX. Outdoor Amenity Space Bonus*
Inter-Parcel Connectivity	20% of base FAR	Additional FAR for each inter-parcel access meeting the requirements of *Sec. XX. Inter-Parcel Connectivity Bonus*
Small Commercial Space	10% of base FAR	Additional FAR for each small commercial space in a project meeting the requirements of *Sec. XX. Small Commercial Space Bonus*
Transit-Oriented Development	50% of base FAR	Additional FAR for projects on sites located near transit providing reduced parking meeting the requirements of *Sec. XX. Transit-Oriented Development Bonus*

#001

Posted by **Forrest** on **12/30/2025** at **12:07pm** [Comment ID: 1778] - Link
Agree: 0, Disagree: 0
Apply to overlay districts? Open Space requirements/incentives that were in the BLO (new streets. connectivity, and on-street parking incentives) are no longer in BLO.

> Reply by **SiteAdmin** on **12/31/2025** at **8:46am** [Comment ID: 1809] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> These standards apply wherever they are allowed by the Form District, including where the district is located within the BeltLine Overlay (BLO). The former street and on-street parking open space bonuses were removed citywide when the “open space” standards were converted to more predictable “amenity space” standards. Bonuses remain available for providing additional amenity space; however, streets and on-street parking are not eligible to qualify for this bonus.

#002

Posted by **KKGeorgia** on **01/13/2026** at **10:21am** [Comment ID: 1836] - Link
Suggestion
Agree: 4, Disagree: -2
I strongly support this restriction on development bonuses in Historic and Landmark Districts. The residents in those districts have invested huge amounts of time, money and effort over decades into preserving their neighborhoods and Atlanta's history, to the long-term benefit of the city (including increased property values and property tax revenues). Their district provisions should take precedence.

> Reply by **SiteAdmin** on **01/13/2026** at **12:20pm** [Comment ID: 1837] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your positive feedback.
>
> Reply by **Jake Derry** on **03/28/2026** at **9:56pm** [Comment ID: 2360] - Link
> *Question*
> *Agree: 1, Disagree: 0*
> I understand KKGeorgia's concern with the development bonus, but would this restriction also apply to empty lots and buildings in disrepair? If so, I think this may not have the intended effect of preserving the historic nature of these neighborhoods. These neighborhoods were often built transit oriented, so when these homes are redeveloped, building with less parking may be a good way to preserve the historical appeal of the neighborhood.
>
> > Reply by **SiteAdmin** on **03/29/2026** at **8:36am** [Comment ID: 2369] - Link
> > *Answer*
> > *Agree: 1, Disagree: 0*

Changing regulations within Historic and Landmark Districts is not part of ATL Zoning 2.0. Theoretically, if/when any Historic and Landmark Districts are updated in the future, they could opt-in to these bonuses. A few such districts allow mid- and high-rise development today and might benefit from bonuses.

#003

Posted by **David** on **01/06/2026** at **12:34am** [Comment ID: 1816] - Link

Suggestion

Agree: 4, Disagree: -2

Suggest reconsidering this blanket restriction. If a HD/LD has clear limiting language (i.e. restricting FAR or heights), than such language would already rule. If however, there is a case to be made for bonus development to occur within the HD/LD, through the support of a Certificate of Appropriateness or similar public review process, then the underlying intent of the zoning form district, encouraging good density through bonuses, can be supported. For example, what if there is an edge block property in an HD that falls withing a TOD district? If the development meets all other HD guidelines (conformity, materials, etc.), there is no good reason not to allow for bonus density in proximity to transit. We want that bonus encouraged.

> Reply by **SiteAdmin** on **03/02/2026** at **11:26am** [Comment ID: 2090] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: -1*
>
> Thank you for your feedback.

2. Building Height

a. An eligible project may use one or more development bonuses up to the maximum allowed bonus height for the zoning district. A project is not permitted to exceed the maximum bonus height for the zoning district using development bonuses.

b. A project is eligible for the height bonus specified in the zoning district when the following standards are met:

i. The project exceeds 50% of the allowable base FAR of the zoning district; and

ii. The project meets the standards for at least one of the development bonuses in this Division.

Sec. 8.2.2. **Affordable Housing Bonus**

A. Intent

To create opportunities for applicants to contribute to housing affordability in exchange for increased density. This bonus program seeks to provide a diverse range of housing options at varying price points, ensuring accessibility for residents across all income levels. By promoting affordability and inclusivity, the City will remain a vibrant and livable environment for people to live and work.

B. Applicability

A project may use the Affordable Housing Development Bonus only for affordable units that are not otherwise required by another Ordinance or program. Affordable units mandated by regulations such as an Affordable Housing Overlay District (*Sec. XX. Affordable Housing Overlay District*), or any other mandatory affordability requirement, may not be counted toward eligibility for this bonus. Only additional affordable units provided voluntarily may be used to qualify for the bonus.

C. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project to the maximum bonus FAR permitted by the zoning district.

2. A project must provide a minimum number of affordable units meeting one of the following amounts:

   a. 10% of the bonus FAR to be affordable at 60% AMI; or

   b. 15% of the bonus FAR to be affordable at 80% AMI.

3. To be considered an affordable unit, the unit must meet one of the following standards:

   a. 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 purchase contract, that does not exceed 60% AMI or 80% AMI for the family size having the same number of persons as the subject household 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

b. An affordable ownership unit that is actively marketed for sale to households having an income, as certified by the prospective homebuyer at the time of execution of the applicable purchase contract, that does not exceed 80% AMI for the family size having the same number of persons as the subject household for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area (as published by HUD as of the date of the homebuyer's application). The purchase price (not including utilities and mandatory fees) for each affordable workforce housing unit must not exceed the HUD-published maximum affordable homeownership price for households at or below 80% AMI, as periodically updated by HUD.

4. The affordable unit requirements must be in place for the greater of 20 years from the date of issuance of the Certificate of Occupancy; or such longer period from the date of issuance of the Certificate of Occupancy, as permitted by state law at the time of the issuance of the building permit.

5. 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 project.

6. Affordable workforce housing units must be comparable in overall construction and design quality to the market-rate units within the same development. All affordable workforce housing units must be integrated throughout the project and must not be distinguished by design, finishes, or amenities relative to market-rate units.

7. No housing unit associated with a development project for which bonus FAR calculations are applied will be issued a temporary or final Certificate of Occupancy until such time as a LURA or land use declaration, as applicable, in the form provided by the City, is recorded in the county real estate records where the property lies and a recorded copy is affixed to the application for Certificate of Occupancy.

8. The applicant may elect to partially satisfy the requirement of this bonus by leasing any or all of the units set aside for 80% AMI to Housing Choice Voucher recipient households, regardless of their income. Each unit leased to a Housing Choice Voucher recipient will count as 1 unit provided at 80% AMI. Units occupied by Housing Choice Voucher households may not be used to satisfy units set aside for 60% AMI.

9. In-lieu of compliance with the on-site affordability requirement, the Applicant may elect to pay an in-lieu fee to the City prior to issuance of a Certificate of Occupancy. In-lieu fees are a public record and calculated yearly to reflect the current market rate. 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. The in-lieu fee plus administrative costs are based on the approximate cost of construction of replacement of 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.

Sec. 8.2.3. **Outdoor Amenity Space Bonus**

A. Intent

To create opportunities for property owners to build high-quality accessible outdoor amenity spaces in exchange for increased density. This bonus program seeks to improve the quality of life of residents while providing them with access to the natural environment and increase opportunities for tree preservation.

B. Standards

1. A project meeting the requirements of this Section may increase the base FAR of the project by 20% for each additional 5% of outdoor amenity spaces provided, up to the maximum bonus FAR permitted by the zoning district.

2. To receive the Outdoor Amenity Spaces Bonus, a project must meet one of the following requirements:

   a. Build a multi-use path adopted from an approved official City plan; or

   b. Meet the requirements of *Sec. XX. Pedestrian Outdoor Amenity Space* or *Sec. XX. Tree Preservation Amenity Space*.

Sec. 8.2.4. **Inter-Parcel Connectivity Bonus**

A. Intent

To create opportunities for applicants in the City to increase inter-parcel connectivity by permitting shared vehicle access between driveways and parking areas in adjoining properties in exchange for increased density. This bonus program seeks to facilitate seamless connections between properties on neighboring parcels or along shared corridors by enhancing mobility, reducing traffic congestion, and improving overall accessibility.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 20% for each inter-parcel access provided, up to the maximum bonus FAR permitted by the zoning district.

2. To receive the Inter-Parcel Connectivity Bonus, the inter-parcel access must meet the following standards:

   a. The inter-parcel access easement must be recorded in the Office of the Clerk of Superior Court of Fulton or DeKalb County, and reference to the deed book. A copy of the recorded easement must be provided to the Director of the Office of Zoning and Development.

   b. The inter-parcel access must permit vehicle and pedestrian access from adjoining property to driveways and parking areas intended for customer, tenant, or resident use at all times.

   c. The location of the inter-parcel access must be mutually determined by the adjoining property owners.

   d. Once access is granted to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line to complete the inter-parcel access.

Sec. 8.2.5. **Small Commercial Space Bonus**

A. Intent

To create opportunities for applicants to foster a diverse and vibrant business environment by

integrating small commercial spaces in buildings in exchange for increased density. This bonus program seeks to encourage entrepreneurship, stimulate economic growth, and deliver convenient commercial services to residents and visitors by supporting small businesses anchored in the local community.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 10% for each small commercial space provided, up to the maximum bonus FAR permitted by the zoning district.

2. To receive the Small Commercial Space Bonus, the space must meet the following standards:

   a. The space must be reserved for a commercial use, as defined in *Sec. XX Use Districts*.

   b. The space must have a floor area of 1,200 square feet or less for each business establishment.

   c. Any small commercial space located along a storefront street must be constructed to meet all storefront street standards, including transparency, street-facing entry features, and other applicable requirements.

3. The City of Atlanta's Office of Buildings will enforce the requirements of this Section prior to issuance of the occupancy permit. The Office of Zoning and Development will enforce the requirements after issuance of the occupancy permit.

Sec. 8.2.6. **Transit-Oriented Development Bonus**

A. Intent

To create opportunities for applicants in the City to reduce the parking footprint of development near transit stations in exchange for increased density. This bonus program supports sustainable development and multi-modal transportation by incentivizing walkable, mixed-use development with improved access to public transportation for residents and visitors. Transit-oriented development is a means to foster a more accessible, efficient, and pedestrian-friendly urban environment.

B. Standards

1. A project meeting the requirements of this Section may increase the FAR of the project by 50%, up to the maximum bonus FAR permitted by the zoning district.

2. To be eligible for the Transit-Oriented Development Bonus, the project must be located within a 1/2 mile walking distance of a high-capacity transit station lot or entry.

3. To receive the Transit-Oriented Development Bonus, the project must meet one of the following standards:

   a. Allocate at least 50% of the on-site parking to be available to the general public. The parking may be considered publicly accessible whether or not a fee is charged; or

   b. Only up to 10% of the maximum allowed parking may be provided on-site, excluding spaces required by ADA.

#004

Posted by **Matthew** on **04/07/2026** at **5:17pm** [Comment ID: 2614] - Link

Suggestion

Agree: 0, Disagree: 0

The TOD bonus should reward projects that actually reduce car dependence, not projects that dedicate major amounts of parking to the general public. I recommend deleting the public-parking option and limiting the bonus to projects that meaningfully reduce on-site parking and improve transit, walking, and biking access.

#005

Posted by **Kori** on **04/08/2026** at **6:36am** [Comment ID: 2655] - Link

Question

Agree: 0, Disagree: 0

Do high-frequency bus stops or bus stations count as transit stations?

> Reply by **SiteAdmin** on **04/08/2026** at **9:24am** [Comment ID: 2677] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The definition of “high-capacity transit” is not mode-specific. MARTA rail, streetcar, and bus rapid transit are all included. The new A Line in Summerhill would qualify, as most of its route operates in a dedicated lane. A bus route operating entirely in mixed traffic would not qualify.
>
> See the definition of “High-Capacity Transit” in Chapter 10.

#006

Posted by **Kori** on **04/08/2026** at **6:38am** [Comment ID: 2656] - Link

Suggestion

Agree: 0, Disagree: 0

Parking should be reduced near stations and only available to residents or ADA at most. Not sure why we are encouraging this type of [car-oriented] transit-oriented development

> Reply by **SiteAdmin** on **04/08/2026** at **9:15am** [Comment ID: 2676] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment. You may be overlooking a few key provisions. First, no parking is required, and parking maximums apply near transit. This provision grants a density bonus only when a development provides less parking than would otherwise be allowed under either option.
>
> The public parking provision was included in response to interest in shared public parking facilities at certain transit stations. For example, Little Five Points is located within proximity to two MARTA stations and has been

interested in a shared public parking facility for decades, so that individual developments do not provide their own parking. This provision would enable that type of development.

#007

Posted by **Kori** on **04/08/2026** at **6:36am** [Comment ID: 2654] - Link
Suggestion
Agree: 0, Disagree: -1
Please increase the radius to 0.75 or 1 mile of a transit station.

> Reply by **SiteAdmin** on **04/08/2026** at **9:25am** [Comment ID: 2678] - Link
> *Question*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

DIVISION 8.3. **SITE ACCESS AND PARKING**

Sec. 8.3.1. **Blocks and Connectivity**

A. Intent

To provide a well-connected street network with safe and convenient vehicular and pedestrian access within developments and between adjacent developments.

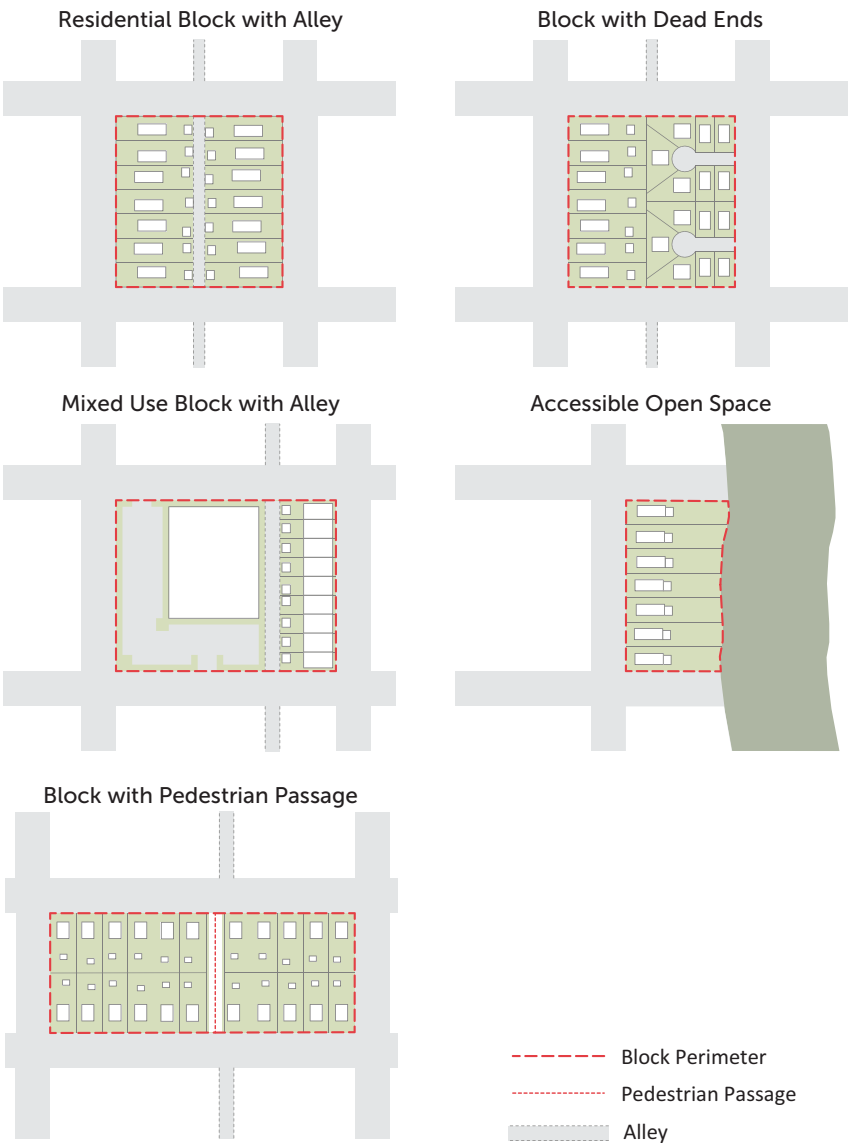
B. Applicability

1. Blocks and connectivity standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Blocks and connectivity standards apply to any development site meeting one of the following standards:
   a. Development sites greater than 2 acres; or
   b. Development sites where the boundary of the site is greater than 600 feet along any side, including boundaries formed by multiple lot line segments.
3. The Director may waive block perimeter and length standards for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and inaccessible. Inaccessible obstructions include steep slopes in excess of 25%, freeways, railroads, sensitive utility easements, and other similar obstructions where pedestrian access to the obstructing land use is detrimental or prohibited, and the future provision of a complete block is infeasible.
4. The Director may increase maximum block perimeter and length standards by 100% for portions of the site that abut and are located within 600 feet of obstructions to the street network that are permanent and accessible. Accessible obstructions include public school campuses, public parkland, waterways, stream buffers, public multi-use trails, and other similar obstructions.
5. House-Scale From Districts and Workplace Form Districts are not required to meet the standards of this Section.
6. For Historic & Landmark Districts and Legacy Districts, the standards of this Section only apply where there are no conflicting standards in *Ch. 6. Historic & Landmark Districts* or *Ch. 7. Legacy Districts*.

C. Standards

1. Block Perimeter and Length

a. A block must be bound by streets on all sides. The Director may allow one side of the block to abut a park, public multi-use trail, or similarly accessible open space. Dead end streets are not considered as bounding a block, unless permitted by the Director due to obstructions or accessible open space adjacent to to the site.



b. The following table establishes the maximum block perimeter and maximum length by zoning district. In the event that a single block contains more than one zoning district, the most restrictive requirement applies.

Zoning District	Block Perimeter (max)	Block Length (max)
House-Scale Form Districts	N/A	N/A
Neighborhood-Scale Form Districts	2,000 ft	800 ft
Urban General Form Districts	1,600 ft	600 ft
Urban Core Form Districts	1,600 ft	600 ft
Workplace Flex Form Districts	2,000 ft	800 ft
Workplace Form Districts	N/A	N/A
Special Form Districts	3,000 ft	900 ft
Historic and Landmark Base Districts	2,000 ft	800 ft
Legacy Districts	2,000 ft	800 ft

#008

Posted by **Elizabeth Hollister** on **04/08/2026** at **10:41pm** [Comment ID: 2756] - Link

Suggestion

Agree: 0, Disagree: 0

We have heard concerns from local developers about the Block Perimeter max set for UG and UC districts limiting development of large sites. We would request that these districts only include the block length requirement limited to street facing facades or allow relief entirely through administrative variation and not based on percentages.

> Reply by **SiteAdmin** on **04/09/2026** at **10:11am** [Comment ID: 2761] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.

c. Where the existing block perimeter is greater than the maximum allowed block perimeter or block length, development projects must provide new streets and street rights-of-way to comply with the maximum block standards.

d. Where all lots on a block have alley access, the maximum block perimeter and block length may be increased by 25%.

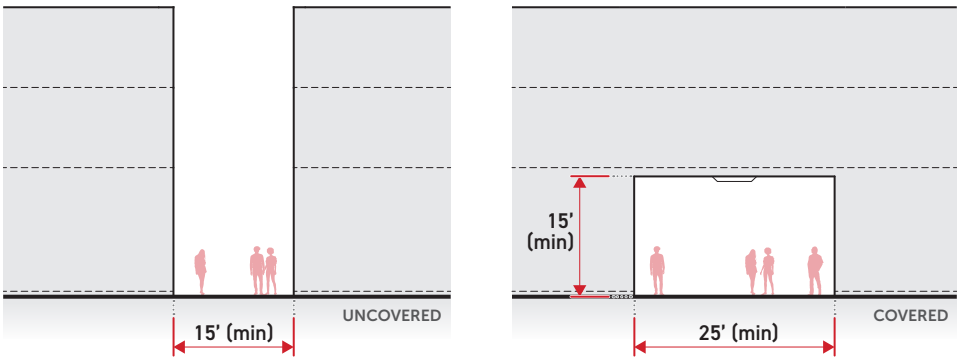
2. Mid-Block Pedestrian Passageways

a. Where the block is bisected by a pedestrian connection that meets the following standards, the maximum block perimeter and block length may be increased by 25%:

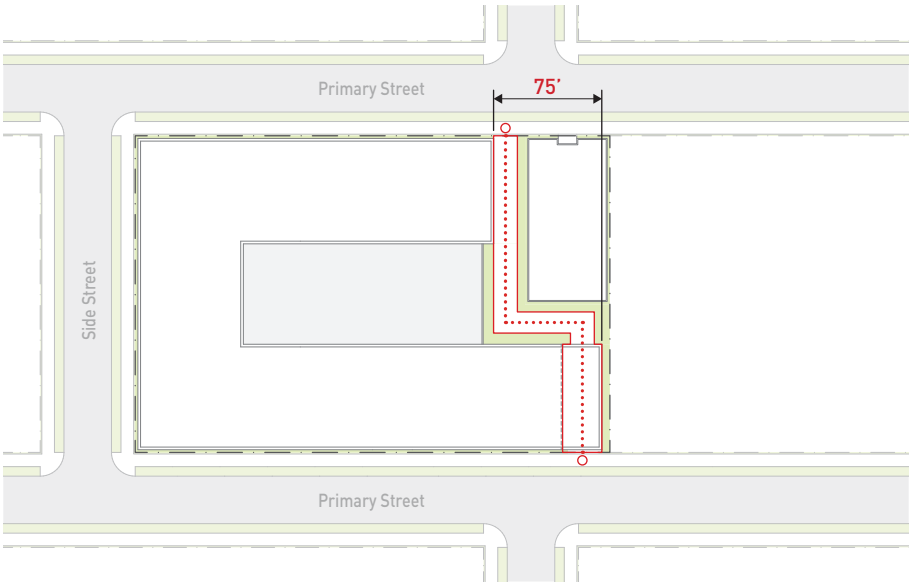
i. The pedestrian passageway must connect from the public sidewalk on the primary street through the lot to either the public sidewalk, alley, other public way, or easement abutting the opposing lot line.

ii. The pedestrian passageway must be a minimum width of 15 feet for uncovered portions and a minimum width of 25 feet for covered portions.

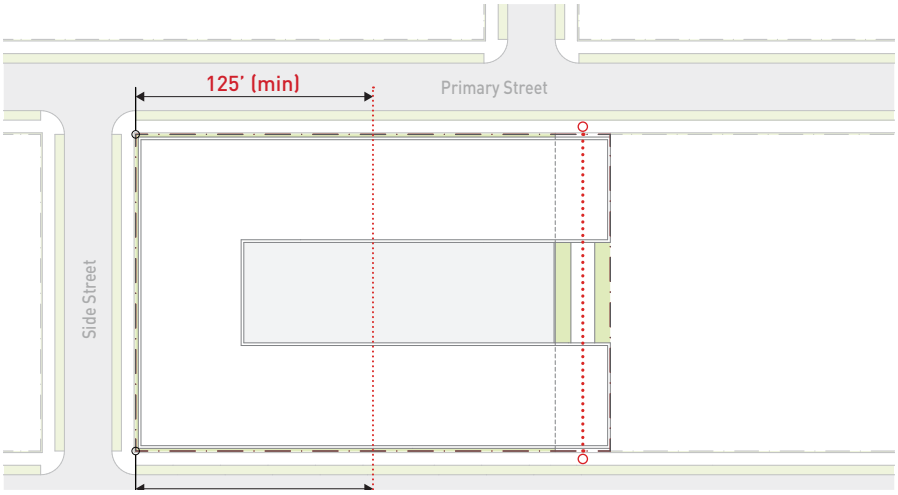
iii. The pedestrian passageway must have a minimum clear height of 15 feet, with the exception of required luminaries and trees.



iv. The centerline of the pedestrian passageway may not vary laterally more than 75 feet from the access point on the primary street, measured parallel to the primary street lot line.



v. Access to the pedestrian passageway must be a minimum of 125 feet from the street intersection, measured along the primary street.



vi. The pedestrian passageway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical distance.

vii. The pedestrian passageway must be illuminated in accordance with *Div. XX - Lighting*.

viii. The pedestrian passageway must be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. No gates or other barriers may block any portion of the pedestrian passageway from pedestrian access during the required available hours.

b. Pedestrian passageways may count towards required outdoor amenity space if they meet the requirements of *Sec. XX - Outdoor Amenity Space.*

3. New Streets

a. New streets may be public or private, but must function as public streets.

b. New streets must connect two other streets.

c. New streets are not permitted to be gated.

d. New streets must be coordinated with other existing or planned streets, and must intersect with existing streets at existing intersections, wherever practical, as determined by the Director.

e. Where land ownership prevents a through street, a street stub must be provided to enable a future through street connection. The street stub must be located at the elevation of existing grade along abutting parcels, as determined by the Director.

f. If a street stub exists on an abutting parcel, the street network provided by any new development abutting the street stub must connect to the stub street and complete the alignment as a through street wherever practical, as determined by the Director.

g. Cul-de-sacs are only allowed only where the Director determines that topographical, ownership, or other challenges beyond the land developer's control prevent the creation of a regular street grid.

h. New streets must be developed in accordance with the standards in *Div. XX. Streetscapes* and Atlanta Department of Transportation standards in the Streets Atlanta: A Design Manual for Multimodal Streets and City of Atlanta Public Right-of-Way Manual. Alternate street designs that do not meet these standards, such as pedestrian streets, shared streets, or similar creative private street configurations, may be approved by the Director if the design provides equal or greater multimodal accessibility and improves public safety.

i. The Director has the authority to classify new streets as storefront, primary, or side streets based on the criteria in *Sec. XX. Street Designation*.

4. Cross-Access

Where no new streets are provided, and abutting lots have compatible adjacent uses, as determined by the Director, the following standards for cross-access are required:

a. Projects must design internal vehicular circulation to allow for future cross-access between abutting lots, wherever practical, as determined by the Director.

b. No project is allowed to prohibit or obstruct the ability to provide future vehicle, bicycle, and pedestrian access and connectivity to adjacent properties, unless the Director determines it is impracticable due to legal, topographic, or other site-specific constraints.

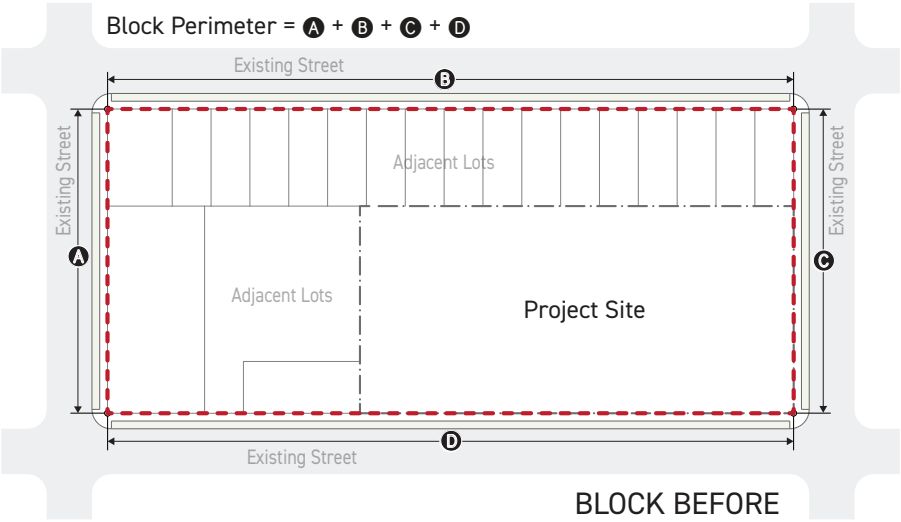
c. Cross-access standards do not require inter-parcel access to be granted to adjacent property owners.

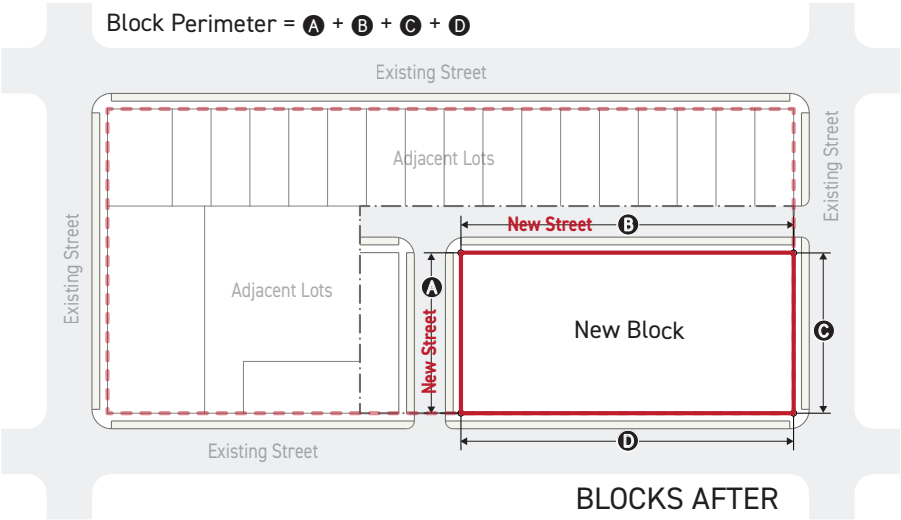
D. Measurement

1. Block Perimeter

a. Block perimeter is measured as the total length of all block faces that form the block where the project site is located. Block perimeter measurement includes streets abutting to the project site and any other streets beyond the project site that create the block boundaries.

b. Block perimeter is measured along street lot lines that form the block where the project site is located.

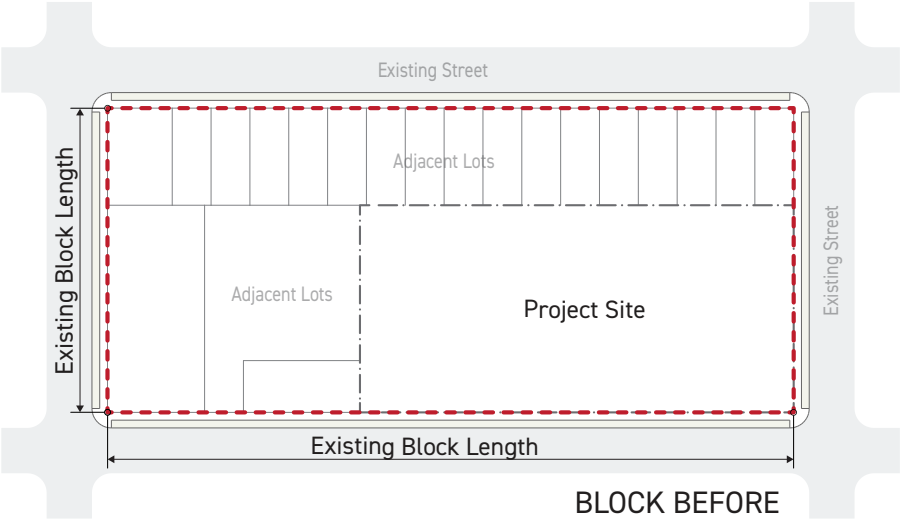


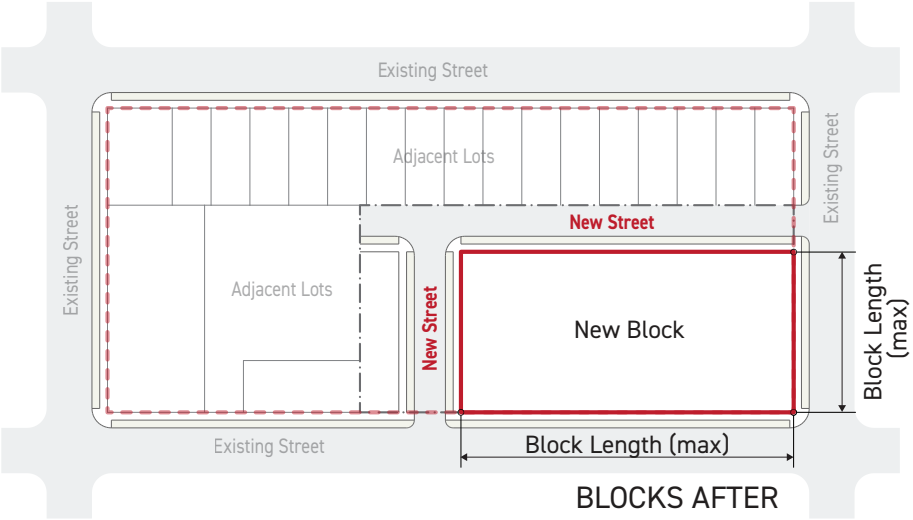


2. Block Length

a. Block length is measured as the total length of each block face for each street abutting the project site, measured along the street lot lines defining that block face. Block length measurement includes street lot lines abutting the project site and other street lot lines outside of the project site that form the block face.

b. Block length is measured along the street lot lines for each block face, from the points where the street lot lines intersect at corners.





3. Pedestrian Passageways

a. Pedestrian passageway width is measured perpendicularly from one designated edge of the passageway to the opposite edge.

b. The distance from a street intersection is measured along the street lot line from the point where the adjacent street lot lines intersect at the corner to the nearest edge of the required pedestrian passageway.

c. Variation in a pedestrian passageway is measured parallel to the primary street lot line from one edge of the passageway access point to the furthest edge of the opposing access point.

E. Relief

1. Historic and Landmark Districts

All changes may be granted in accordance with *Sec. 9.5. Administrative Variation* and in consultation with the Director of the Urban Design Commission.

2. All Other Districts

a. A change of up to 10% from the blocks and connectivity standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

b. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

c. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.3.2. Vehicle Access

A. Intent

To ensure motor vehicle access to sites is designed to support the safety of all users by minimizing conflicts with pedestrians, cyclists, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public right-of-way and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to vehicle parking and other motor vehicle use areas.

B. Applicability

1. Vehicle access standards apply based on the requirements of the applicable zoning district and the proposed project activity.

2. Vehicle access standards apply to all lots that provide access to motor vehicles.

C. Standards

1. General

a. All existing and proposed development that provides on-site parking or loading must provide a means of direct or indirect vehicle access to and from a street or alley.

b. Driveways must be perpendicular to the street. Driveways are not permitted parallel to the street between the sidewalk and a building.

c. Circular driveways or drop-off lanes are not permitted between any building and the street, with the exception of general lodging and hospital uses in any district and general household living uses in House-Scale (H-) Form Districts.

d. When a lot is adjacent to a primary and side street without an alley, vehicle access must be placed along the street with the lower road classification unless otherwise permitted by the Director. For example, local streets should be prioritized over collector or arterial streets for curb cuts and driveways.

e. When an improved alley exists or is proposed by the development project, vehicle access must take place from the alley unless otherwise permitted by the Director.

f. Where vehicle access is proposed from an alley, the Director must determine that the alley is suitable to accommodate the expected traffic volume and type of use. Suitability must be based on factors including but not limited to the width, surface condition, accessibility, and connectivity of the alley.

g. Access may be shared between abutting lots, provided an easement, deed restriction or other similar agreement acceptable to the City is provided.

h. All vehicle access designs must be approved by the Atlanta Department of Transportation and conform with the *Streets Atlanta: A Design Manual for Multimodal Streets*, and *City of Atlanta Public Right-of-Way Manual*.

i. All vehicle access designs must be approved by the Atlanta Department of Transportation and, unless otherwise approved by the Department, must conform with the *Streets Atlanta: A Design Manual for Multimodal Streets* and the *City of Atlanta Public Right-of-Way Manual*.

#009

Posted by **apstillman** on **12/30/2025** at **9:34am** [Comment ID: 1752] - Link

Suggestion

Agree: 0, Disagree: 0

"perpendicular" is very specific and restrictive. This could be problematic for lots that are not rectangular, are on curved streets, have steep topography, or with numerous or large trees within street-adjacent yard(s), particularly within House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts. I would suggest limiting this restriction only to driveways providing access to parking lots or parking structures, not all driveways, or exempting House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts

> Reply by **SiteAdmin** on **12/30/2025** at **12:01pm** [Comment ID: 1775] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your input. We will clarify this.

#010

Posted by **apstillman** on **12/30/2025** at **9:38am** [Comment ID: 1753] - Link

Question

Agree: 0, Disagree: 0

Are gravel alleys considered "improved"? Most neighborhood alleys are gravel but the conditions vary wildly. Some cannot be traversed in vehicles with low ground clearances

> Reply by **SiteAdmin** on **12/30/2025** at **12:07pm** [Comment ID: 1777] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes, gravel driveways typically would be - there are many new houses that have vehicular access from them. The draft gives the Director the authority to consider the specific on a case-by-case basis.
>
> > Reply by **apstillman** on **12/30/2025** at **12:27pm** [Comment ID: 1782] - Link
> >
> > *Question*
> >
> > *Agree: 0, Disagree: 0*
> >
> > Thank you. I use alleys for access whenever possible, but if it's going to be a case-by-case basis on whether it is will be required, will need to be a process to get that determination from the Director prior to any actual application submissions to the city? This is something that would be vital to know before starting any design work
> >
> > > Reply by **SiteAdmin** on **12/31/2025** at **8:41am** [Comment ID: 1808] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*

The Office of Zoning and Development will update forms and permit review procedures to align with ATL Zoning 2.0. As part of this process, applicants might be required to document that a legacy alley is not “improved.” For example, in some locations alleys have become overgrown with mature trees; in others they exist only on paper and are not physically accessible; and in some cases the alleys have been formally abandoned. Any of these conditions could potentially qualify an alley as unimproved, subject to the to-be-established forms and procedures.

#011

Posted by **apstillman** on **12/30/2025** at **9:44am** [Comment ID: 1754] - Link
Suggestion
Agree: 0, Disagree: 0
Sections C.1.h. and i. would require a driveway for general household living uses to be approved by AtlDOT, adding an unnecessary step in the permitting process. I would suggest an exemption for House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts, unless they do not conform with the Streets Atlanta Design Manual

> Reply by **SiteAdmin** on **12/30/2025** at **12:12pm** [Comment ID: 1779] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#012

Posted by **Forrest** on **12/30/2025** at **12:42pm** [Comment ID: 1787] - Link
Question
Agree: 0, Disagree: 0
Any language related to vehicle access when on a GDOT State Route?

> Reply by **SiteAdmin** on **12/31/2025** at **8:15am** [Comment ID: 1805] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The requirements are the same along City and State Routes. However, GDOT has the authority to require alternative standards along roadways under its jurisdiction.

#013

Posted by **Forrest** on **12/30/2025** at **12:34pm** [Comment ID: 1783] - Link
Suggestion
Agree: 0, Disagree: 0
Too often do driveways/curb cuts get built incorrectly. Please consider keeping this

language in the code:
All sidewalk paving materials shall be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as the adjacent sidewalk clear zone.
Shall have a band of textured concrete adjacent to the street which is in-line and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone with a minimum width of five feet from the sidewalk or such standard as developed by the department of transportation.

> Reply by **SiteAdmin** on **12/31/2025** at **8:26am** [Comment ID: 1807] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> There is a requirement on page 3-21 that the pedestrian zone must continue across all driveways, but we will consider updating this based on your comment.

#014

Posted by **Jennifer 4** on **02/10/2026** at **8:17am** [Comment ID: 1946] - Link
Suggestion
Agree: 0, Disagree: 0
Please provide an exemption to this rule in Midtown SPI-1. There is a long standing precedent for Peachtree development to have egress from primary and side streets rather than the alley because of the unique situation where high-rises share an alley with single family homes.

> Reply by **SiteAdmin** on **02/11/2026** at **10:38am** [Comment ID: 1956] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This existing provision is specified on pg. 7-79 of the Midtown Legacy District. It will remain.

2. Sight Visibility Triangles

In all zoning districts where yards are required adjacent to streets, nothing may be erected, placed, planted, or allowed to grow in a manner that materially impedes sight visibility between 2.5 feet and 8 feet above the grade of the adjoining right-of-way, within the sight visibility triangles as described below:

a. Street Intersections:

Site visibility triangles cover an area set by measuring 20 feet along each intersecting right-of-way edge, extending the lines where the corners are rounded, and then connecting the ends of those 20-foot lines with a straight line.

b. Driveway and Street Intersections:

Site visibility triangles cover an area set by measuring 20 feet along the edges where the roadway and driveway meet, extending those edges where they are rounded, and connecting the ends of those 20-foot measurements with a straight line.

3. Driveway Design

a. In House-Scale (H-) Form Districts, every platted lot is permitted at least one driveway

b. In all other zoning districts, each site is permitted at least one driveway.

c. Where feasible, driveways must be at least 100 feet from the nearest adjacent intersection or driveway along the same block face unless otherwise permitted by the Director.

d. The maximum number of permitted driveways are as follows:

# of Abutting Streets	Street Lot Line Length	Curb Cuts per Street (max)	Driveway Spacing (min)
1	Up to 300'	1	N/A
1	Above 300'	2	200'
2	Any	1 per street	N/A
3 or more	Any	1 per street	N/A

e. Driveway widths must meet the following standards:

	Number of Lanes per Driveway (max)	Lane Width (min/max)	
		Primary Street	Side Street
Driveway serving up to 6 on-site parking spaces			
House-Scale District	1	10' / 20'	10' / 20'
All other districts	1	8' / 10'	8' / 12'
Driveway serving 7 or more on-site parking spaces	2	8' / 12'	8' / 12'
Driveway serving an Industrial Use	2	12' / 20'	12' / 20'

#015

Posted by **Kim 5** on **03/16/2026** at **7:38pm** [Comment ID: 2265] - Link
Suggestion
Agree: 0, Disagree: 0
This needs additional language. The sight visibility triangle is defined by a number of nuanced parameters; topography, speed limit, width of street, etc.

Recommend including reference to ASHTO street visibility calculations and noting that the 20 foot is the minimum required triangle but a greater triangle may be determined to be necessary following ASHTO standards.

> Reply by **SiteAdmin** on **03/17/2026** at **8:03am** [Comment ID: 2268] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> We had previously discussed this language with the ATLDOT. Ultimately, it was determined that this is a technical matter is not strictly regulated by zoning.
>
> A decision was made to keep this minimal standard for site planning purposes, knowing that other codes ultimately must also be complied with. For example, there are more restrictive building codes and environmental codes that may come into play during actual project design. The more restrictive standards always applies.

#016

Posted by **apstillman** on **12/30/2025** at **9:45am** [Comment ID: 1756] - Link
Suggestion
Agree: 0, Disagree: 0
I would suggest an exemption for tree plantings required by the Tree Ordinance in House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts

> Reply by **SiteAdmin** on **12/30/2025** at **12:18pm** [Comment ID: 1780] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you. We will discuss this with ATL DOT.

#017

Posted by **Kim 7** on **03/25/2026** at **10:09am** [Comment ID: 2307] - Link
Suggestion
Agree: 0, Disagree: 0
This needs to be set as the MINIMUM visibility triangle. There is a formula for determining the visibility triangle that is based on the topography, street speeds,

angle of the intersection, and several other parameters. This is the MINIMUM allowable visibility standard but a trained transportation professional may require a bigger triangle (following national professional best practices).

This is a critical safety consideration and has been a problem on a number of occassions!

> Reply by **SiteAdmin** on **03/25/2026** at **4:31pm** [Comment ID: 2329] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. ATLDOT has confirmed that they have powers (outside of zoning) to allow any type of triangle they deem appropriate based on technical considerations of the location.

#018

Posted by **apstillman** on **12/30/2025** at **9:48am** [Comment ID: 1760] - Link
Suggestion
Agree: 0, Disagree: 0
A minimum 10' driveway width is excessive for House-Scale (H-) Form Districts. I would suggest reducing this to 8'

> Reply by **SiteAdmin** on **12/30/2025** at **12:21pm** [Comment ID: 1781] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your feedback.

#019

Posted by **apstillman** on **12/30/2025** at **9:51am** [Comment ID: 1762] - Link
Question
Agree: 0, Disagree: 0
For what distance do the min/max widths apply? For example, can a driveway flare to 22' wide once it is beyond the street-adjacent yard to accommodate easier side-by-side parking, or to allow easier manuevering into a side-entry garage?

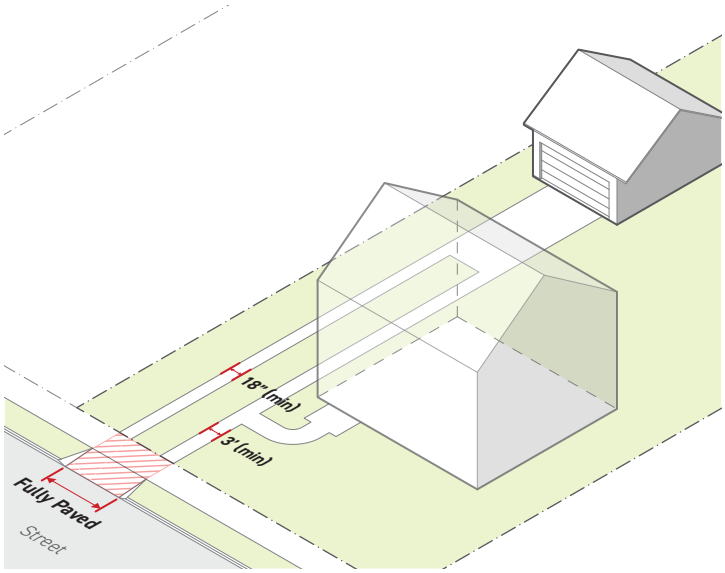
> Reply by **SiteAdmin** on **12/30/2025** at **12:36pm** [Comment ID: 1784] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> See page 8-20. Width is measured at the street boundary line (ROW).

4. Ribbon Driveways

a. For driveways serving up to 6 on-site parking spaces, a ribbon driveway is allowed as an alternative to a fully paved driveway.

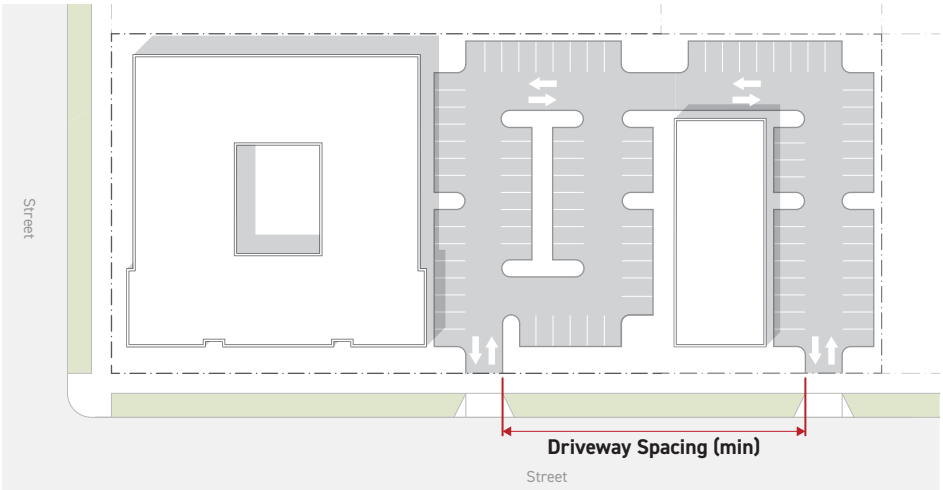
b. The paved strips in a ribbon driveway must be at least 18 inches in width. Where the ribbon is permitted to also be used for pedestrian access (see *Sec. XX. Pedestrian Access*), the width of the strips must be increased to at least 3 feet.

c. Within the right-of-way, the driveway must be fully paved along its total width.



D. Measurement

1. Driveway spacing is measured along the primary or side street boundary line from edge of pavement to edge of pavement from all existing and proposed driveways located on-site and any adjacent driveway or intersection.



2. Lane width is measured separately for each driveway lane.

3. Lane width is measured for each driveway lane from edge of designated lane to edge of designated lane along the street boundary line.

E. Relief

1. An administrative modification may be granted under the following circumstances, in accordance with *Sec. 9.5. Administrative Modification*:
   a. A change of up to 10% from the vehicle access standards may be approved.
   b. Where two-way driveways are permitted, the Director may authorize the installation of two one-way driveways in lieu of a single two-way driveway.
2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.3.3. **Pedestrian Access**

A. Intent

To promote walkability by:

1. Improving pedestrian access from the public realm to the interior of buildings;
2. Ensuring that required entrances are conveniently and effectively accessible to pedestrians; and
3. Activating the public realm with building access points and improve convenient pedestrian circulation through large sites to an extent and frequency appropriate to the context.

B. Applicability

1. Pedestrian access standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Pedestrian access standards apply to all street-facing entries required by the zoning district, based on requirements in *Sec. XX. Windows and Doors.*
3. Where a ground story use does not have a street-facing entry, pedestrian access standards apply as follows:
   a. For nonresidential uses, pedestrian access applies to each ground story use.
   b. For residential uses, pedestrian access applies to each ground story dwelling unit.
4. Pedestrian access standards apply to and along public parks, plazas, and multi-use trails, including the Beltline, as specified in *Sec. XX. Beltline Overlay District*. The Director may modify the number and location of pedestrian accessways along public parks or multi-use trails.

C. Standards

1. General

a. Pedestrian access meeting the following standards must be provided based on the zoning district. The primary use designation of the relevant building entry will determine the applicable pedestrian access type.

Zoning District	Pedestrian Access Type
House-Scale Form Districts	
All uses	None required
Neighborhood-Scale Form Districts	
Residential uses	Type 2
All other uses	Type 1
Urban General Form Districts	
Residential uses	Type 2
All other uses	Type 1
Urban Core Form Districts	
Residential uses	Type 2

020

#020

Posted by **Matthew** on **04/07/2026** at **5:26pm** [Comment ID: 2616] - Link

Suggestion

Agree: 0, Disagree: 0

House-Scale districts should not be exempt from pedestrian access requirements (unless a specific area is provided an exemption with a reasonable justification), and a 3.5-foot walkway is too narrow to be a strong default. I recommend requiring at least one basic pedestrian connection to each street-facing entry in all districts and increasing the minimum walkway width to 5 feet where feasible.

All other uses	Type 1
Workplace Flex Form Districts	
Residential uses	Type 2
Industrial uses	Type 3
All other uses	Type 1
Workplace Form Districts	
All uses	Type 3
Special Form Districts	
All uses	Type 2
All Other Zoning Districts	
Residential uses	Type 2
Industrial uses	Type 3
All other uses	Type 1

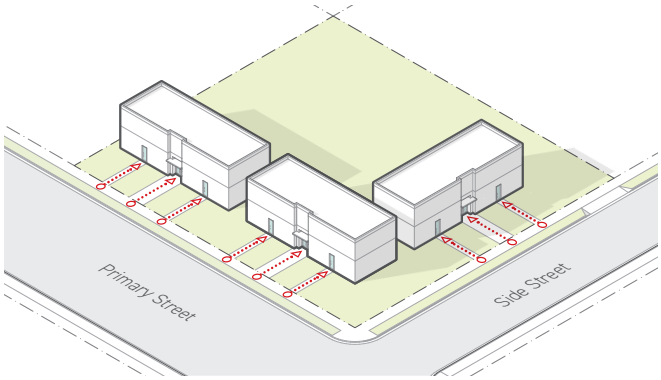
b. Pedestrian access is required for all street-facing building entries. The applicable pedestrian access type will determine whether a direct or linked connection is required.

2. Pedestrian Access Types

Required pedestrian connections must meet the applicable standards of the following pedestrian access types:

PEDESTRIAN ACCESS TYPE 1

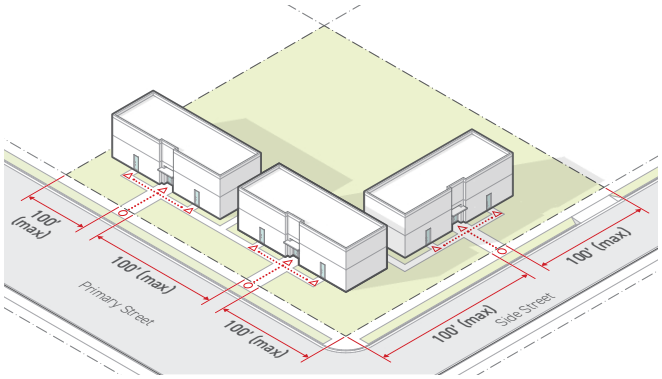
Intended to ensure buildings are highly integrated with the surrounding public realm and to promote walking as a safe and convenient mobility option to improve connectivity through large sites.



DIMENSIONAL STANDARDS	
Pedestrian connection type	Direct
Pedestrian connection spacing (max)	1 per street-facing entry

PEDESTRIAN ACCESS TYPE 2

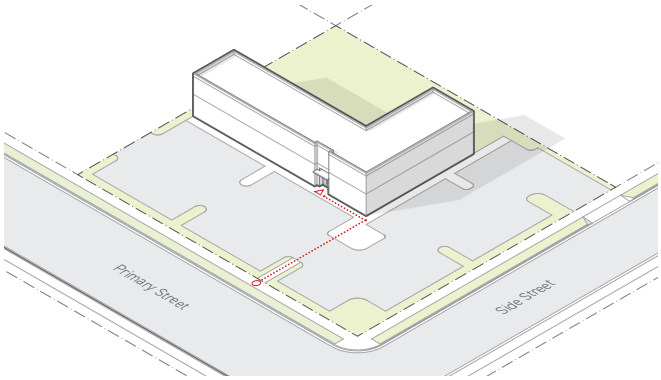
Intended to ensure buildings are conveniently accessible from the public realm and to promote walking as a safe and convenient mobility option to improve connectivity through very large sites.



DIMENSIONAL STANDARDS	
Pedestrian connection type	Linked
Pedestrian connection spacing (max)	100'

PEDESTRIAN ACCESS TYPE 3

Intented to ensure buildings are accessible from the public realm by requiring physical connection between the public realm and the interior of a building.



DIMENSIONAL STANDARDS	
Pedestrian connection type	Linked
Pedestrian connection spacing (max)	1 per street

3. Pedestrian Connection

a. Linked Pedestrian Connection

Where the pedestrian access type requires a linked pedestrian connection, the pedestrian connection must meet the following standards:

i. Linked pedestrian connections must connect to the sidewalk, multi-use trail, or other publicly accessible pedestrian-facility along the street lot line, to a required street-facing entrance.

ii. Each ground story use, whether street-facing or not, the following standards apply:

a) Each ground story nonresidential use must provide at least 1 linked pedestrian connection.

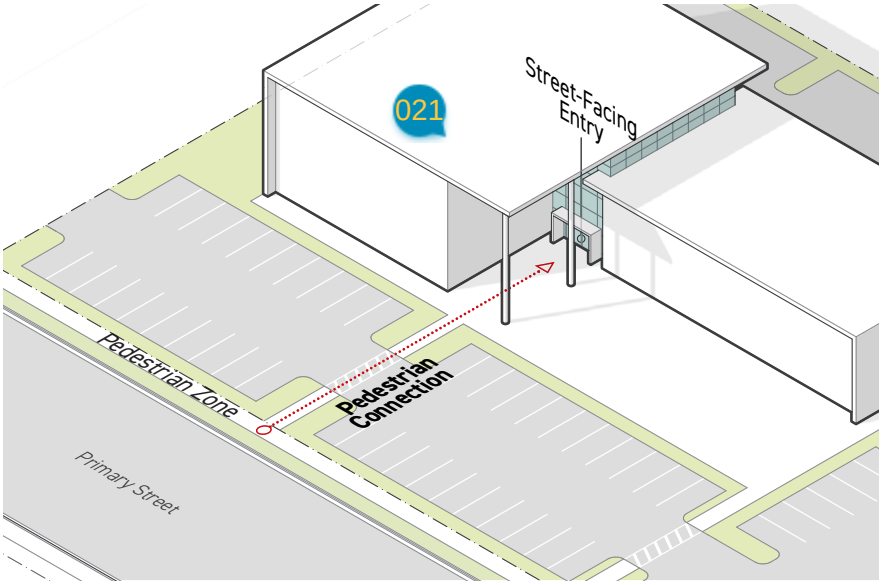
b) Each ground story residential dwelling unit must provide a linked pedestrian connection.

iii. A minimum of 1 pedestrian connection must be provided for each street lot line where a street-facing entry is required.

iv. The pedestrian connection must be at least 3.5 feet wide.

v. The finished surface must be stable, firm, and slip resistant in accordance with Americans with Disabilities Act (ADA) Accessibility Standards for floor surfaces. This standard does not apply to one- or two-dwelling unit buildings.

vi. The pedestrian connection must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical distance.



#021

Posted by **Jake Derry** on **03/28/2026** at **10:23pm** [Comment ID: 2363] - Link
Question
Agree: 2, Disagree: 0
Is there a requirement for this crosswalk to be raised? Is there a requirement for the aperture of the crossing to be limited to 8' for pedestrian safety?

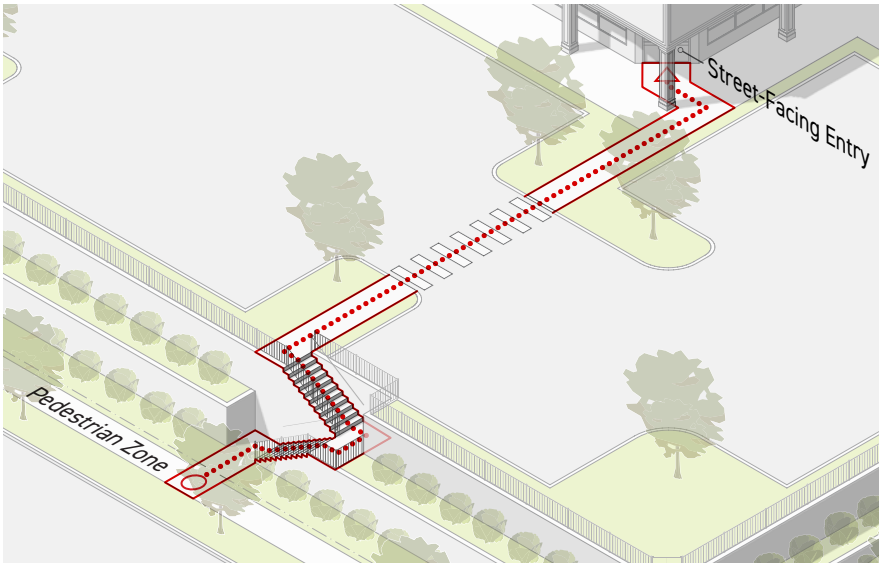
> Reply by **SiteAdmin** on **03/29/2026** at **8:21am** [Comment ID: 2366] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> It is not required to be raised.
>
> Where it crosses a parking lane, it must be as short as practicable. Typically, this would involve crossing a 24-foot vehicular drive for two-way traffic or a 12-foot drive for one-way traffic.
>
> > Reply by **Jake Derry 1** on **03/29/2026** at **1:46pm** [Comment ID: 2383] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > I would suggest adding a requirement for the crossing to be raised and/or setting an allowed size for the space between curbs extensions in the parking lot. 12’ is a lot of space per car lane and would not encourage parkers to slow down. Maybe a requirement to reduce the lane size at these crossings by minimum 1’ would create a calming effect.
> >
> > > Reply by **SiteAdmin** on **03/30/2026** at **1:39pm** [Comment ID: 2400] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your suggestion. We will share it with ATLDOT. However, please note that such standard is not part of the zoning code. Rather, there is a specific design detail that ATLDOT uses.
> > >
> > > Reply by **Ben Valente 1** on **03/31/2026** at **11:46pm** [Comment ID: 2434] - Link
> > > *Suggestion*
> > > *Agree: 0, Disagree: 0*
> > > Concur with the reduced drive aisle width, and recommend to require striping or pavement treatments on pedestrian walkways, but raised crosswalks would be unrealistic to implement.
> > >
> > > Reply by **SiteAdmin** on **04/01/2026** at **2:02pm** [Comment ID: 2461] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

vii. If a retaining wall, open drainage, or similar obstacle interrupts a required connection, the connection must be designed to facilitate passage through or over the obstacle. If the connection is not ADA compliant, a separate, compliant connection must be provided.



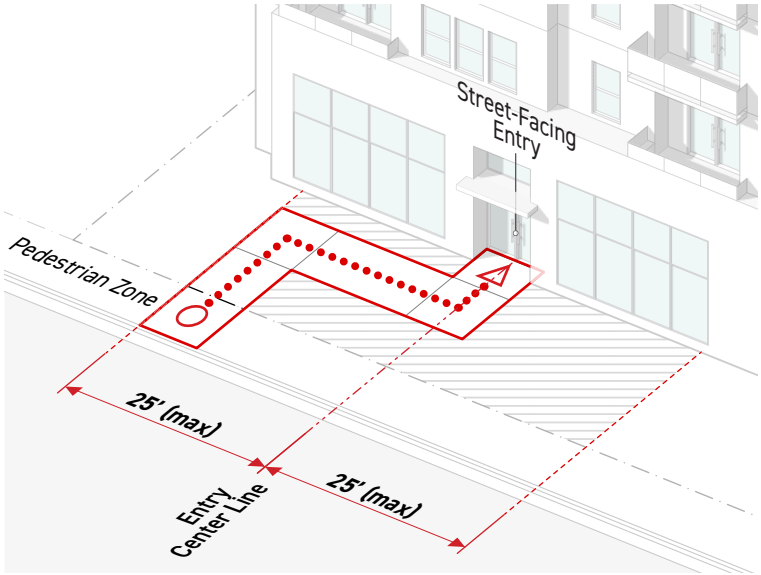
viii. If a linked pedestrian connection exceeds 30 feet in length through a parking lot, trees spaced at 30 feet on-center must be provided adjacent to the pedestrian connected.

b. Direct Pedestrian Connection

Where a pedestrian access type requires a direct pedestrian connection, the connection must comply with all linked pedestrian connection standards above, in addition to the following:

i. A minimum of one pedestrian connection must be provided to each street-facing entry required by the zoning district.

ii. The connection to the public sidewalk must be located within 25 feet of the center of the street-facing entry, measured parallel to the applicable lot line.



4. Pedestrian Connection Spacing

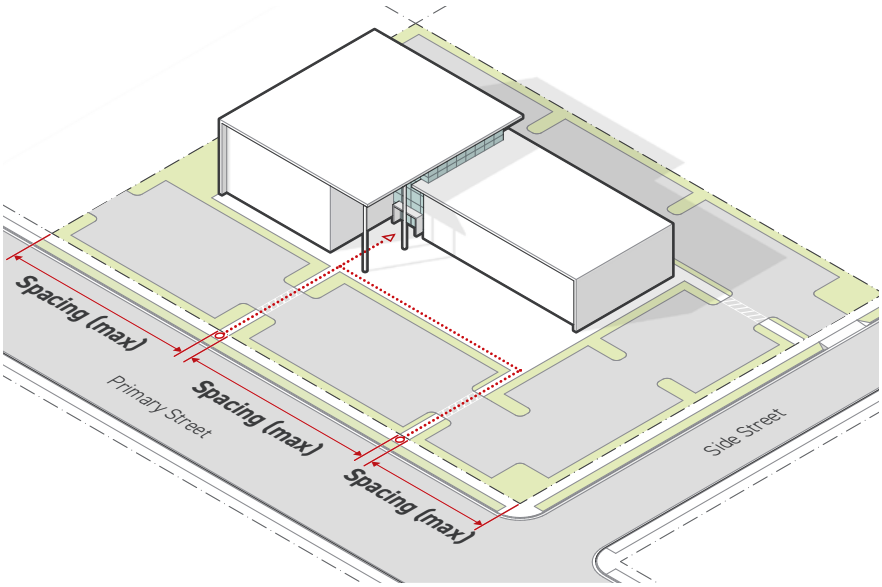
a. A required pedestrian connection must not be separated from another pedestrian connection or the end of a street lot line by a distance greater than the maximum allowed pedestrian connection spacing.

b. Additional pedestrian connections to the same building entry may need to be provided to meet this standard.

D. Measurement

1. Pedestrian accessway width is measured from one edge of the accessway perpendicularly to the opposite edge.

2. Pedestrian accessway spacing is measured as the distance between pedestrian accessways measured following the geometry of the street lot line from the end of the lot line to the edge of the pedestrian accessway and from the edge of the pedestrian accessway to the edge of the adjacent pedestrian accessway.



E. Relief

1. A change of up to 10% from the pedestrian access standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. An Administrative Variation may be granted under the following circumstances, in accordance with *Sec. 9.5. Administrative Variation*:

   a. Where the Director determines the existing site conditions make compliance impractical or unreasonable; or

   b. A change of up to 30%.

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.3.4. **Vehicle Parking**

A. Intent

To reduce parking demand, support the use of alternative forms of transportation, promote reuse and redevelopment of existing buildings, reduce the overall cost of construction and development, and increase the overall efficiency and use of taxable land within the City.

B. Applicability

1. Vehicle parking standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Vehicle parking standards apply to all lots and the allowed uses in *Ch. XX. Use Districts.*
3. Buildings built before 1965 are not required to meet minimum parking requirements unless the building contains a use over 1,200 square feet and holds an alcohol license, according to *City of Atlanta Code of Ordinances, Chapter 10*, in which case only that use is required to meet the minimum parking requirement.

C. Standards

1. General

All on-site vehicle parking must comply with the standards in *Sec. 8.3.2. Vehicle Access* and *Sec. 8.3.5. Vehicle Parking Design*.

2. Required Vehicle Parking

a. Vehicle parking standards are determined by the parking zone applied to the lot according to the Parking Zone Map (*Appendix X*), in accordance with the required vehicle parking table.

b. Where a minimum parking standard is provided, all uses must, at a minimum, provide the required number of parking spaces.

c. Where a maximum parking standard is provided, uses may not exceed the maximum allowed number of parking spaces on-site, unless otherwise permitted.

d. Where there are multiple uses on a lot, the parking requirements are calculated separately for each use.

e. The vehicle parking requirement for a use not specifically listed in the table will be as required for the closest similar use, as determined by the Director.

f. Lots that lack a parking zone designation or have an inaccurate designation may be assigned the closest or most appropriate designation administratively by the Director.

g. Vehicle parking must be provided as follows:

Use	Parking Zones		
	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)
Residential Uses			
Household Living			
General household living			
Up to 2 dwelling units in House-Scale (H) and Neighborhood-Scale (N) Form Districts	**Min:** -- **Max:** --	**Min:** -- **Max:** --	**Min:** 1 per dwelling unit **Max:** --
Up to 2 dwelling units in all other districts	**Min:** -- **Max:** --	**Min:** -- **Max:** --	**Min:** -- **Max:** --
Above 2 dwelling units	**Min:** -- **Max:** 2 per dwelling unit	**Min:** -- **Max:** 2 per dwelling unit	**Min:** -- **Max:** --
Live-work	**Min:** -- **Max:** 2 per dwelling unit	**Min:** -- **Max:** 2 per dwelling unit	**Min:** -- **Max:** --
Purpose-built student housing	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** --
Group Living			
General supervised group living	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** --
General unsupervised group living	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** --
Dormitory, fraternity, or sorority	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** --
Emergency shelter	**Min:** -- **Max:** 1 per 1,000 SF	**Min:** -- **Max:** 1 per 1,000 SF	**Min:** -- **Max:** --
Maternity supportive housing	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** 1 per 2 bedrooms	**Min:** -- **Max:** --
Public and Institutional Uses			
Civic			
Religious assembly	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
All other civic uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Private Education			
Day care, private	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min**: -- **Max**: --

#022

Posted by **Jake Derry** on **03/28/2026** at **10:30pm** [Comment ID: 2364] - Link
Question
Agree: 1, Disagree: 0
How did 2 per dwelling unit get decided?

> Reply by **SiteAdmin** on **03/29/2026** at **8:10am** [Comment ID: 2365] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This maximum generally reflects the existing cap in PZ1 and PZA2 areas, which include Downtown, Midtown, the Peachtree Road corridor, around MARTA stations, and the Beltline Overlay.

#023

Posted by **Matthew** on **04/07/2026** at **5:22pm** [Comment ID: 2615] - Link
Suggestion
Agree: 0, Disagree: 0
We should remove the remaining parking minimums in Zone 3, especially the requirement of 1 parking space per dwelling unit for small residential projects in House-Scale and Neighborhood-Scale districts. The code's own stated intent is to reduce parking demand, and these minimums will keep small housing and neighborhood mixed-use more expensive and less walkable.

	Parking Zones		
Use	**Zone 1 (PZ1)**	**Zone 2 (PZ2)**	**Zone 3 (PZ3)**
All other private education uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Parks and Open Space			
All parks and open space uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Utility			
All utility uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Wireless Telecommunication			
All wireless telecommunication uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Commercial Uses			
Adult Businesses			
All adult business uses			
Up to 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Above 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** 1 per 200 SF **Max:** --
Agriculture			
All agriculture uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Entertainment and Recreation			
Lounge or night club			
Up to 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min**: 1 per 200 SF **Max**: 1 per 400 SF	**Min:** -- **Max:** --
Above 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min**: 1 per 200 SF **Max**: 1 per 400 SF	**Min:** 1 per 200 SF **Max:** --
Party house	**Min:** -- **Max:** 1 per 400 SF	**Min**: 1 per 200 SF **Max**: 1 per 400 SF	**Min:** 1 per 400 SF **Max:** --
All other entertainment and recreation uses	**Min:** -- **Max:** 1 per 650 SF	**Min:** -- **Max:** 1 per 650 SF	**Min:** 1 per 600 SF **Max:** --
Food and Beverage			
General food and beverage			
Up to 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Above 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** 1 per 400 SF **Max:** --
Bakery	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** 1 per 200 SF **Max:** --
Bar			

#024

Posted by **jessicahilltroutman** on **03/05/2026** at **1:40pm** [Comment ID: 2156] - Link
Agree: 0, Disagree: 0
The minimum parking requirement yields a greater number of spaces required than the maximum requirement would allow.

> Reply by **SiteAdmin** on **03/05/2026** at **3:47pm** [Comment ID: 2159] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you. These will be reversed.

Use	Parking Zones		
	Zone 1 (PZ1)	Zone 2 (PZ2)	Zone 3 (PZ3)
Up to 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min**: 1 per 200 SF **Max**: 1 per 400 SF	**Min:** -- **Max:** --
Above 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min**: 1 per 200 SF **Max**: 1 per 400 SF	**Min:** 1 per 200 SF **Max:** --
Catering establishment	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Delivery-based commercial kitchen	**Min:** -- **Max:** 1 per 400 SF	**Min:** 1 per 500 SF **Max:** 1 per 400 SF	**Min:** 1 per 500 SF **Max:** --
Microbrewery, microdistillery, or winery			
Up to 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Above 1,200 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** 1 per 200 SF **Max:** --
Lodging			
Short-term rental	**Min:** -- **Max:** 2 per lodging unit	**Min:** -- **Max:** 2 per lodging unit	**Min:** -- **Max:** --
All other lodging uses	**Min:** -- **Max:** 1 per lodging unit	**Min:** -- **Max:** 1 per lodging unit	**Min:** -- **Max:** --
Medical			
All medical uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Office			
All office uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Parking			
All parking uses	**Min:** -- **Max:** --	**Min:** -- **Max:** --	**Min:** -- **Max:** --
Personal Service			
All personal service uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Retail			
Grocery store	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
All other retail uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Transportation			
All transportation uses	**Min:** -- **Max:** --	**Min:** -- **Max:** --	**Min:** -- **Max:** --

	Parking Zones		
Use	**Zone 1 (PZ1)**	**Zone 2 (PZ2)**	**Zone 3 (PZ3)**
Vehicle Sale and Service			
All vehicle sale and service uses	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** 1 per 400 SF	**Min:** -- **Max:** --
Wholesale Trade			
All wholesale trade uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Industrial Uses			
Industrial and Manufacturing			
All industrial and manufacturing uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Warehouse and Distribution			
All warehouse and distribution uses	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --
Waste-Related Service			
All waste-related service	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** 1 per 500 SF	**Min:** -- **Max:** --

KEY: -- = no requirement SF = square feet of gross floor area

3. Location of Parking

a. Where the Director determines on-street parking is abutting the lot, on-street parking spaces may count toward the minimum parking requirements.

b. Tandem parking spaces may be applied toward the minimum and maximum parking requirements specified in the table above.

c. Parking lots and loading areas are not allowed between streets and public parks, plazas, or multi-use trails, including the Beltline, as specified in *Sec. XX. Beltline Overlay District*.

4. Demolition of Older Buildings for Parking

a. No structure that is 50 years of age or older may be demolished exclusively for the purpose of creating surface parking areas. All requests for demolition of buildings 50 years or older must include concept plans for redevelopment of the property in accordance with *Ch. 9. Administration*.

5. Electric Vehicle Charging

a. Where a parking lot or structure with 10 or more spaces is provided, 10% of the parking spaces must be equipped with conduit and electrical capacity to accommodate future installation of electrical vehicle charging equipment. 025

b. Where electrical vehicle charging equipment is provided, each space may count as 2 spaces toward the minimum parking requirement. Spaces must be marked and reserved for electric vehicle parking only.

#025

Posted by **apstillman** on **12/30/2025** at **10:00am** [Comment ID: 1763] - Link

Question

Agree: 0, Disagree: 0

Does this mean that electical vehicle charging will no longer be required for single family homes?

> Reply by **SiteAdmin** on **12/30/2025** at **12:40pm** [Comment ID: 1786] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This does not change the standards of Sec. 101.9. - ELECTRIC VEHICLE CHARGING INFRASTRUCTURE READINESS REQUIREMENT FOR NEW RESIDENTIAL CONSTRUCTION. However, single-family homes are not required to provide any parking in PZ1 and PZ2 today and as proposed.

6. Transportation Management Plan (TMP)

A TMP is required only for Developments of Regional Impact (DRI), except within Legacy Districts, where a TMP is required for all applicable development, DRI or otherwise.

7. Alternative Parking Allowance

The minimum required parking may be reduced through one or more of the following approved alternative parking strategies. Director approval is required only when the reduction is achieved through the provision of affordable housing.

a. Senior Housing

A residential use specifically for seniors 55 and older or persons with disabilities may reduce the minimum required parking to 0.25 spaces per dwelling unit or bedroom.

b. Affordable Housing

A residential use providing development that includes affordable housing meeting the requirements of *Sec. XX. Affordable Housing* may reduce the minimum required parking to 0.25 spaces per dwelling unit.

c. Small Commercial Spaces

Commercial uses with a footprint of less than 1,200 square feet are exempt from minimum parking requirements.

d. Mixed Use

The Director may grant a reduction of the minimum parking requirement in a mixed use development provided one of the followings standards is met:

i. The development includes uses with different peak hour parking demands or operating hours; or

ii. The development includes commercial uses that serve on-site residents or employees.

e. Shared Parking

Shared parking facilities may be used to meet the minimum parking requirement for multiple uses that are located near one another with different peak demands or operating hours provided that the following standards are met:

i. The shared parking facility may be on-site or off-site;

ii. If the shared parking facility is off-site, it must meet the remote parking standards below;

iii. Participating uses have mutually exclusive periods of peak parking demand; and

iv. The applicant provides a written agreement between the property owners, to be recorded with City, guaranteeing the use of the shared parking area.

f. Remote Parking

Remote parking facilities, which provide vehicle storage and off-site parking for nearby uses, may be used to satisfy or reduce the minimum parking requirements for those uses, provided the following standards are met:

i. Remote parking facilities must be located within a zoning district of equal or higher FAR than the zoning district of the associated use. Remote parking may not be located in a zoning district of lower FAR.

ii. The Director may approve an alternative parking allowance utilizing a remote parking facility, provided the facility is located no more than 1,200 feet from the primary entry of the associated uses;

iii. The owner or operator of the associated use must maintain a recorded lease or shared parking agreement for the remote parking facility demonstrating exclusive or guaranteed access to the required number of spaces.

g. Proximity to Transit

When a lot is within 1/2 mile walking distance of a high-capacity transit station lot or entry, the lot may apply the parking requirements of Parking Zone 1 (PZ1).

h. Shuttle Services

For temporary events, such as construction or special events, reduced parking requirements may be permitted if a shuttle service or other equivalent transportation alternative is provided to ensure reasonable access and minimize parking demand on-site.

i. Location-Specific Parking Requirements

Note 1/7/26: This is incorrect.Th 026 standards app the area bounded by 16th St NW, Tech-wood Dr NW, 10th St NW, and Northside Dr NW This will be corrected.

The following additional minimum parking standard applies to Neighborhood-Scale Form Districts in the area bounded by Fowler Street NW, 14th Street NW, Mecaslin Street NW, and State Street NW.

i. All household living units must provide at least 1 vehicle parking space per bedroom.

D. Measurement

1. Required parking spaces are calculated as the sum of all required spaces for each principal use on a lot, accounting for all floor area on a site.

2. When the application of these regulations results in a fraction, fractions of 1/2 or more are counted as 1 space.

3. Walking distance is measured according to *Sec. XX. Walking Distance*.

E. Relief

1. A reduction of up to 10% from the vehicle parking standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A reduction of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

#026

Posted by **Anton Gudiswitz** on **02/10/2026** at **11:28pm** [Comment ID: 1951] - Link

Suggestion

Agree: 0, Disagree: 0

Requiring 1 space per bedroom exclusively in Home Park is bad policy and terrible precedent. Does every neighborhood now get to decide to require tons of parking? 1 space per BEDROOM is way more than currently required in most single-family districts and many multifamily zones.

This really shuts down new student housing from being built and gives more power to the slumlords who prey upon high-turnover Georgia Tech students.

> Reply by **SiteAdmin** on **02/11/2026** at **10:08am** [Comment ID: 1953] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your feedback.
>
> As a bit of background, this is current law, as established in SPI 8, and has been since (presumably) 1977.

3. A reduction beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.3.5. Vehicle Parking Design

A. Intent

To ensure parking lots are designed to create safe, comfortable, and attractive environments for users and pedestrians, while also mitigating negative environmental effects through landscaping and surface design.

B. Applicability

1. Vehicle parking design standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. All parking lots or parking structures, when parking is provided, must meet the vehicle parking design standards.

C. Standards

1. General

a. All portions of a parking lot or parking structure must be accessible by vehicles to all other portions of the parking lot or structure without requiring the use of a street, except for an alley.

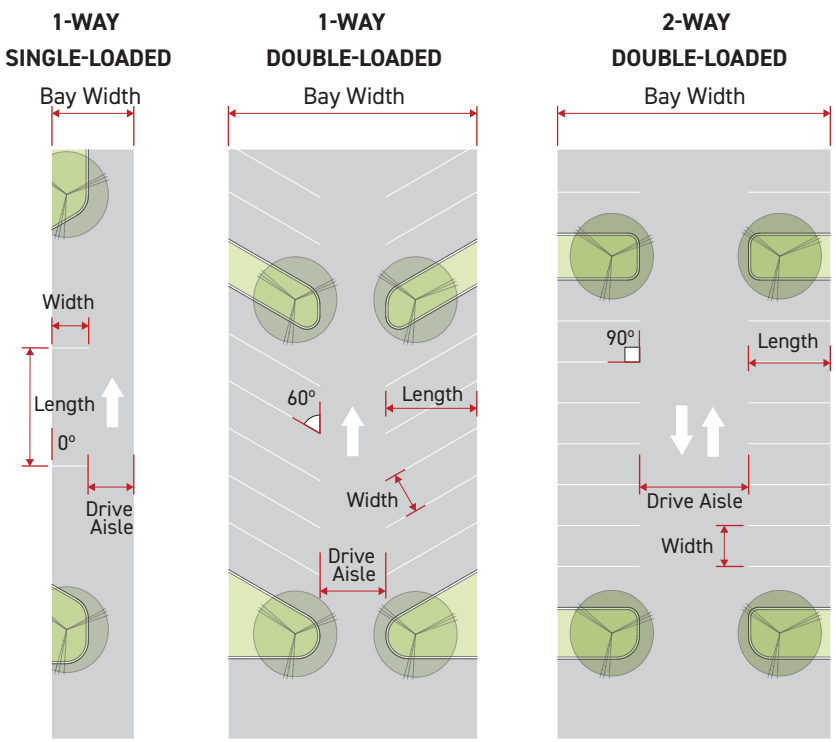
b. Each parking space must be located so that no vehicle is required to back onto any sidewalk or street, except for an alley, or sidewalk to leave the parking space.

c. Full and permanent parking space delineation is required. Delineation my include striping, wheel stops, curbing, or other similar permanent material which can clearly define and delineate parking spaces. Full parking space delineation means clear markings for all 3 sides of a space.

2. Spaces and Drive Aisles

a. Parking spaces and drive aisles must meet the following minimum dimensions:

	Standard Space		Compact Space		One-Way Drive		Two-Way Drive	
Angle	Width	Length	Width	Length	Drive Aisle	Bay Width	Drive Aisle	Bay Width
0°	7.5′	22′	7.5′	20′	12′	19.5′	24′	39′
60°	8.5′	20′	8′	18′	17′	57′	--	--
90°	8.5′	18′	8′	16′	--	--	24′	60′



b. Compact parking spaces may be used in place of a standard size space if the following requirements are met:

   i. The total number of compact car spaces may not exceed 25% of the total number of required parking spaces.

   ii. All compact parking spaces must be clearly and visibly designated and striped.

3. Lighting

Parking lot and parking structure lighting must meet the standards in *Div. XX. Lighting.*

4. Electric Vehicle Charging

a. Electric vehicle charging equipment, including pedestals, bollards, or cables may not encroach into drive aisles or pedestrian walkways.

b. Electric vehicle charging equipment may not contain advertising signage that is visible from a public right-of-way.

c. Transformers and other utility equipment associated with electric vehicle chargers must be screened from the public right-of-way according to *Sec. XX. Frontage Screens.*

5. Parking Lot Landscaping

a. General

Parking lots must be landscaped according to City of Atlanta Code of Ordinances, Section 158-61. Parking Lot Planting Requirements.

b. Perimeter Landscaping

i. A transition screen may be required between the vehicle use area and a common lot line, see *Sec. XX. Transition Screens* for requirements.

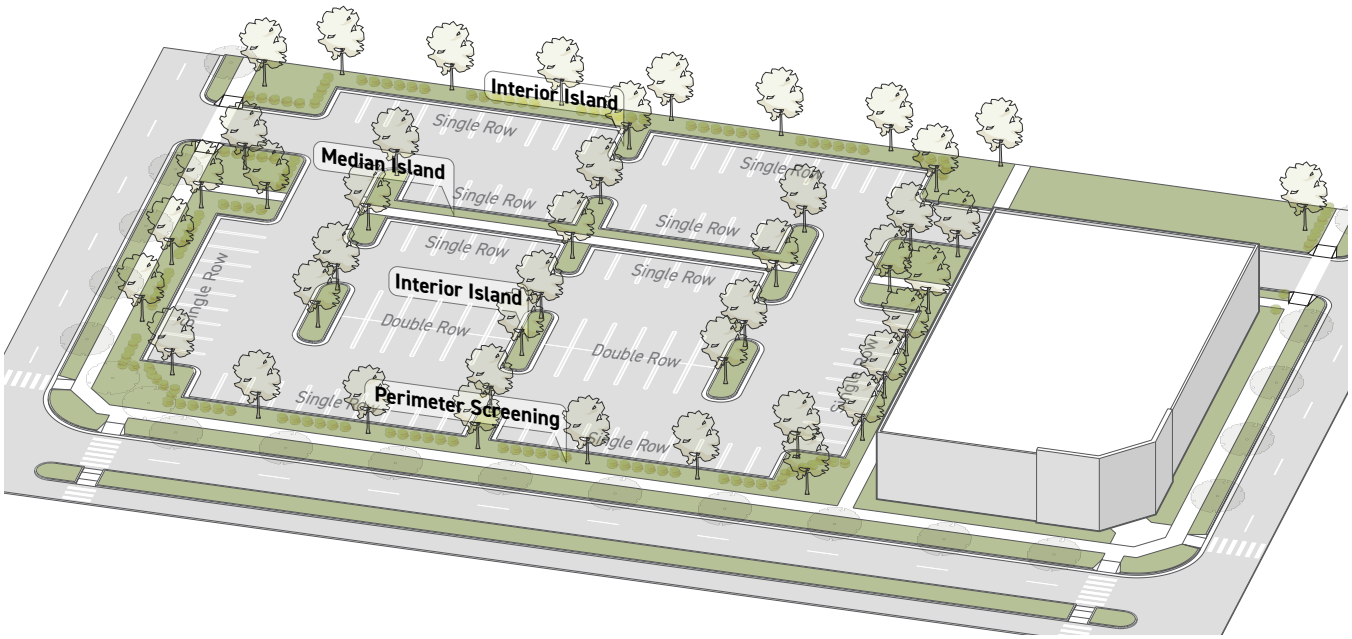
ii. A frontage screen may be required between the vehicle use area and street lot line, see *Sec. XX. Frontage Screens* for requirements.

c. Median Islands

i. A landscape median island must be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees.

ii. A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 12 feet wide.

iii. A median island must contain shrubs or ground cover plantings for full coverage of the island at the time of maturity.



6. Parking Structure Screening

Where a parking structure is adjacent to a residential property or faces a public right-of-way, it must be screened with permanent screening materials that meet the following standards:

a. The screen may not have an opacity less than 60%;

b. The screening material must be similar in character to the architectural character of building. Chain link fencing is prohibited;

c. Openings in the screen must be 4 inches or less in one dimension, except for openings providing pedestrian or vehicular access;

d. Screen openings accommodating vehicle access can be no wider than the maximum allowed driveway width allowed by the zoning district; and

e. Screen openings accommodating pedestrian access can be no wider than 8 feet for each pedestrian passageway. Where an opening accommodates both pedestrians and vehicles, the maximum allowable opening is 8 feet greater than the maximum allowed driveway width.

f. For the purposes of this Code, the Beltline is considered a public right-of-way. Accordingly, all parking structures, particularly parking decks, facing the Beltline must be screened in compliance with the standards of this Section.

D. Measurement

1. Parking Angle

The angle measured from the long edge of a parking space to the drive aisle.

2. Parking Space Width

The distance measured between opposite sides of the shortest dimension of a parking space.

3. Parking Space Length

The distance measured between opposite ends of the longest dimension of a parking space.

4. Bay Width

The distance measured between 2 rows of parking spaces and the drive aisle in-between, or for a single row, the distance between a row of parking spaces and the end of the drive aisle.

5. Drive Aisle

The distance measured from the edge of one row of parking to the edge of the opposite row of parking. If there is only one row of parking spaces, then the paved surface for a vehicle to drive on must meet the minimum drive aisle width.

6. Interior and Median Island Width

Interior and median island width is measured as the narrowest horizontal dimension of the planted area, from one planted edge of the island to the opposite planted edge, excluding any curbs.

E. Relief

1. A change of up to 10% from the vehicle parking design standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance.*

Sec. 8.3.6. **Vehicle Use Areas**

A. Intent

To ensure vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

B. Applicability

1. Vehicle use area standards are based on the proposed project activity.
2. Vehicle use area standards apply to all portions of a lot designed and intended for use by vehicles, including areas used for circulation, maneuvering, loading, staging, queuing, service, and areas to be used for the sale or storage of vehicles.
3. Parking lots and structures are excluded from the vehicle use area requirements; see *Sec. XX. Vehicle Parking Design* for parking lot and structure standards.
4. Any project with on-site loading areas must comply with the loading standards.
5. Any project with an on-site drive-thru or control gate must comply with the stacking space standards.

C. Standards

1. General

a. Vehicle use area surfacing must meet the standards in *Sec. XX. Vehicle Parking Design.*

b. A transition screen may be required between the vehicle use area and a common lot line, see *Sec. XX. Transition Screens* for requirements.

c. A frontage screen may be required between the vehicle use area and street lot line, See *Sec. XX. Frontage Screens* for requirements.

d. Vehicle use area lighting must meet the standards in *Div. XX. Lighting.*

2. Loading

a. Adequate space must be made available on-site for the unloading and loading of goods, materials, items, or stock for delivery and shipping. Unless otherwise modified by the Director, on-site loading spaces must be provided as follows:

Use	Loading Spaces (min)
Residential Uses	
Up to 50 dwelling units	None
51 to 200 dwelling units	1
Above 200 dwelling units	2
All other uses	
Up to 15,000 SF of gross floor area	None

#027

Posted by **apstillman** on **12/30/2025** at **10:14am** [Comment ID: 1764] - Link

Question

Agree: 0, Disagree: 0

Does 8.3.6 apply to House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts? The lack of an exmptions such as that in 8.3.7 for buildings with less than 4 dwelling units implies that it does

> Reply by **SiteAdmin** on **12/30/2025** at **12:46pm** [Comment ID: 1788] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes, it would. Remember, House-Scale and Neighborhood-Scale are Form Districts - they do not control use. Some are likely to be combined with Use Districts that allow non-residential uses, such as schools, religious assembly, and limited commercial.

15,001 - 250,000 SF of gross floor area	1
Above 250,000 SF of gross floor area	2

b. On-site loading spaces must be a minimum of 35 feet in length and 12 feet in width.

c. On-site loading spaces are not allowed on storefront streets.

d. On- site loading spaces must be located to the rear or side of buildings. The Director may allow loading spaces in the front of buildings only if no other areas on-site can feasibly accommodate loading spaces and the loading spaces meet all other standards of this Section.

e. On-site loading spaces must be located on a paved or pervious, dust-free surface designed to prevent spillage or discharge of materials onto adjacent properties or the public right-of-way.

f. On-site loading and unloading activities may not encroach on or interfere with streetscapes, multi-use trails and bike lanes, driveways, stacking spaces, or parking lots, but may occur within drive aisles, provided they do not impede traffic flow.

g. Where the Director determines that an on-street loading space is abutting or located within 200 feet walking distance of the lot it serves, that space may be counted toward satisfying the minimum loading requirements.

h. Buildings built before 1965 are not required to meet minimum loading requirements.

3. Stacking

a. Unless otherwise expressly modified by the Director, off-street stacking spaces must be provided as follows:

Activity Type	Stacking Spaces (min)
Food and beverage drive-thru	
On-site ordering	8
Off-site ordering (pick-up only)	5
ATM or retail bank	3
Pharmacy	3
Any other drive-thru	3

b. Each stacking space must be a minimum of 20 feet in length and 10 feet in width.

c. Stacking spaces are not permitted between the building and a street lot line.

d. Stacking spaces may not encroach on or interfere with sidewalks, multi-use trails, driveways, drive aisles, loading areas, or parking lots.

e. Where deemed necessary by the Director for traffic movement and safety, stacking spaces must be separated from other internal driveways by raised medians or other fixed barriers.

f. An "escape lane" or aisle, measuring 10 feet in width, must be provided adjacent to the stacking lane where deemed appropriate by the Director.

g. Lots that include off-site ordering (pick-up only) must provide the number of stacking spaces required by the use as dedicated parking spaces for customer pick-up.

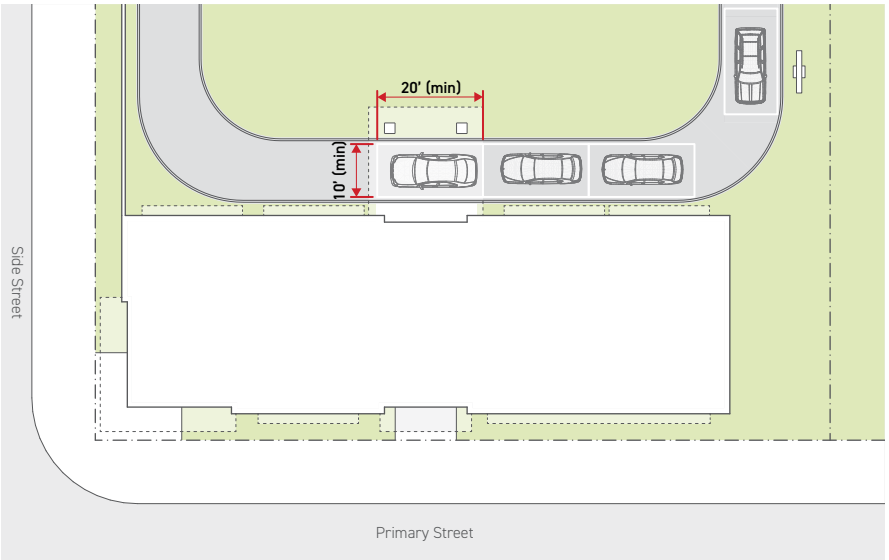
D. Measurement

1. Stacking Space Length

Stacking space length is measured parallel to the drive-thru lane from one end to the opposite end of the queuing space.

2. Stacking Space Width

Stacking space width is measured perpendicularly to the queuing space length from one end to the opposite end of the queuing space.



E. Relief

1. A change of up to 10% from the vehicle use area standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A reduction of 1 loading space and a change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation.*

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.3.7. Bicycle Parking

A. Intent

To promote bicycling as an alternative to automobile transportation and help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

B. Applicability

1. Bicycle parking standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Bicycle parking standards apply to all lots and the allowed uses in *Ch. XX. Use Districts.*
3. Buildings with up to 4 dwelling units are not required to provide short or long-term bicycle parking.
4. Dwelling units with individually accessed private garages are not required to provide long-term bicycle parking.

C. Standards

1. Required Bicycle Parking

Bicycle parking must be provided in accordance with the following table:

029

Uses	Spaces Required	
	Short-Term Spaces	Long-Term Spaces
Residential		
Purpose-built student housing	1 per 20 bedrooms 2 min, 10 max	1 per 5 bedrooms 2 min
All residential uses	1 per 20 dwelling units, 2 min, 10 max	1 per 10 dwelling units, 2 min
Nonresidential		
Office uses	1 per 8,000 SF, 2 min; 10 max	1 per 8,000 SF, 2 min
Lodging uses	1 per 40 rooms 2 min, 10 max	None
All other uses	1 per 4,000 SF, 2 min, 10 max	None

032 033 028

2. Bicycle Facilities

a. General

i. Bicycle parking must be directly accessible from a street lot line without the use of an elevator or stairs.

031

ii. Bicycle parking must consist of bicycle racks that support the bicycle frame at two points.

030

iii. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.

#028

Posted by **Matthew** on **04/07/2026** at **5:14pm** [Comment ID: 2613] - Link
Suggestion
Agree: 0, Disagree: 0
The bicycle parking requirements are too weak for a city that wants biking to be a real transportation option. I recommend requiring bicycle parking for small multifamily buildings, adding long-term bike parking for more nonresidential uses, and strengthening e-bike-ready infrastructure.

#029

Posted by **Ben Valente** on **03/31/2026** at **11:19pm** [Comment ID: 2431] - Link
Suggestion
Agree: 0, Disagree: 0
Consider increased bicycle parking requirements within the BLO

> Reply by **SiteAdmin** on **04/01/2026** at **2:15pm** [Comment ID: 2463] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#030

Posted by **Thad Oviatt** on **03/29/2026** at **9:04am** [Comment ID: 2376] - Link
Suggestion
Agree: 0, Disagree: 0
Parkent Cycles secure e-bike charging kiosks qualify for this requirement. The actually lock your frame and one wheel for you!

> Reply by **SiteAdmin** on **03/30/2026** at **1:48pm** [Comment ID: 2403] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you. Please see comment above.

#031

Posted by **Thad Oviatt** on **03/29/2026** at **9:00am** [Comment ID: 2375] - Link
Suggestion
Agree: 1, Disagree: 0
Bicycle Parking should not be limited to bicycle racks! There is new technology developed in Atlanta, Georgia to be used! Parkent Cycles, manufactures secure e-bike charging kiosks right here in Georgia. Beyond simple bicycles and e-bike parking, these kiosks act as economic catalysts:
- Economic Impact: Boost local foot traffic and retail activity by approximately 40%.
- Risk Mitigation: Utilize fire-safe, external trickle charging that can reduce property insurance premiums by up to 15%.

- Local Innovation: Our technology is patented and manufactured in-state..
- Security: Each kiosk locks the bicycle's and e-bike's frame and one wheel.
- Charging: Each kiosk can power anything from a cell phone to a golf cart.

> Reply by **SiteAdmin** on **03/30/2026** at **1:46pm** [Comment ID: 2402] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will add language specifying that the Director can approve alternatives.

#032

Posted by **Jake Derry** on **03/28/2026** at **9:28pm** [Comment ID: 2355] - Link
Suggestion
Agree: 10, Disagree: 0
I suggest removing these maximums for bike parking. There is no reason to include the maximum. These maximum do not factor in effects in areas where biking becomes a serious form of transportation. Additionally, it does not fix an actual issue. Why would a developer add a bunch of bike parking spots that they don't believe will be useful?

> Reply by **SiteAdmin** on **03/29/2026** at **8:49am** [Comment ID: 2373] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestions.
>
> This provision is intended to establish a maximum requirement, not a cap on the number of spaces that may be provided. We will clarify this point.
>
> These requirements are calculated on a per-building basis and often involve the installation of short-term bicycle parking within the public right-of-way. On narrow lots—particularly those with high-rise towers—it is physically impractical to accommodate additional spaces within the streetscape.

#033

Posted by **Ben Valente** on **03/31/2026** at **11:14pm** [Comment ID: 2430] - Link
Suggestion
Agree: 0, Disagree: 0
Recommend to survey current student housing owners to assess their bike parking utilization rates. With the Beltline growth and recently completed bike infrastructure, it would be good to ensure this standard is meeting current and future demand.

> Reply by **SiteAdmin** on **04/01/2026** at **2:16pm** [Comment ID: 2464] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

We are currently assessing all bike parking standards

iv. If bicycles can be locked to each side of the rack, each side can be counted as a required space.

v. Where long-term bicycle parking is required, at least 40% of the provided spaces must allow bicycles to be secured without lifting them off the floor. This will ensure that bicycle facilities can accommodate heavier bicycles, e-bikes, and users with limited mobility or other physical constraints.

vi. Spacing of bicycle racks must provide clear and maneuverable access.

vii. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3 %. Racks must be securely anchored to a permanent surface.

viii. Bicycle parking must be provided in a well-lit area.

ix. When bicycle parking is located adjacent to the pedestrian zone, the bicycle parking space may not obstruct or encroach into the minimum required pedestrian zone.

b. Short-Term Bicycle Parking

i. Short-term bicycle parking must be publicly accessible and located inside or in an area within 100 feet from the building it serves.

ii. Short-term bicycle parking may be located within the public right-of-way subject to approval of an encroachment permit for use of the public right-of-way.

iii. Business operators or property owners who choose to install bicycle parking within the public right-of-way are responsible for maintaining the racks.

iv. Any site located within 500 feet of a publicly funded bicycle corral may count up to 2 bicycle parking spaces within the bicycle corral toward their required short-term bicycle parking.

c. Long-Term Bicycle Parking

i. Long-term bicycle parking offers a secure and weather protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours.

ii. Long-term bicycle parking is required to be covered and must include use of one of the following:

a) A locked room;

b) A bicycle locker;

c) An area enclosed by a fence with a locked gate;

d) An area within view of an attendant or security guard or monitored by a security camera; or

e) An area visible from employee work areas.

#034

Posted by **Thad Oviatt** on **03/29/2026** at **9:08am** [Comment ID: 2378] - Link
Suggestion
Agree: 0, Disagree: 0
By deploying a Parkent Cycles secure e-bike charging kiosk the business would mainting the bicycle parking for the property owners with a signed contract for maintenance and service.

#035

Posted by **Jake Derry** on **03/28/2026** at **9:40pm** [Comment ID: 2357] - Link
Suggestion
Agree: 5, Disagree: 0
This doesn't account for if the spaces are already claimed. If there is already a site that has used those corral spaces towards their short-term bicycle parking, another site should not be allowed to use those.

> Reply by **SiteAdmin** on **03/29/2026** at **8:44am** [Comment ID: 2372] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for suggestion.
>
> This standard is intended to support existing initiatives for a more wholistic, district-based approach to bicycle parking.
>
> > Reply by **Jake Derry 1** on **03/29/2026** at **1:39pm** [Comment ID: 2382] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > But does this account for the issue I outlined? Would the same businesses be allowed to claim the same spots?
> >
> > > Reply by **SiteAdmin** on **03/30/2026** at **1:38pm** [Comment ID: 2399] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Yes, public bicycle racks are intended to be shared by multiple uses and are not allocated to a given use.
> >
> > > Reply by **Ben Valente 1** on **03/31/2026** at **11:38pm** [Comment ID: 2432] - Link
> > > *Question*
> > > *Agree: 0, Disagree: 0*
> > > I don’t have an issue with this so long as the City’s own bike parking team is extremely proactive in installing ample bike racks along stretches where this mechanism is likely to be used, main streets with dense clusters of small business. How likely is

that going to be?

#036

Posted by **Jake Derry** on **03/28/2026** at **9:42pm** [Comment ID: 2358] - Link
Suggestion
Agree: 7, Disagree: 0
Bike theft from these long-term bicycle parking sites are common in midtown. As someone who has had a bike stolen from a locked room, I would say that there should be requirement that all long term bicycle parking is monitored by security camera.

> Reply by **SiteAdmin** on **03/29/2026** at **8:40am** [Comment ID: 2371] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestions.

#037

Posted by **Thad Oviatt** on **04/07/2026** at **9:32am** [Comment ID: 2582] - Link
Question
Agree: 0, Disagree: 0
Is e-bike parking short-term parking being combined in with general bicycle parking? Does this carry over to scooters, and other light electric vehicles?

> Reply by **SiteAdmin** on **04/07/2026** at **10:52am** [Comment ID: 2587] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes, e-bikes and bicycles are the same thing. Personal scooters may also use bicycle parking, as is frequent across Atlanta today.

#038

Posted by **Jake Derry** on **03/28/2026** at **9:35pm** [Comment ID: 2356] - Link
Suggestion
Agree: 10, Disagree: 0
100 ft is a large distance. Short-term bicycle parking should be very close to an entrance especially for retail. What prevents them from putting the bike parking in a parking lot behind the building? There's no use if it's hard to find. There should be a specific rule to say it should be close to an entrance and visible from a public ROW. They should have an option to provide signage if that's not possible but there should still be a limit on the distance required to travel from the public ROW to the parking.

> Reply by **SiteAdmin** on **03/29/2026** at **8:55am** [Comment ID: 2374] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

In an urban context, where buildings abut one another along both sides, access to the rear of a building is often not available. Additionally, the code requires the primary entrance to be located along the street, which places bicycle parking near that entrance.

Please also note that the 100-foot provision applies only to sites with multiple buildings. Where a site contains a single building, short-term bicycle parking must be located in front of the building, except as otherwise provided below for bicycle corrals.

Reply by **Jake Derry 1** on **03/29/2026** at **1:52pm** [Comment ID: 2384] - Link
Question
Agree: 2, Disagree: 0
100ft remains a large distance. Would this provision for multi building properties to put parking in an area not visible from the street? Can you point me to where this document states that short term parking must be close the the entrance? What is the maximum distance?

Reply by **SiteAdmin** on **03/30/2026** at **1:51pm** [Comment ID: 2404] - Link
Answer
Agree: 1, Disagree: 0
We will clarify this to specify primary pedestrian entrance.

#039

Posted by **Ben Valente 1** on **03/31/2026** at **11:43pm** [Comment ID: 2433] - Link
Question
Agree: 0, Disagree: 0
No hyphen when connecting adverbs ending in ly to adjectives. And does the City keep track of which bike racks are publicly funded? What about those installed in the ROW but funded by private businesses or non-profits that are intended for general public use untethered to a specific store?

Reply by **SiteAdmin** on **04/01/2026** at **2:12pm** [Comment ID: 2462] - Link
Answer
Agree: 0, Disagree: 0
Thanks. This was an oversight from the existing code.

Please reach out to ATL DOT for a current list:
https://atldot.atlantaga.gov/services-2/riding-bikes-and-scooters

041

iii. Long-term bicycle parking must provide electrical outlets to serve at least 10% of the required number of spaces.

iv. The bicycle parking area must be located inside or in an area within 200 feet of the building it serves.

d. Showering Facilities

i. Buildings containing 50,000 square feet of office uses must provide showering facilities and lockers at a ratio of 2 showering facilities for every 50,000 square feet of gross floor area.042

ii. The showering facilities must be available to office tenants and employees.

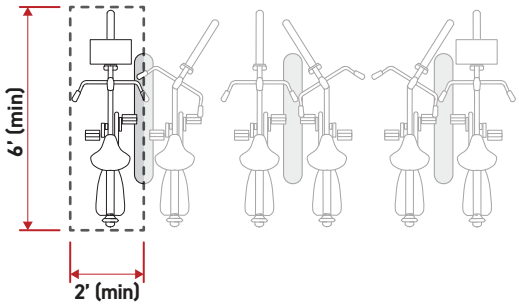
D. Measurement

1. When the application of these regulations results in a fraction, fractions of 1/2 or more are counted as 1 space.

2. Distance is measured in walking distance from the nearest point of the bicycle rack to the primary entrance of the use served.

040

3. Bicycle parking spaces must be a minimum of 2 feet wide and 6 feet long.



E. Relief

1. A change of up to 10% from the bicycle parking standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

#040

Posted by **Thad Oviatt** on **03/29/2026** at **9:11am** [Comment ID: 2379] - Link
Suggestion
Agree: 0, Disagree: 0
Each one of the Parkent cyles Kiosks is 4 feet wide on purpose because the service 2 bicycles/e-bikes. They adhere to the measuremtn requirement.

#041

Posted by **Thad Oviatt** on **03/29/2026** at **9:18am** [Comment ID: 2380] - Link
Question
Agree: 2, Disagree: -1
Is this the ONLY reference to eletric bicycle parking and charging? I ask because currently almost every bicycle shop in Atlanta, Georgia is selling electric bicycles. By not considering e-bikes parking and charging it is opening the property to liability of electrical fires caused by battery overcharging. Not to mention that electric cars have short term parking & charging at stations across the country but e-bike have none. There are now more e-bikes on the road than electric cars!

> Reply by **SiteAdmin** on **03/30/2026** at **1:41pm** [Comment ID: 2401] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This is the only reference in zoning. Ideally, standards only need to be on a code one time.
>
> Do you have a recommended ratio?
>
> > Reply by **Thad Oviatt 1** on **04/05/2026** at **3:44pm** [Comment ID: 2546] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > Given that almost every single bicycle shop in Atlanta, GA and across the United States is now selling electric bicycles as the #1 product, I'd say at least a 50% ratio. You have to understand every single major bicycle brand is now selling electric bicycles. That does not even count the scooters, one-wheels, e-unicycles, e-skateboards, cargobikes or pedicabs!
> >
> > > Reply by **SiteAdmin** on **04/06/2026** at **7:23am** [Comment ID: 2550] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your recommendation.

#042

Posted by **Jake Derry** on **03/28/2026** at **9:43pm** [Comment ID: 2359] - Link

Question

Agree: 0, Disagree: 0

Where did this ratio come from? What data did you pull from?

> Reply by **SiteAdmin** on **03/29/2026** at **8:40am** [Comment ID: 2370] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> These are current requirements. They were developed in collaboration with commercial owners many years ago.

DIVISION 8.4. **TRANSITIONS AND LANDSCAPING**

Sec. 8.4.1. **Transitions**

A. Intent

To improve the compatibility of new development with its surrounding context by managing the scale of development between adjacent lots with different zoning districts.

B. Applicability

1. Transition standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Transition standards apply to any portion of a lot with 150 feet of a protected district.
3. Transition standards apply along common lot lines where abutting lots have different zoning district designations.
4. Transition standards apply along lot lines that within 150 feet of a lot with a different zoning district designation.
5. Transition standards do not apply within a lot where a lot has a split zoning classification.

C. Standards

1. General

a. Where a lot shares a common lot line with a protected district, the contiguous transition standards apply.

b. Where a legacy alley separates a lot and a protected district, the contiguous transition standards apply.

c. Where a lot line is within 150 feet of a protected district but does not share a common lot line, the noncontiguous transition standards apply.

d. A district is considered protected anywhere a transition is required according to this Section.

e. Transition standards consist of requirements for yards and building heights near protected districts. Standards for yards include transition screening and building setbacks. Standards for building height include either transitional height planes (THP) or stepbacks to push the mass of the building away from protected districts.

f. Where more than one transition type is listed in the table, the applicant may choose which transition type to provide.

g. Where a use standard in *Sec. XX. Specific Use Standards* requires screening that conflicts with transition screening requirements, the more intensive requirement must be met.

h. Transitions are required as specified in the following table:

#043

Posted by **jessicahilltroutman** on **02/20/2026** at **9:11am** [Comment ID: 2026] - Link
Agree: 2, Disagree: 0
Same comment as above. Additionally, if one property is zoned to the I-1 equivalent and the other to the I-2 equivalent, this suggests transitional requirements are imposed.

#044

Posted by **Marie Acalin** on **04/04/2026** at **4:50pm** [Comment ID: 2513] - Link
Agree: 0, Disagree: 0
Protected residential districts should retain Type A transitional height plane

> Reply by **SiteAdmin** on **04/05/2026** at **1:11pm** [Comment ID: 2538] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.

#045

Posted by **jessicahilltroutman** on **02/20/2026** at **9:10am** [Comment ID: 2025] - Link
Agree: 0, Disagree: 0
Is this intended to impose a transitional yard where the property does not abut a protected district? For example, if a property was across the street from a protected district and has a streetscape and a build-to requirement, requiring a transition yard and screening would be in conflict. Clarify that the 150' distance refers to the height plane, not the yard and screening requirements.

> Reply by **SiteAdmin** on **02/20/2026** at **6:38pm** [Comment ID: 2035] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> It is intended to require all applicable standards, but effectively, this is only the height limits because the setback and landscapes are measured from the protected districts.
>
> We will seek to clarify this.

	Protected District			
District of Subject Lot	House-Scale (H-)	Neighborhood-Scale (N-)	Historic and Landmark Base Districts and Legacy Districts with Similar Densities and Uses to House-Scale or Neighborhood-Scale Districts	All Other Districts
House-Scale (H-)				
All districts	--	--		--
Neighborhood-Scale (N-)				
All districts	--	--		--
Urban General (UG-)				
UG-3, UG-5	Type A	Type A or Type B	Type A or Type B	--
UG-8	Type A	Type A or Type C	Type A or Type C	--
UG-15, UG-25	Type A	Type A or Type D	Type A or Type D	--
Urban Core (UC-)				
All districts	Type A	Type A or Type D	Type A or Type D	--
Workplace Flex (WX-)				
WX5	Type A	Type A or Type B	Type A or Type B	--
WX15	Type A	Type A or Type D	Type A or Type D	--
Workplace (W-)				
All districts	Type A	Type A or Type D	Type A or Type D	Typ or Typ
Special				
All districts	Type A	Type A or Type B	Type A or Type B	--
Historic and Landmark Base Districts				
All non-protected districts	Type A	Type A or Type B	Type A or Type B	--
Legacy Districts				
All non-protected districts	Type A	Type A or Type B	Type A or Type B	--

#046

Posted by **Jennifer 2** on **02/06/2026** at **11:04am** [Comment ID: 1923] - Link
Suggestion
Agree: 0, Disagree: 0
UG-3 should not be lumped in with UG-5. UG-3 should be Type A only - otherwise there is no THP...

#047

Posted by **Jennifer Friese** on **01/10/2026** at **3:23pm** [Comment ID: 1829] - Link
Suggestion
Agree: 1, Disagree: 0
N-1 (the old R4) is still a single family lot that allows one ADU, it should sit with the House Scale protected districts (old R1, R2 and R3) that require only Type A transitions - the Type B transitions will allow buildings that loom over the existing houses.

> Reply by **SiteAdmin** on **01/11/2026** at **9:29am** [Comment ID: 1835] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> We will review and discuss this standard adjacent to existing R4 districts.
>
> Lastly, please remember that this table does not apply to the existing SPI 16 (Midtown) adjoining Ansley Park. The existing Type A standards will apply as specified in the table on page 7-68.
>
> > Reply by **Jennifer Friese** on **01/18/2026** at **2:30pm** [Comment ID: 1847] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > Thank you. I suggested on the chart more specific language that only Type A THP is allowed.
> >
> > I do though think that the standard should not be changed from what is existing R1-R5 and LD, HD are protected districts warranting the THP - these districts (H1-H6, N1-N2b) should be Type A only. (I'm adding R5 since neighborhoods in Morningside and VH etc. would also be overwhelmed by the other types).
> >
> > > Reply by **dimmickph** on **01/22/2026** at **2:40pm** [Comment ID: 1871] - Link
> > > *Suggestion*
> > > *Agree: 1, Disagree: 0*
> > > I think you have a drafting problem if your intent was to retain the transitional height plane as it appears in the existing code

Sec 7.45 C [appears on page 7-97 in the redline version] which basically describes the new Type A THP. Your table here suggests the developer can chose Type A or B when a Neighborhood scale is against a Legacy District. On the table in the new code at 7-68 it simply says the building height is subject to a THP without specifying what type. If your intent is for Ansley Park to continue to enjoy the same THP at present, either page 7-68 or this page has to change.

Reply by **SiteAdmin** on **01/23/2026** at **12:13pm** [Comment ID: 1874] - Link

Answer

Agree: 1, Disagree: 0

Thank you for pointing this out. We will confirm the intended standard in the next draft.

Please note that, even with Type A, there is a difference from the current code, which measures the height plane AFTER REGRADING. ATL Zoning 2.0 Type A will measure height from the EXISTING GRADE.

#048

Posted by **steele145@comcast.net** on **04/08/2026** at **5:40pm** [Comment ID: 2742] - Link

Suggestion

Agree: 0, Disagree: 0

UG3 should only be allowed a Type A Transition

Reply by **SiteAdmin** on **04/09/2026** at **12:03pm** [Comment ID: 2773] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#049

Posted by **steele145@comcast.net** on **04/08/2026** at **5:40pm** [Comment ID: 2741] - Link

Suggestion

Agree: 0, Disagree: 0

R4 (new N1) is still a Single-family zone that allows ADUs – it should continue to be as protected from the massing of adjacent construction as the other single-family zones (R1-R-3 – new House Scale zones). They should continue to be protected by the traditional height plane ie. the Type A Transition with Medium Screening.

Reply by **SiteAdmin** on **04/09/2026** at **12:04pm** [Comment ID: 2775] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

#050

Posted by **Jennifer Friese** on **01/10/2026** at **3:28pm** [Comment ID: 1830] - Link

Suggestion

Agree: 2, Disagree: -1

This is quite shocking that what were once the most protected districts - Historic Site, Landmark Site, Historic District and Landmark District have been downgraded - these should also sit with House Scale & N1 and only allow Type A transitions when they are a House or Neighborhood scale - is this a mistake?

> Reply by **SiteAdmin** on **01/11/2026** at **9:20am** [Comment ID: 1834] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Today, transition requirements do not apply adjacent to all historic or landmark districts. The proposed change applies the otherwise applicable Form District transition standards to historic and landmark districts as well.
>
> This distinction is important because historic and landmark districts vary widely in both use and scale. Some districts permit substantial intensity. For example, the Poncey-Highland Historic District allows high-rise development along the Eastside Beltline, and several other historic districts permit mid- and high-rise buildings.
>
> > Reply by **Jennifer Friese** on **01/18/2026** at **4:23pm** [Comment ID: 1848] - Link
> >
> > *Suggestion*
> >
> > *Agree: 1, Disagree: 0*
> >
> > I think these should be broken into two categories:
> >
> > HD, LD district similar to House Scale or Neighborhood Scale N1-N2B are the most protected districts with Type A
> >
> > HD, LD district similar to all other Neighborhood Scale districts can have the choice of Type A or...
> >
> > > Reply by **SiteAdmin** on **01/20/2026** at **12:37pm** [Comment ID: 1860] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Thank you for your suggestion.
> > >
> > > Upon review of the zoning map, there are only two locations where a House Scale or Neighborhood Scale Historic or Landmark base district directly abuts a more intense zone: 1. where King District SA2 abuts the rear or Arline Street; and 2. where Druid Hills SA3 abuts the UG3A sites on Briarcliff Road. Both areas included recent development with no transition.

The vast majority of Historic and Landmark districts are overlays with an underlying House-Scale or Neighborhood-Scale classification.

Reply by **Jennifer 4** on **02/10/2026** at **8:58am** [Comment ID: 1947] - Link

Suggestion

Agree: 0, Disagree: 0

What about Atkins Park, Inman Park, and Grant Park? When I look at the map I see lots of instances where their residential subareas abut UG3, UG5 etc. that are outside the district. These HD residential subareas were equivalent to R5 (now N2a, N2b, N4) - these are houses that allow 2 primary dwellings and they look like single family homes. We need to take care that they are not overwhelmed by adjacent new development and continue to have the protection of a Type A Transition.

Reply by **SiteAdmin** on **02/11/2026** at **10:37am** [Comment ID: 1955] - Link

Answer

Agree: 0, Disagree: 0

Grant Park, Inman Park, Atkins Park, West End, Oakland City, etc. are not subject to this provision because they are historic overlays. Therefore, the underlying zoning determines the "protected districts."

Reply by **Jennifer 5** on **02/11/2026** at **1:50pm** [Comment ID: 1959] - Link

Suggestion

Agree: 0, Disagree: 0

Right, but my point is that currently their underlying zoning is R5 with requires a traditional THP - in Zoning 2.0 the underlying zoning is N2 or N4 which no longer requires the typical THP which most closely resembles a Type A Transition but adjacent development could also choose a Type B etc. transition which allows more massing to shift toward the subject property than a traditional THP.

#051

Posted by **jessicahilltroutman** on **02/20/2026** at **9:17am** [Comment ID: 2027] - Link

Agree: 0, Disagree: 0

Why do W districts have transitions to all districts? Industrial districts should not have transition requirements from other industrial districts.

Reply by **SiteAdmin** on **02/20/2026** at **6:43pm** [Comment ID: 2036] - Link

Answer

Agree: 0, Disagree: 0

There is only one W district, so W1-I1 would never abut a "W2" because it doesn't exist.

This said, we will clarify this in case a W2 Form District is ever created.

Reply by **jessicahilltroutman** on **03/03/2026** at **3:15pm** [Comment ID: 2141] - Link

Agree: 0, Disagree: 0

The concern is that a lot zoned W1 district abutting another lot zoned W1 would impose transitional requirements based on the chart. Is that the intent?

Reply by **SiteAdmin** on **03/04/2026** at **9:29am** [Comment ID: 2155] - Link

Answer

Agree: 0, Disagree: 0

Please see the introductory provisions, which read:

Transition standards apply along common lot lines where abutting lots have different zoning district designations.

Transition standards apply along lot lines that are within 150 feet of a lot with a different zoning district designation.

In order to ensure that "zoning district" is not interpreted as a different Use District, we will specify that, such that there is no transition required between W1-I1 and W1-I2.

#052

Posted by **Elizabeth Hollister** on **04/08/2026** at **9:12pm** [Comment ID: 2751] - Link

Suggestion

Agree: 0, Disagree: 0

The W- district seems to be oriented towards areas that today are zoned I-1 and I-2. Currently those zoning categories have transitional requirements only where abutting certain low intensity residential districts and their equivalents. We'd like for this requirement for Type A or D transitions when abutting all other districts be removed.

Reply by **SiteAdmin** on **04/09/2026** at **11:42am** [Comment ID: 2765] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your suggestion.

Others have pointed this out as well. It will be fixed to reflect current standards.

#053

Posted by **Sue Olszewski** on **04/04/2026** at **4:29pm** [Comment ID: 2505] - Link

Agree: 0, Disagree: 0

R1-R-5, HD/S, LD/S (House Scale, N1-N2b, N4) should continue to be protected by the transition height plane, ie. the Type A Transition with Medium Screening. The other choices do not prevent new development from looming over existing houses.

R4(new N1) is still a Single-family zone that allows ADUs. It should continue to be protected from massing of adjacent construction as the other single-family zones (R1-R3-new House Scale zones).

Do not demote R4, R5, HD/S to a less protected transition categor for adjacent development.

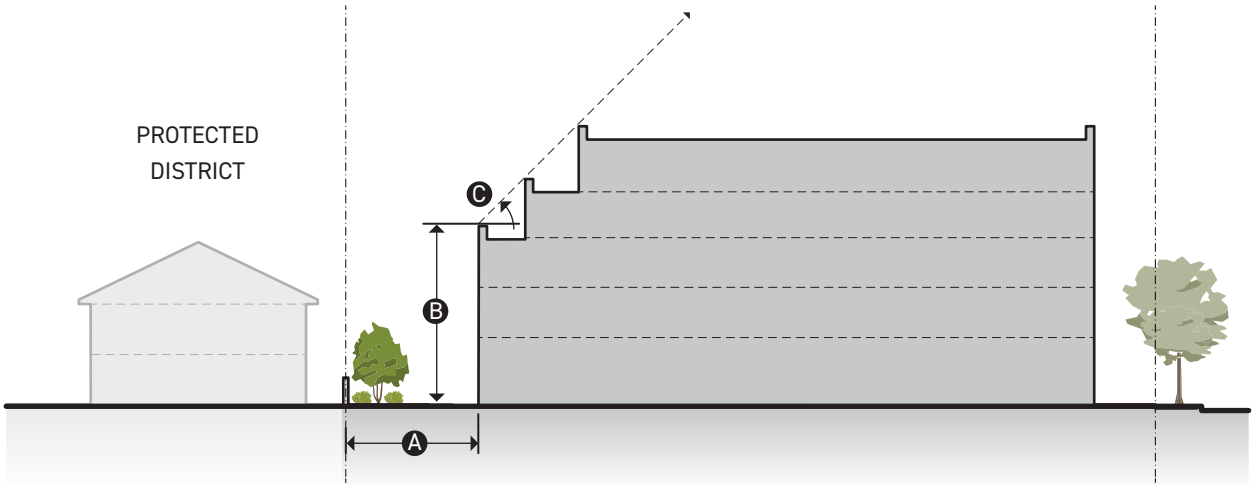
UG3 should only be allowed a Type A Transition.

> Reply by **SiteAdmin** on **04/05/2026** at **1:03pm** [Comment ID: 2533] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

2. Transition Types

TRANSITION TYPE A

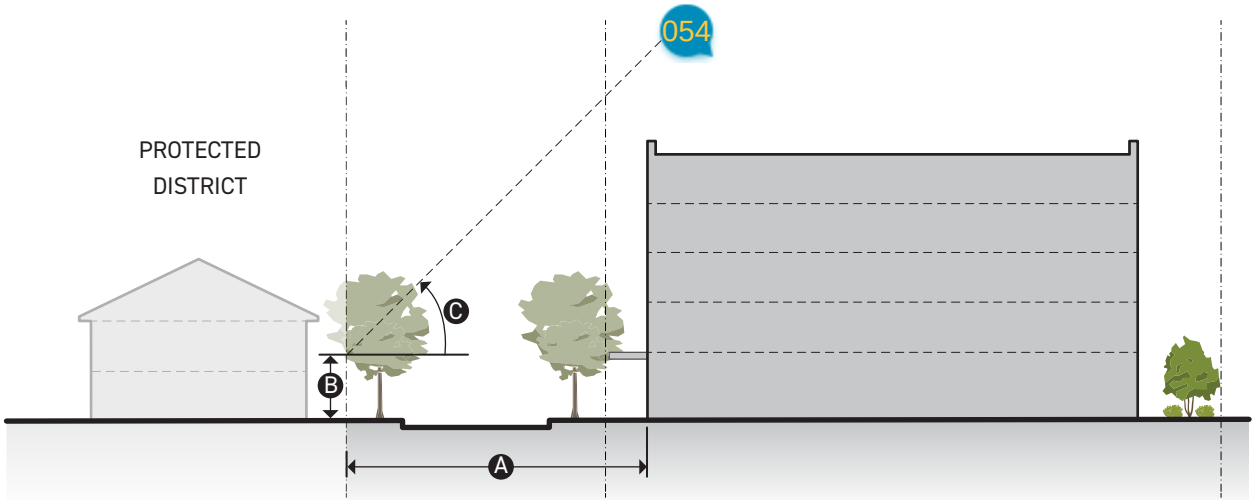
CONTIGUOUS



TRANSITION YARD	
Transition screening	Medium
A Building setback (min)	20′

TRANSITION HEIGHT	
B THP height (min)	35′
C THP angle	45°

NONCONTIGUOUS



TRANSITION YARD	
Transition screening	None
A Building setback (min)	20′

TRANSITION HEIGHT	
B THP height (min)	15′
C THP angle	45°

#054

Posted by **jessicahilltroutman** on **03/03/2026** at **3:10pm** [Comment ID: 2140] - Link

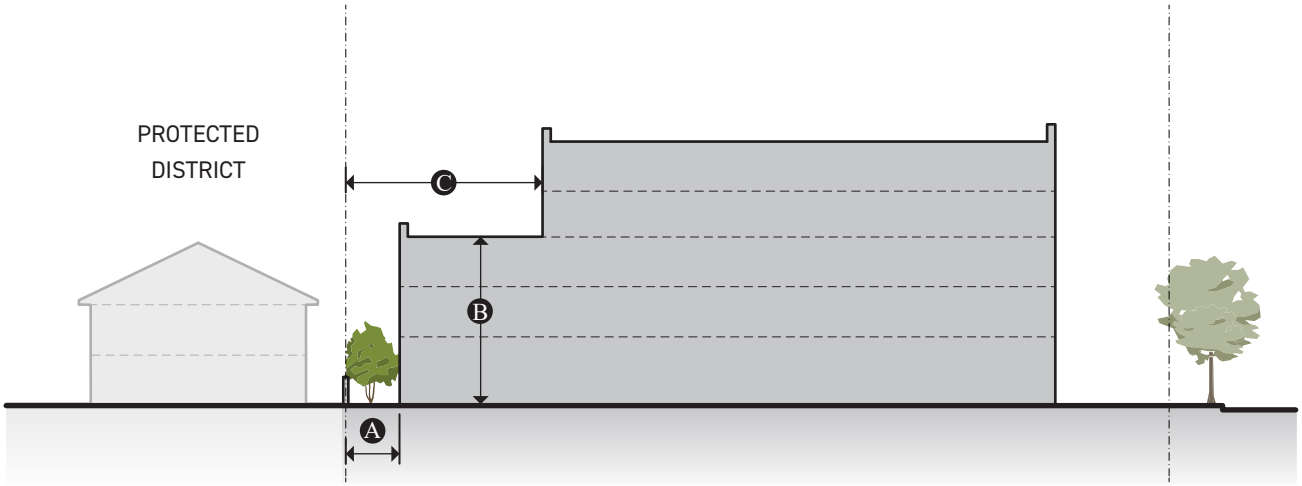
Agree: 0, Disagree: 0

Was the deletion of the 150' maximum distance in the current code intentional?

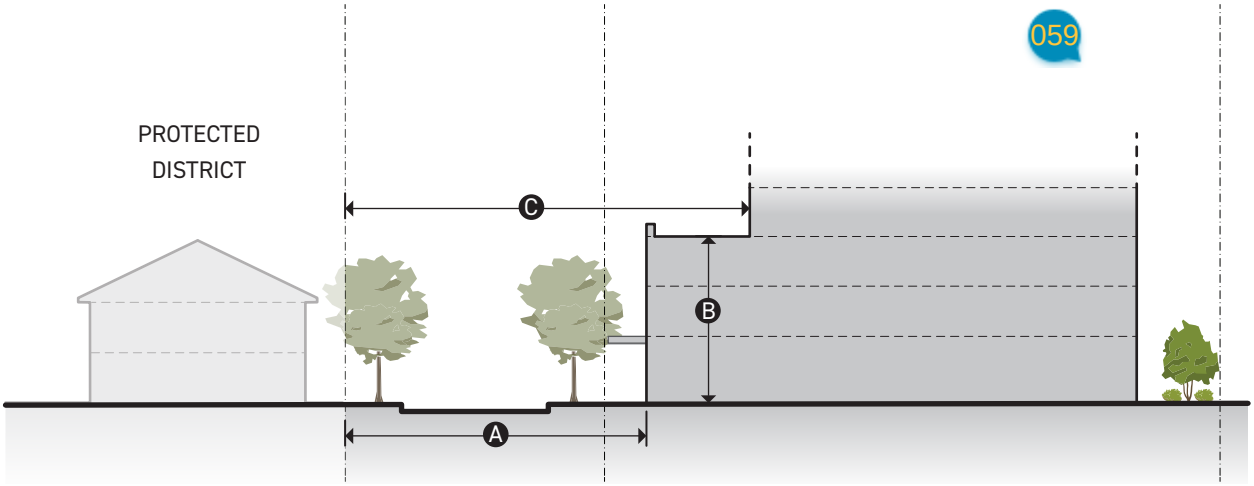
> Reply by **SiteAdmin** on **03/04/2026** at **9:22am** [Comment ID: 2154] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> All transitions only apply within 150 feet of a protected district. See 8.4.1.B.2 which reads, "Transition standards apply to any portion of a lot within 150 feet of a protected district."

TRANSITION TYPE B 055 058

CONTIGUOUS



NONCONTIGUOUS



TRANSITION YARD	
Transition screening	Low
A Building setback (min)	
Contiguous	056 10′ 057
Noncontiguous	20′

TRANSITION HEIGHT	
B Height before stepback (max stories/feet)	3 / 40′
C Stepback depth (min)	40′

#055

Posted by **steele145@comcast.net** on **04/08/2026** at **5:41pm** [Comment ID: 2743] - Link
Suggestion
Agree: 0, Disagree: 0
Type B Transitions place too much massing next to protected districts.

> Reply by **SiteAdmin** on **04/09/2026** at **12:03pm** [Comment ID: 2774] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#056

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:43am** [Comment ID: 2177] - Link
Suggestion
Agree: 0, Disagree: 0
Why is this 10' and not 20'? You do see that this Type B actually shifts more mass toward protected districts than what's in the code now? If this is the standard that will be kept, UG3 should be removed from allowing Type B when next to House and Neighborhood scale properties and only Type A transitions can be selected. If the setback was 20' rather than 10' I would not take issue with the Type B step-back.

> Reply by **SiteAdmin** on **03/09/2026** at **11:04am** [Comment ID: 2191] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Neighborhood-Scale Districts allow buildings between 2.5 and 4 stories in height. This transition allows 3-story buildings to be built near them, as is the pattern in many older neighborhoods. Buildings that are 2.5, 3, and 4 stories are very similarly scaled from a pedestrian perspective and all well below the height of a mature tree canopy.

#057

Posted by **Jennifer Friese** on **01/14/2026** at **6:25pm** [Comment ID: 1840] - Link
Suggestion
Agree: 0, Disagree: 0
If the building set back line for contiguous lots was 20' rather than 10' this would be a more acceptable transition to House, Neighborhood and Historic/Landmark etc. lots. As it is written now if offers neither transition nor screening possibility for these once protected categories.

> Reply by **SiteAdmin** on **01/15/2026** at **2:23pm** [Comment ID: 1841] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for comment. Please note that to qualify for "Low" screening, either a 6' opaque fence must be installed or a 12' landscape strip.

#058

Posted by **Jennifer 3** on **02/06/2026** at **11:30am** [Comment ID: 1924] - Link

Question

Agree: 0, Disagree: 0

What is the rationale for offering this type of transition? With the 10' setback rather than the 20' setback and the higher height before step-back, new development would loom over single family lots.

> Reply by **SiteAdmin** on **02/08/2026** at **1:47pm** [Comment ID: 1939] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> As specified on page 8-46, this provision only applies when certain Form Districts that allow building heights of more than five stories are adjacent to Neighborhood-Scale Districts.
>
> This approach is consistent with existing standards in several MR, MRC, and SPI districts, which allow up to five-story buildings near R-Districts. It is also important to note that any four- or five-story building must still be set back at least 40 feet.
>
> Lastly, depending on the site’s topography (for example, if the site is at a lower elevation than the protected district), this provision may restrict building height more than the height plane.
>
> > Reply by **Jennifer Friese 2** on **02/22/2026** at **8:28am** [Comment ID: 2038] - Link
> >
> > *Question*
> >
> > *Agree: 1, Disagree: 0*
> >
> > According to the chart on 8-46, UG3 that is adjacent to protected districts (old R4, R5, LD, HD) could have a Type A or Type B transition - UG3, even with density bonus, can only be 4 stories but would be eligible to choose Type B.
> >
> > Where does it state that 4 or 5 story buildings must have a 40' setback when adjacent to a protected district? I read UG3 & UG5 etc. as having 0 side, rear, 5-15 front etc.
> >
> > And again, old R4, R5, HD, LD should remain protected districts - these are still "houses" in form- they should have same protected status as House scale.
> >
> > > Reply by **SiteAdmin** on **02/23/2026** at **10:14am** [Comment ID: 2039] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > A central goal of ATL Zoning 2.0 is to reduce redundancy and

avoid repeating standards in multiple locations. Accordingly, the setback is not restated in the UG3A table. Instead, Sec. 2.4.3.A.6 in the UG3 Form District table directs readers to the applicable Transition standards.

Notations "B" and "C" on this page 8-48 limit building height to three stories or 40 feet within 40 feet of the protected district.

#059

Posted by **Sue Olszewski** on **04/04/2026** at **4:32pm** [Comment ID: 2506] - Link

Agree: 0, Disagree: 0

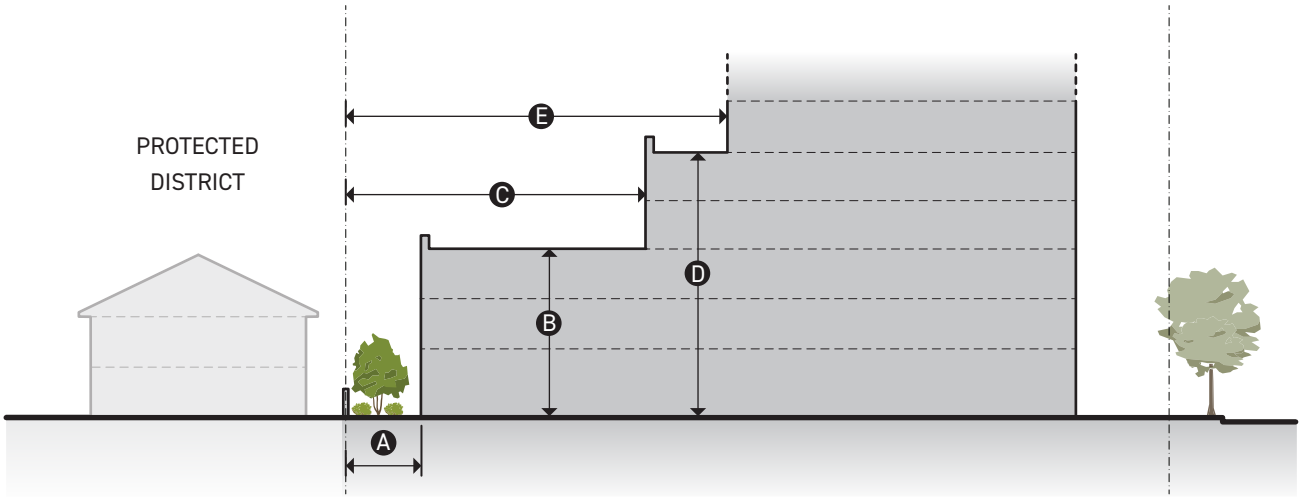
Type B Transitions place too much masing next to protected districts.

Why is the building setback for contiguous properties 10' and not 20'?

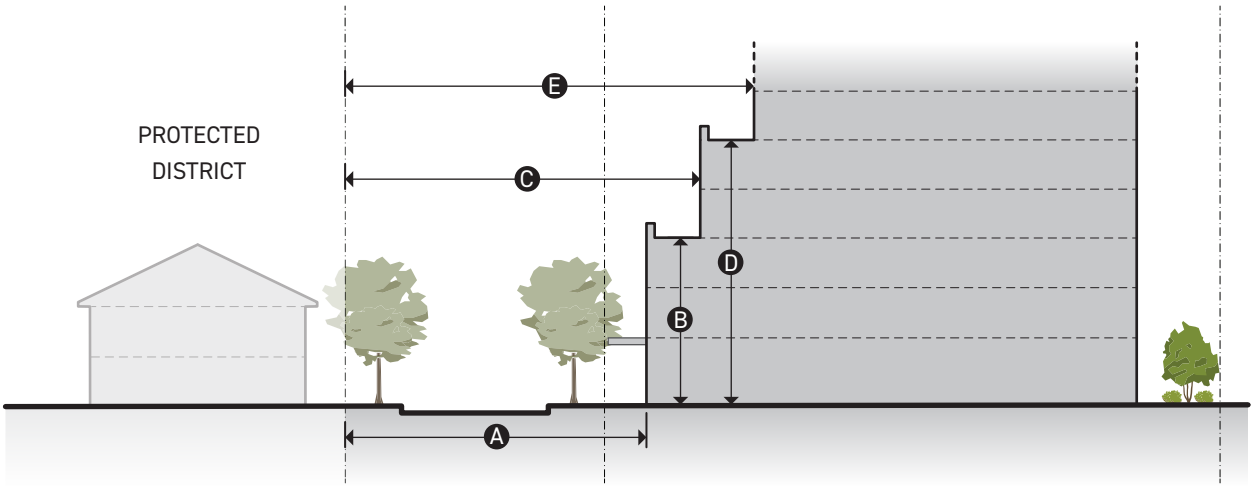
> Reply by **SiteAdmin** on **04/05/2026** at **1:05pm** [Comment ID: 2534] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This is an existing standard for in MRC, MR, LW, and most SPI districts. It allows the transitional yard to be reduced to 10 feet in certain cases.

TRANSITION TYPE C

CONTIGUOUS



NONCONTIGUOUS

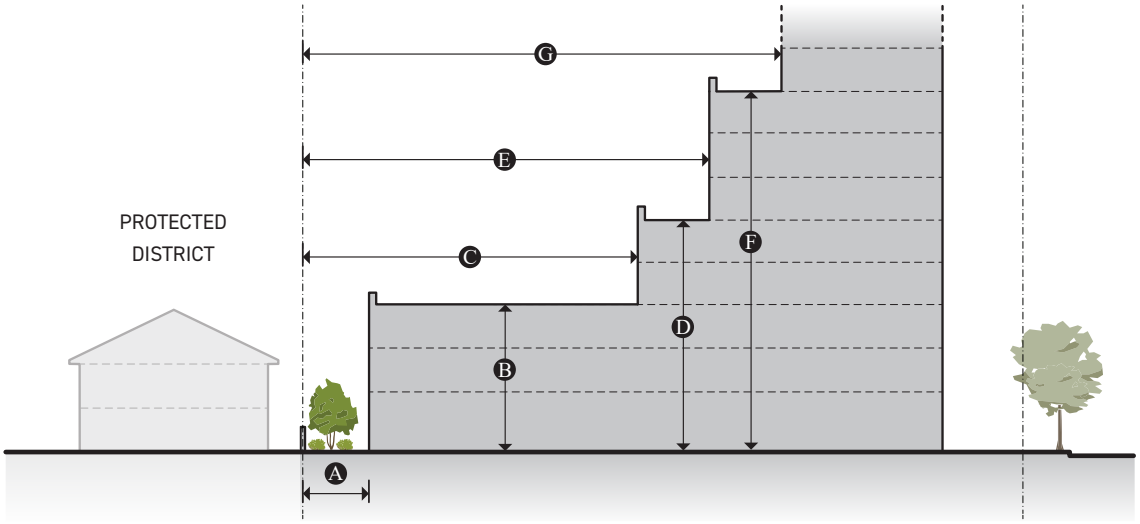


TRANSITION YARD	
Transition screening	Medium
A Building setback (min)	
Contiguous	20′
Noncontiguous	20′

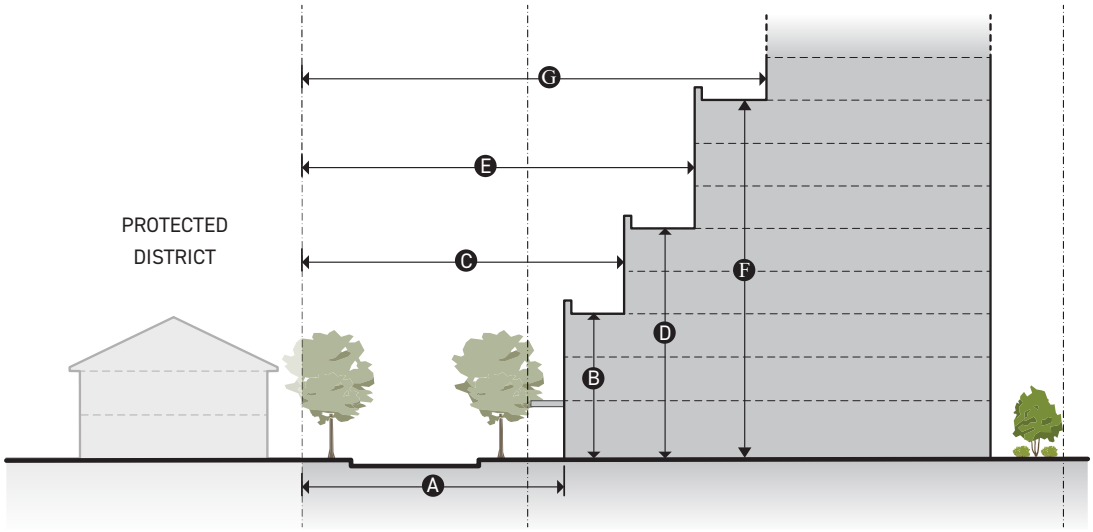
TRANSITION HEIGHT	
B Height before first stepback (max stories/feet)	3 / 40′
C Stepback depth (min)	60′
D Height before second stepback (max stories/feet)	5 / 70′
E Stepback depth (min)	80′

TRANSITION TYPE D

CONTIGUOUS



NONCONTIGUOUS



TRANSITION YARD	
Transition screening	High
A Building setback (min)	
Contiguous	20′
Noncontiguous	20′

TRANSITION HEIGHT	
B Height before first stepback (max stories/feet)	3 / 40′
C Stepback depth (min)	80′
D Height before second stepback (max stories/feet)	5 / 70′
E Stepback depth (min)	100′
F Height before third stepback (max stories/feet)	8 / 115′
G Stepback depth (min)	120′

3. Transition Screening

The transition screening standards are determined by the requirements of *Sec. XX. Transition Screens*. Each category of transition screening (low, medium, and high) includes multiple options for meeting the requirement. The option of which transition screen to use within the required category is at the discretion of the applicant.

4. Matching Setback and Height Allowance

Instead of meeting the building setback, stepback, or transitional height plane requirements of the transition type, projects may chose to meet the height and building setbacks standards of the protected district within 100 feet of the protected district lot line. Transition screening requirements still apply.

D. Measurement

1. Transitional Height Plane (THP)

a. For contiguous transitions, the transitional height plane (THP) is measured from average existing grade along the minimum building setback line.

b. For noncontiguous transitions, the transitional height plane (THP) is measured from average existing grade along the lot line of the protected district.

c. For lots abutting a legacy alley, the transitional height plane (THP) is measured from the legacy alley centerline instead of the rear or side lot line.

d. The THP starts at the height specified by the transition type and continues at an angle into the higher-intensity district.

2. Building Setback

a. The building setback is measured perpendicular to the protected district lot line. See *Div. XX. Building Setbacks* for measuring building setbacks.

b. For lots abutting a legacy alley, the building setback is measured from the legacy alley centerline instead of the rear or side lot line.

3. Height Before Stepback

Height before stepback is measured as the maximum building height in stories and feet from average existing grade for any portion of a building near a protected district before an additional stepback is required. See *Sec. XX. Average Grade* for measuring average grade and *Sec. XX. Building Height* for measuring building height in stories and feet.

4. Stepback Depth

a. The step-back depth is measured perpendicularly as a horizontal distance from the protected district lot line to the exterior of the building before an additional stepback is required.

b. For lots abutting an legacy alley, the stepback depth is measured from the legacy alley centerline instead of the rear or side lot line.

E. Relief

1. A change of up to 10%, excluding building height, from the transition standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. Any change to building height and beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

060

#060

Posted by **Jennifer Friese** on **01/19/2026** at **10:37am** [Comment ID: 1849] - Link

Question

Agree: 0, Disagree: 0

Are variances permitted for THPs currently?

Is an under 10% Admin Modification permitted for change of set back and also angle of THP?

Is a Variance needed for a change of set back or angle that is more than 10% but does not increase the height by more than 10%?

> Reply by **SiteAdmin** on **01/20/2026** at **12:55pm** [Comment ID: 1863] - Link
>
> *Answer*
>
> *Agree: 1, Disagree: 0*
>
> Today variances may be requested to the transitional height plane, but they cannot be approved administratively. This is why E.1. specifically excludes "building height" from what may be approved administratively. Also, no relief whatsoever (including by request to the BZA) may change a method of measurement. A request to change the angle would not be allowed.

Sec. 8.4.2. Transition Screens

A. Intent

To mitigate impacts from uses, activities, or site elements with significant impact on abutting lots.

B. Applicability

1. Transition screens standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Transition screens standards apply to common lot lines as specified by *Sec. XX. Transitions* and *Div. XX. Specific Use Standards*.

C. Standards

1. General

a. Required transition screens, including sub-grade elements such as footings or foundations, must be located entirely on-site.

b. Breaks in required transition screens for pedestrian, bicycle, and vehicular access are allowed, provided the break in the screen is the minimum practical width as determined by the Director. Driveways or walkaways must cross at or near a perpendicular angle.

c. The Director may approve pedestrian passageways or multi-use trails within a required transition screen, provided the screening area is at least 20 feet wide and the passageway or trail is no more than 10 feet wide.

d. No buildings or structures, except for fences and walls, are allowed in the screening area.

e. No vehicle use areas are allowed in the screening area, including fire lanes.

f. To allow for maintenance access, required plantings must be located on the inside of the fence and wall.

g. All fences and walls must meet the fence and wall design and installation standards, see *Sec. XX. Fences and Walls.*

h. All required trees and shrubs must meet *Sec. XX. Plants and Plant Material*.

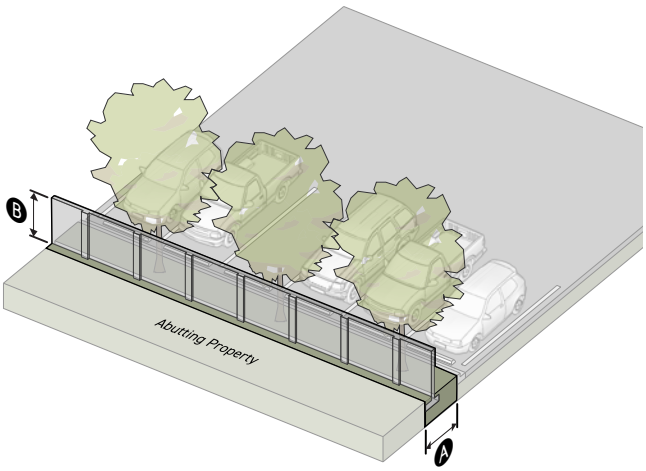
2. Transition Screen Types

a. Low Transition Screens

A required "low" transition screen must meet the standards of one of the following options:

TRANSITION SCREEN - LOW 1

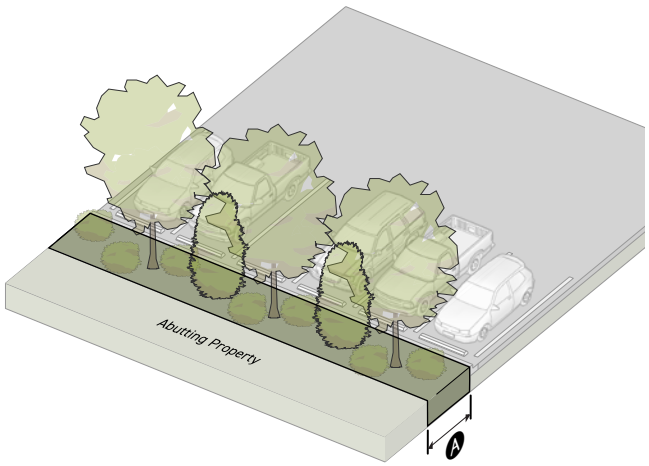
Narrow landscape screening with a wall or fence intended for screening low impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	6'
Canopy trees (min per 50')	2
FENCES AND WALLS	
B Height (min)	6'
Opacity (min)	90%
Setback from lot line (min)	0'

TRANSITION SCREEN - LOW 2

Moderate depth landscape buffer with no wall or fence intended for screening low impact transitions and uses.



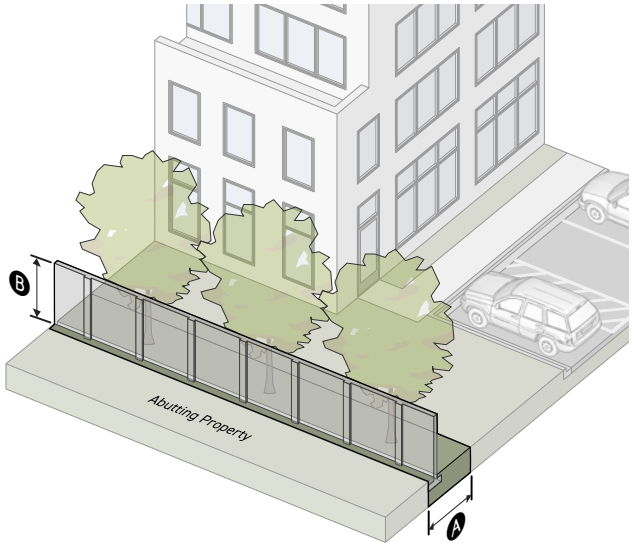
SCREENING AREA	
A Screening area depth (min)	12'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	8
FENCES AND WALLS	
Not required	

b. Medium Transition Screens

A required "medium" transition screen must meet the standards of one of the following options:

TRANSITION SCREEN - MEDIUM 1

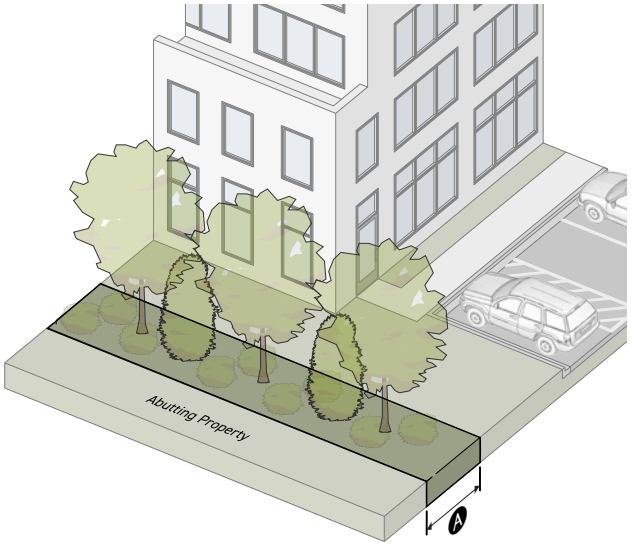
Moderate depth landscape screening with a wall or fence intended for screening medium impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	10′
Canopy trees (min per 50′)	2
FENCES AND WALLS	
B Height (min)	6′
Opacity (min)	100%
Setback from lot line (min)	0′

TRANSITION SCREEN - MEDIUM 2

Deeper landscape buffer with no wall or fence intended for screening medium impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	20′
Canopy trees (min per 50′)	2
Understory trees (min per 50′)	2
Shrubs (min per 50′)	16
FENCES AND WALLS	
Not required	

c. High Transition Screens

A required "high" transition screen must meet the standards of one of the following options:

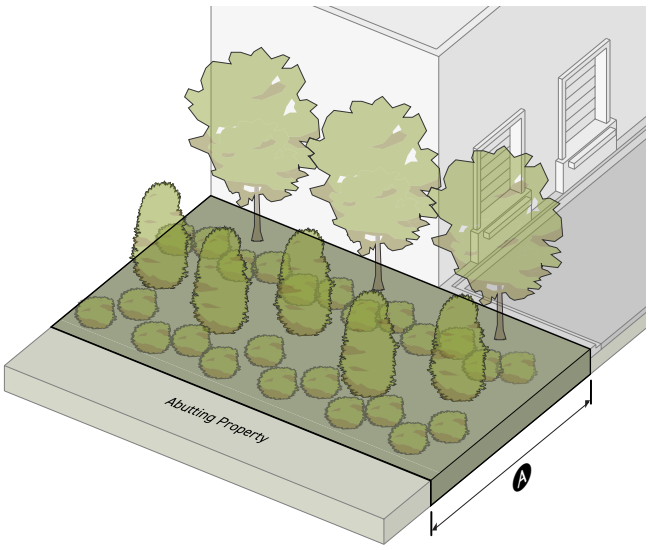
TRANSITION SCREEN - HIGH 1

Deeper landscape screening with a wall or fence intended for screening high impact transitions and uses.

SCREENING AREA	
A Screening area depth (min)	15'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	16
FENCES AND WALLS	
B Height (min)	6'
Opacity (min)	100%
Setback from lot line (min)	0'

TRANSITION SCREEN - HIGH 2

Deep landscape buffer with no wall or fence intended for screening high impact transitions and uses.



SCREENING AREA	
A Screening area depth (min)	30'
Canopy trees (min per 50')	3
Understory trees (min per 50')	5
Shrubs (min per 50')	24
FENCES AND WALLS	
Not required	

D. Measurement

1. Screening Area Depth

Screening area depth is measured perpendicular to the lot line at the narrowest horizontal dimension from one side of the screening area to the opposite side.

2. Planting Frequency

Planting frequency is measured as the total number of trees, shrubs, or plants within any 50-foot segment of screen area.

3. Fence or Wall Height

For measurement of fence or wall height and opacity, see *Sec. XX. Fences and Walls*.

E. Relief

1. A change of up to 10% from the transition screen standards may be granted in accordance with *Sec. 9.5. Administrative Modification.*
2. A change beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.
3. All changes to plant and landscaping material standards must be reviewed by the City Arborist.

Sec. 8.4.3. Frontage Screens

A. Intent

To screen the negative impacts of uses on the public realm, promoting visual interest and increasing comfort for uses of the adjacent streetscape.

B. Applicability

1. Frontage screen standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Frontage screen standards apply along street lot lines adjacent to vehicle use, storage, and utility areas.

C. Standards

1. General

a. Frontage screens are required as specified in the following table:

	Frontage Screen Type
Outdoor Storage	
All outdoor storage areas	High
Vehicle Use Areas	
Parking lots or structures	Low
Drive-thrus	Low
Vehicle storage	Medium
Loading docks or service areas	High
Other vehicle use areas	Low
Utility Areas	
All utility areas	Medium

b. Required screens, including their sub-grade elements, such as footings or foundations, must be located entirely on-site.

c. Breaks for pedestrian, bicycle, and vehicular access are allowed, provided the break in the screen is the minimum practical width. Driveways or walkaways must cross at or near a perpendicular angle.

d. No buildings or structures, except for walls and fences, are allowed in the screening area.

e. No vehicle use areas are allowed in the screening area, including fire lanes.

f. All fences and walls must meet the fence and wall design and installation standards, see *Sec. XX. Fences and Walls.*

g. All required trees and shrubs must meet *Sec. XX. Plants and Plant Material.*

h. In addition to the standards of this Section, frontage screens for parking lots must be landscaped according to City of Atlanta Code of Ordinances, Section 158-61. Parking Lot Planting Requirements.

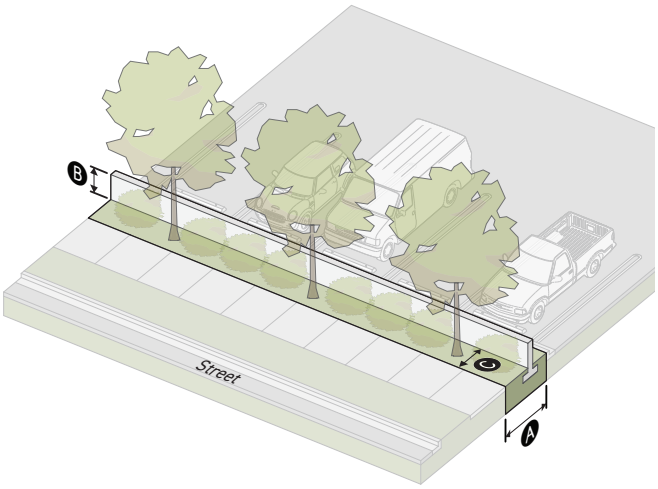
2. Frontage Screen Types

a. Low Frontage Screens

A required "low" frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - LOW 1

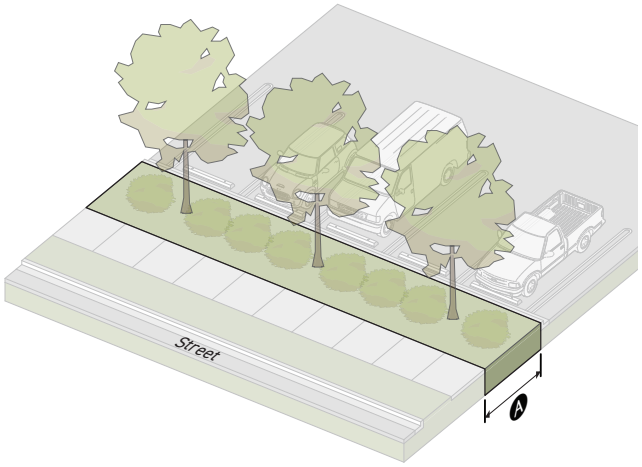
Narrow landscape screening with a wall or fence intended for screening low impact vehicle use areas. 061



SCREENING AREA	
A Screening area depth (min)	6′
Canopy trees (min per 50′)	2
Shrubs (min per 50′)	8
FENCES AND WALLS	
B Height (min)	3′
Opacity (min)	50%
C Setback from lot line (min)	6′

FRONTAGE SCREEN - LOW 2

Moderate depth landscape buffer with no wall or fence intended for screening low impact vehicle use areas.



SCREENING AREA	
A Screening area depth (min)	8′
Canopy trees (min per 50′)	2
Shrubs (min per 50′)	12
FENCES AND WALLS	
Not required	

#061

Posted by **Forrest** on **12/30/2025** at **1:01pm** [Comment ID: 1792] - Link

Suggestion

Agree: 0, Disagree: 0

Encourage all required landscape screening to implement the following:
be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches; and
regardless of length to have a minimum of one tree planted per 30' of length with a minimum caliper of two and one-half inches.

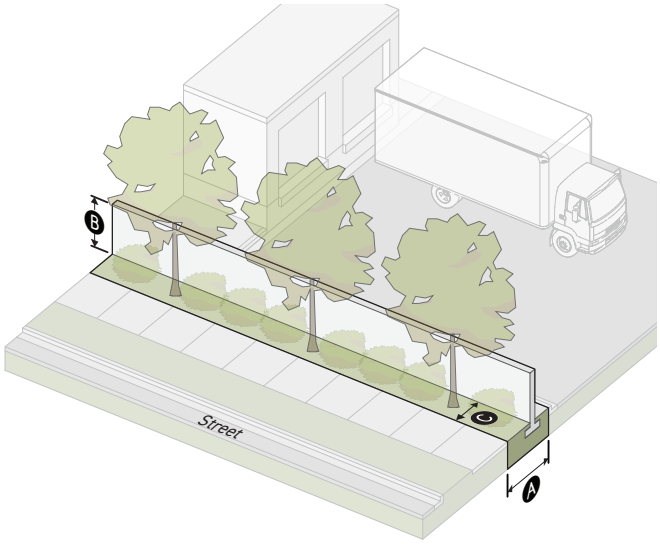
> Reply by **SiteAdmin** on **12/31/2025** at **8:10am** [Comment ID: 1803] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Tree planting and landscaping requirements have been consolidated into Sec. 8.4.7, per input from the Arborist Division. The Arborist Division will require spacing as suitable for the proposed growing conditions. In this case, it will typically be 1 per 25 linear feet, but the Division reserves the authority to adjust based on unique site conditions (e.g., existing trees that are being preserved, utilities, etc.)

b. Medium Frontage Screens

A required "medium" frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - MEDIUM 1

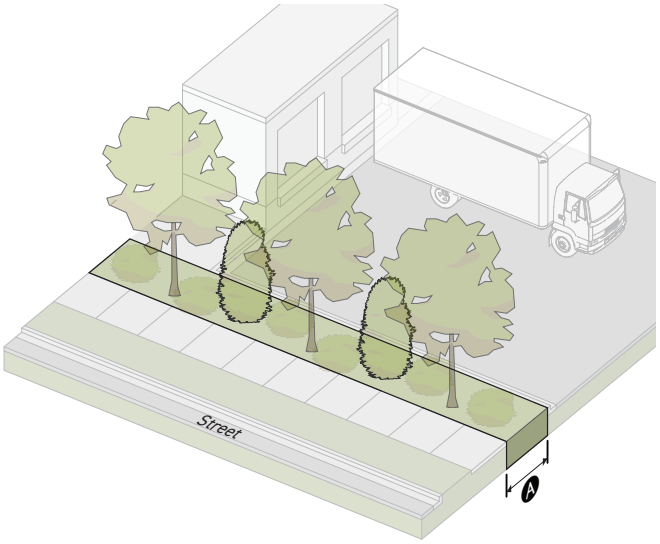
Moderate depth landscape screening with a wall or fence intended for screening moderate impact vehicle use and utility areas.



SCREENING AREA	
A Screening area depth (min)	8'
Canopy trees (min per 50')	2
Shrubs (min per 50')	10
FENCES AND WALLS	
B Height (min)	6'
Opacity (min)	100%
C Setback from lot line (min)	6'

FRONTAGE SCREEN - MEDIUM 2

Deeper landscape buffer with no wall or fence intended for screening moderate impact vehicle use and utility areas.



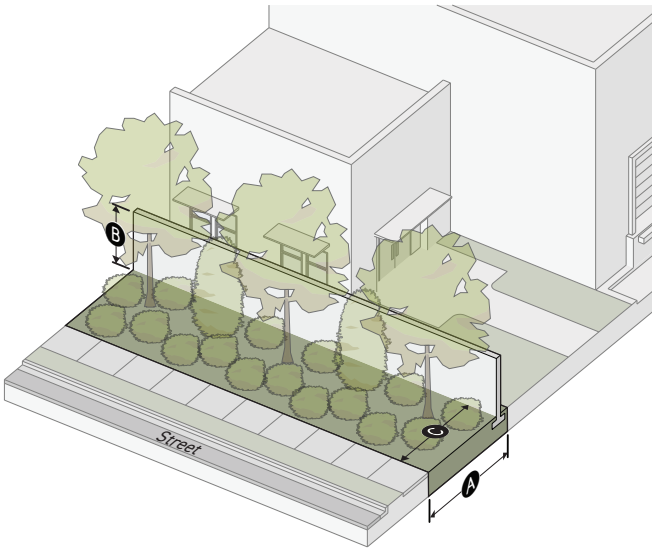
SCREENING AREA	
A Screening area depth (min)	16'
Canopy trees (min per 50')	2
Understory trees (min per 50')	2
Shrubs (min per 50')	16
FENCES AND WALLS	
Not required	

c. High Frontage Screens

A required "high" frontage screen must meet the standards of one of the following options:

FRONTAGE SCREEN - HIGH 1

Deeper landscape screening with a wall or fence intended for screening high impact vehicle use and outdoor storage areas.



SCREENING AREA	
A Screening area depth (min)	15′
Canopy trees (min per 50′)	2
Shrubs (min per 50′)	16
FENCES AND WALLS	
B Height (min)	6′
Opacity (min)	100%
C Setback from lot line (min)	6′

FRONTAGE SCREEN - HIGH 2

Deep landscape buffer with no wall or fence intended for screening high impact vehicle use and outdoor storage areas.

SCREENING AREA	
A Screening area depth (min)	30′
Canopy trees (min per 50′)	3
Understory trees (min per 50′)	5
Shrubs (min per 50′)	24
FENCES AND WALLS	
Not required	

D. Measurement

1. Screening Area Depth

Screening area depth is measured perpendicular to the lot line at the narrowest horizontal dimension from one side of the screening area to the opposite side.

2. Planting Frequency

Planting frequency is measured as the total number of trees, shrubs, or plants within any 50-foot segment of screen area.

3. Fence or Wall Height

For measurement of fence or wall height and opacity, see *Sec. XX. Fences and Walls*.

E. Relief

1. A change of up to 10% from the frontage screen standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.
2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.
3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

Sec. 8.4.4. Site Element Screens

A. Intent

To minimize the visibility and impact of certain site elements, such as mechanical, electrical, or utility equipment and waste receptacles, on surrounding properties and the public realm.

B. Applicability

1. Site element screen standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Site element screen requirements apply to all outdoor waste receptacles and all outdoor mechanical or electrical equipment located on the roof of a building, attached to the wall of a building, or on the ground.
3. Site element screen requirements do not apply to the following:
   a. Electric vehicle chargers;
   b. Solar panels;
   c. Wind mills;
   d. Phone or cable boxes;
   e. Electrical meters; and
   f. Gas meters, where there are 3 or fewer meters in a row.

C. Standards

1. General

a. All site element screens must meet the fence and wall design and installation standards, see *Sec. XX. Fences and Walls.*

b. Upon site redevelopment, utilities must be located underground or at the rear of structures wherever practicable, in order to minimize visual impacts and enhance site aesthetics. See *Sec. XX. Streetscapes*.

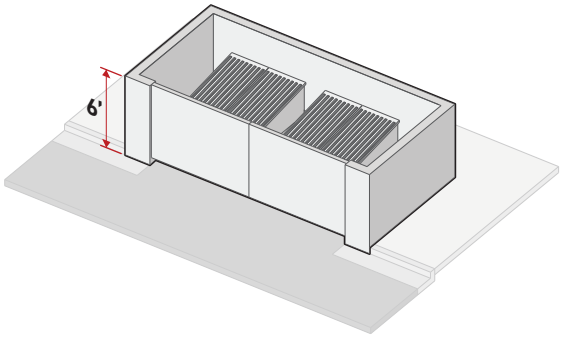
2. Waste Receptacle Screening

a. Waste receptacles, including in-ground waste receptacles, may not be located between a street lot line and the building. Waste receptacles must be located in the side or rear yard and meet the encroachment requirements of *Div. XX. Building Setbacks*.

b. Outdoor waste receptacles with any above ground element must be screened on 3 sides by a fence or wall with a minimum height of 6 feet.

c. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.

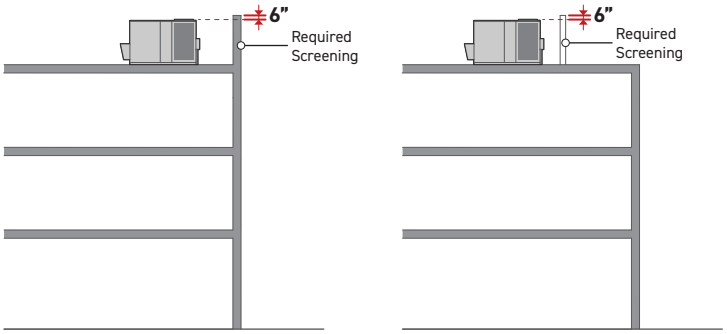
d. The fence or wall and access gate must be at least 90% opaque.



3. Roof-Mounted Equipment Screening

a. Equipment visible from a street lot line must be screened on the roof edge side by a parapet wall or other type of screen that is at least 6 inches higher than the topmost point of the screened equipment.

b. The screening must be at least 75% opaque.

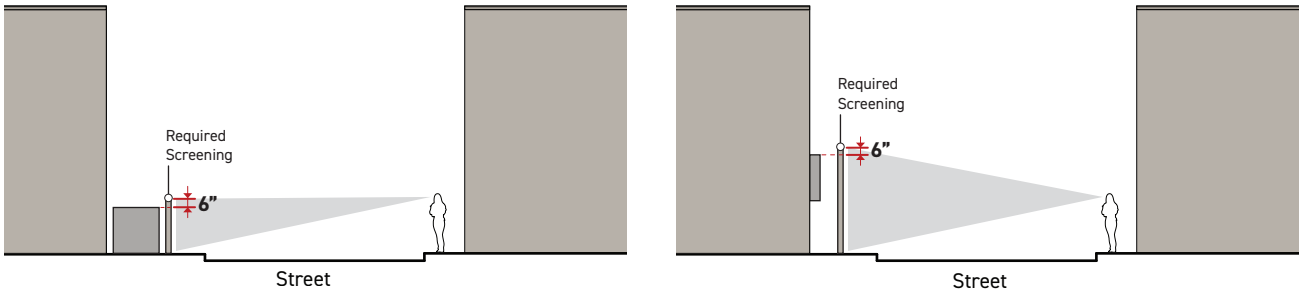


4. Ground and Wall-Mounted Equipment Screening

a. Equipment may not be located between a street lot line and the building. Equipment must be located in the side or rear yard and meet the encroachment requirements of *Div. XX. Building Setbacks.*

b. Equipment visible from a street lot line must be fully screened by an opaque fence or wall that is at least 6 inches higher than the topmost point of the screened equipment.

c. The screening must be at least 75% opaque.



D. Relief

1. A change of up to 10% from the site element screen standards may be granted in accordance with *Sec. 9.5. Administrative Modification.*

2. A change beyond 10% may be granted in accordance with *Sec. 9.6. Variance.*

Sec. 8.4.5. **Fences and Walls**

A. Intent

To facilitate natural surveillance and visual interest along the public realm while ensuring security and privacy for ground story uses in a manner appropriate to the context.

062

B. Applicability

1. Fence and wall standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Permitted fence and wall types for each lot are set out in *Ch. 2. Form Districts*.
3. Fence and wall standards apply to required street and lot line setbacks in House-Scale (H-) districts, and to yards in all other Form Districts.
4. Where a transition, frontage, or site element screening requirement requires a taller fence or wall, the screening requirement supersedes the standards in this Section.
5. Where a fence is required to function as a guardrail under the Building Code, the requirements of the Building Code supersedes the standards in this Section.

063

#062

Posted by **Kim 3** on **03/09/2026** at **6:26am** [Comment ID: 2169] - Link
Suggestion
Agree: 0, Disagree: 0
Need to add provision that fences may not impede safety for drivers or pedestrians. This is especially important for corner lots. If ROW is less than 10 feet and there is any kind of topography, fences can create dangerous traffic conditions. There is language in the current zoning code.

> Reply by **Kim 3** on **03/09/2026** at **6:30am** [Comment ID: 2171] - Link
> *Suggestion*
> *Agree: 0, Disagree: 0*
> I see this is in 6d a few pages below. Still think a better definition of blocking view might be needed.
>
> > Reply by **SiteAdmin** on **03/09/2026** at **11:24am** [Comment ID: 2195] - Link
> > *Answer*
> > *Agree: 0, Disagree: 0*
> > Thank you for your comment.
> >
> > The applicable standard is found on page 8-18 and is not limited to fences. Buildings, retaining walls, signs, landscaping, mailboxes, etc. are all subject to the provision.

#063

Posted by **Kim 6** on **03/23/2026** at **11:29am** [Comment ID: 2285] - Link
Question
Agree: 0, Disagree: 0
Can you please provide some examples of transitions, frontage, or site element screening that would require taller screening?

> Reply by **SiteAdmin** on **03/23/2026** at **6:01pm** [Comment ID: 2296] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Great questions.
>
> A typical example would be where an Urban General district abuts a House-Scale district. The Urban General district limits fences in the primary street yard to 3.5 feet, but the transition standards require a 6-foot fence and landscaping adjacent to the House-Scale district (even when located within the primary yard).
>
> There are similar screening requirements for certain uses adjacent to residential areas.

This provision allows the more stringent transition and screening requirements to prevail.

C. Standards

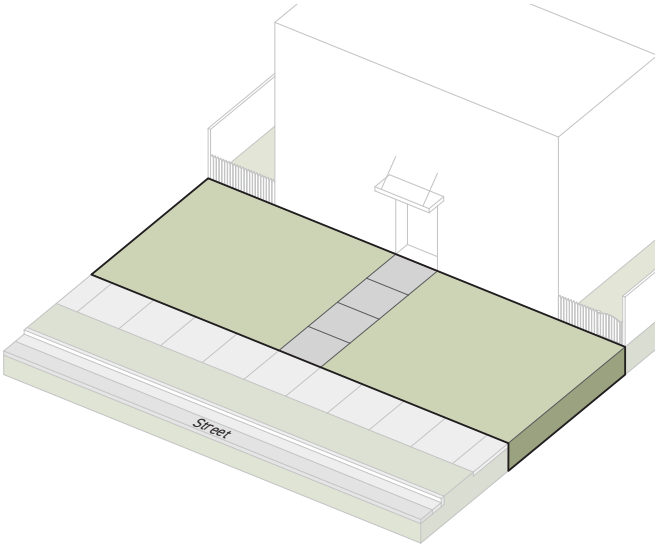
064

1. Front or Side Street Yard Fence Types

The following fence types are intended for front or side street yards, along street lot lines:

FENCE TYPE A1

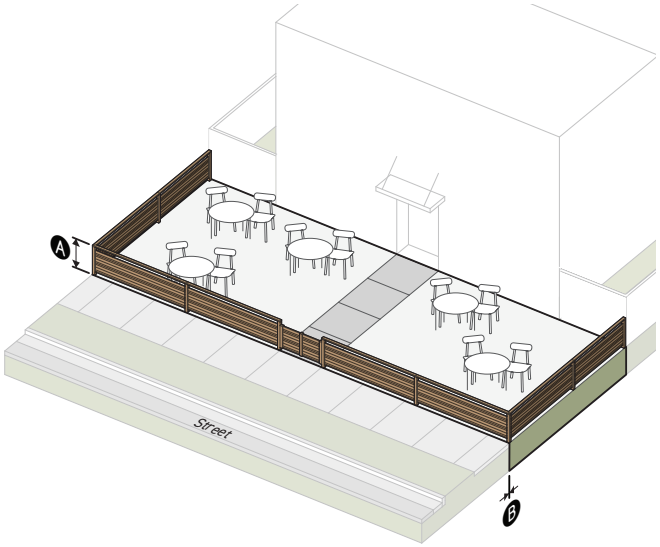
Intended for front and side street yards where buildings engage directly with sidewalks to provide natural surveillance and visual interest, especially where ground floor uses are commercial.



DIMENSIONAL STANDARDS	
Height (max)	Not allowed

FENCE TYPE A2

Intended for front and side street yards where buildings engage directly with sidewalks and a fence or wall is required for the on-site consumption of alcohol.



DIMENSIONAL STANDARDS	
A Height (max)	3.5′
B Setback from lot line (min)	0′
Opacity (max)	50%

#064

Posted by **Kim 6** on **03/23/2026** at **2:57pm** [Comment ID: 2289] - Link

Question

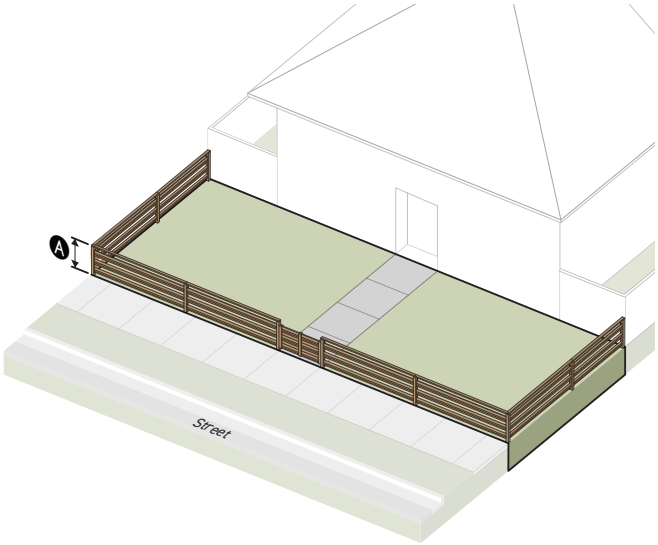
Agree: 0, Disagree: 0

The standards state they are for fences and walls. There does not appear to be criterion specific to walls. Are they located in another section? If so, could you please provide the reference.

> Reply by **SiteAdmin** on **03/23/2026** at **5:31pm** [Comment ID: 2292] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The fence standards address both what were previously categorized as “fences” and “walls.”
>
> We found that the existing distinction—based on percentage of opacity—was often confusing for the public. For instance, what most people commonly refer to as a “privacy fence” is technically classified as a “wall.”
>
> To simplify this, we now refer to all such structures as fences, with opacity serving as the controlling factor for their classification and regulation.

FENCE TYPE A3

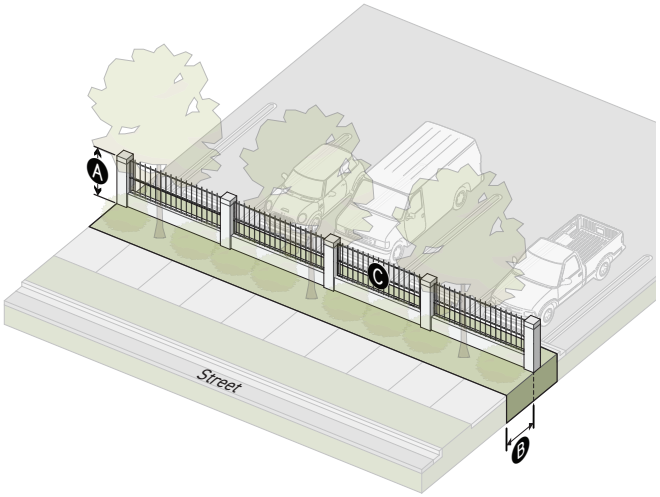
Intended for front and side street yards where the need for natural surveillance and visual interest is balanced with the need for separation between private ground floor uses and sidewalks.



DIMENSIONAL STANDARDS	
A Height (max)	3.5′
B Setback from lot line (min)	0′
Opacity (max)	
Up to 2′ in height	100%
Above 2′ in height	50%

FENCE TYPE A4

Intended for front and side street yards where the need for natural surveillance and visual interest along the public realm is balanced with the need for security between private uses and the public realm.



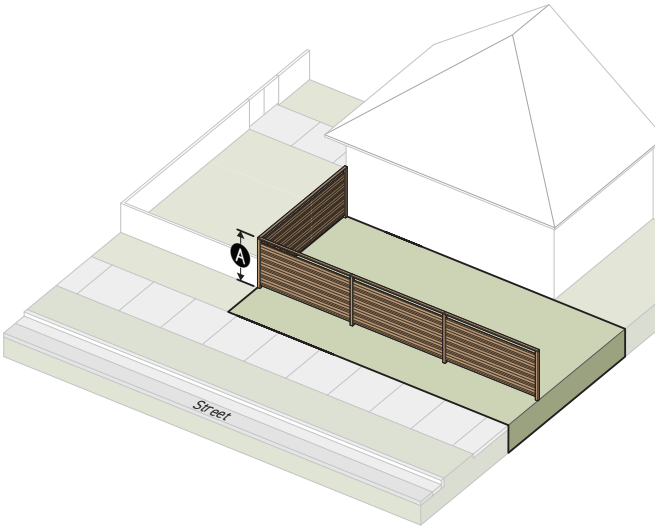
DIMENSIONAL STANDARDS	
A Height (max)	6′
B Setback from lot line (min)	3′
C Opacity (max)	
Up to 2′ in height	100%
Above 2′ in height	50%

2. Side Street Yard Fence Types

The following fence types are intended for side street yards, along side street lot lines:

FENCE TYPE B1

Intended for side street yards where natural surveillance and visual interest along the public realm is less critical than the need to mitigate impacts on private ground floor uses.



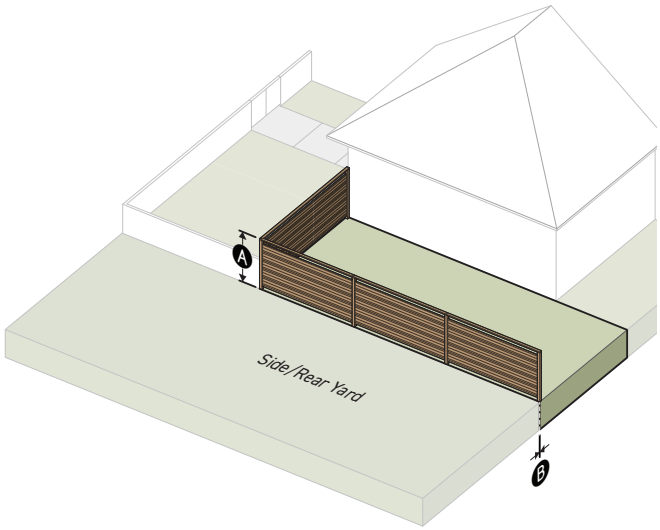
DIMENSIONAL STANDARDS	
A Height (max)	
Within 3' of lot line	3.5'
More than 3' from lot line	6'
Opacity (max)	
Within 3' of lot line	50%
More than 3' from lot line	100%

3. Side or Rear Yard Fence Types

The following fence types are intended for side or rear yards, along common lot lines:

FENCE TYPE C1

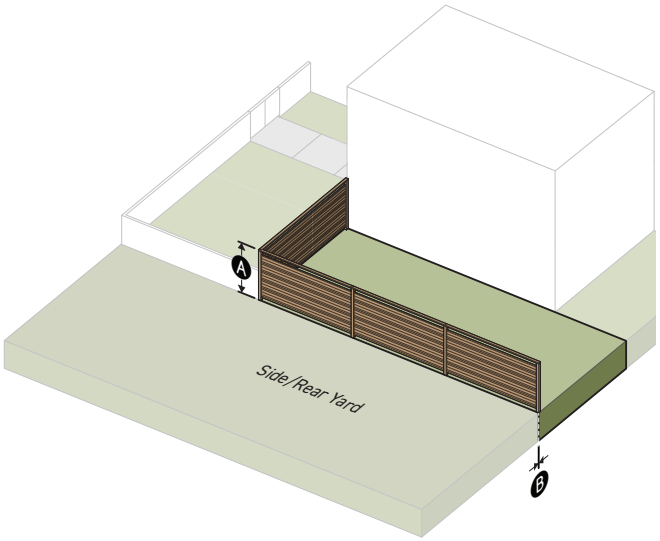
Intended for side and rear yards on lots with exclusively residential uses.



DIMENSIONAL STANDARDS	
A Height (max)	6′
B Setback from lot line (min)	0′
Opacity (max)	100%

FENCE TYPE C2

Intended for side and rear yards on lots with mixed uses or nonresidential uses.



DIMENSIONAL STANDARDS	
A Height (max)	8′
B Setback from lot line (min)	0′
Opacity (max)	100%

4. General

a. In Form Districts where Fence Type A1 is required, Fence Type A2 is also permitted when needed for on-site alcohol consumption.

b. In Urban Core (UC) Form Districts, Fence Type A4 is not permitted between a building and the street.

5. Material

a. Fences and walls must be constructed of durable, low maintenance material that has a long life expectancy.

b. No fence or wall may be constructed of tires, junk, or other discarded materials.

c. Fences and walls constructed of materials with a finished side must face the finished side toward the adjacent property.

d. Chain-linked fences are not allowed in front or side street yards except in Workplace (W) and Park (PK) Form Districts. Where permitted, chain-linked fences must be vinyl-coated.

e. In all zoning districts, chain-link fences are permitted only during active construction and must be removed upon project completion. It is intended solely for temporary security and safety, and may not be used as a permanent enclosure.

f. Barbed wire and razor wire are prohibited.

6. Location

a. Fences and walls must be set back from the lot line in accordance with *Sec. XX. Frontage Screens* and *Div. XX. Fences and Walls*.

b. No fence or wall is allowed within any required drainage or utility easement.

c. All fences and walls, including their sub-grade elements such as footings or foundation, must be located on-site.

d. No fence or wall can obstruct the visibility of motorists, cyclists, and pedestrians at intersections or driveways.

7. Maintenance

All fences and walls must be maintained in good repair and must be kept vertical, structurally sound, and protected from deterioration.

D. Measurement

1. General

The allowable height of fences and walls is measured from existing grade.

2. Front and Side Street Yards

For fences or walls in a front or side street yard, height is measured as follows:

#065

Posted by **Kim 6** on **03/23/2026** at **12:01pm** [Comment ID: 2286] - Link
Question
Agree: 0, Disagree: 0
Existing chain link fences are able to remain in place or be maintained, correct? If a property with a chain link fence wants to do an improvement unrelated to the fence, they will not need to replace the fence, correct?

> Reply by **SiteAdmin** on **03/23/2026** at **5:38pm** [Comment ID: 2294] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct.

#066

Posted by **apstillman** on **12/30/2025** at **10:31am** [Comment ID: 1765] - Link
Suggestion
Agree: 0, Disagree: 0
The height should be measured from finished grade, not existing grade. Example: grade is lowered 2' for a driveway accessing a basement level garage, which would allow an 8' fence if the 6' maximum is measured from the existing (i.e. pre-cosntruction) grade

> Reply by **SiteAdmin** on **12/30/2025** at **12:50pm** [Comment ID: 1789] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#067

Posted by **Kim 3** on **03/09/2026** at **6:29am** [Comment ID: 2170] - Link
Suggestion
Agree: 0, Disagree: 0
or floodplain

> Reply by **SiteAdmin** on **03/09/2026** at **11:19am** [Comment ID: 2194] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> In general, the Zoning Ordinance should not duplicate standards that are regulated by other codes. Flood protection standards are addressed in the Floodplain Management Ordinance, which is based on the State of Georgia's model code, such that when the State law changes, the Zoning Ordinance is not brough out of compliance. As such, those requirements are administered separately from the zoning ordinance.

Reply by **Kim 6** on **03/23/2026** at **12:10pm** [Comment ID: 2287] - Link

Suggestion

Agree: 0, Disagree: 0

I don't understand the response. If the City isn't allowing fences in drainage and utility easements (controlled under the Post Construction Stormwater Ordinance), the City can also prohibit fences in floodplains in this Ordinance. If any Ordinance is in conflict with another, the most protective usually wins.

Given the changing dynamic of floodplains due to changing landscapes and changing storm intensity, it seems that not allowing fences in floodplains is common sense and a best practice. The floodplain ordinance requires fences to essentially not have "bottoms" so that the flood flows plus a little can flow under the fence. As soon as the CO is issued, homeowners add the bottom fence and aggravate flood hazards on downstream owners. We could eliminate the zoning enforcement challenge and the safety challenge to neighbors.

Reply by **SiteAdmin** on **03/23/2026** at **5:44pm** [Comment ID: 2295] - Link

Answer

Agree: 0, Disagree: 0

Thank you

We will relay your additional concern to applicable City Departments.

In general, we are attempting to reduce any duplication so that the "more restrictive" provision does not have to be invoked.

Reply by **SiteAdmin** on **03/24/2026** at **8:19am** [Comment ID: 2297] - Link

Answer

Agree: 0, Disagree: 0

Below is an update:

All floodplain management is addressed in Chapter 74 (Environment) and falls under the purview of the Department of Watershed Management.

Neither the Department of City Planning nor the Office of Zoning and Development has authority to administer or enforce flood area regulations, riparian buffer requirements, or wetland protections contained in Chapter 74. If there is a desire to strengthen these regulations, the appropriate point of contact is the Department of Watershed Management.

Including such regulations in the Zoning Ordinance would create provisions that cannot be enforced by DCP staff and would therefore be ineffective. Such provisions should be consolidated in the appropriate section of the Code.

#068

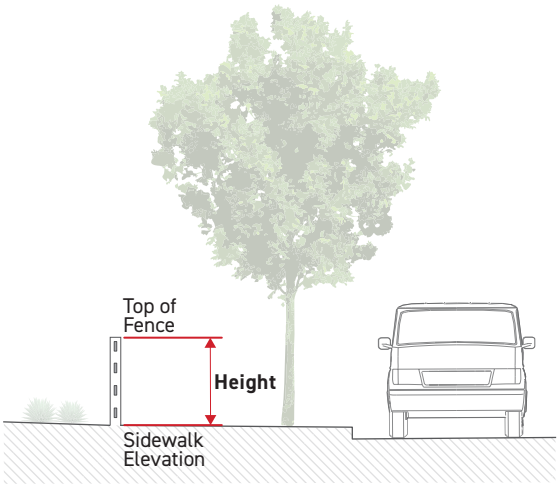
Posted by **Kim 3** on **03/09/2026** at **6:32am** [Comment ID: 2172] - Link

Suggestion

Agree: 0, Disagree: 0

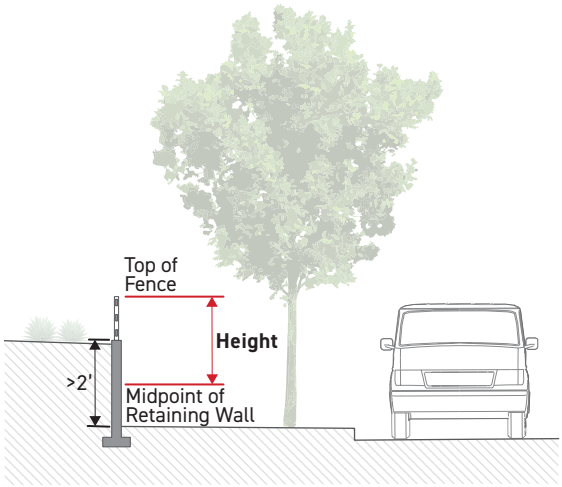
I suggest sticking with existing grade as determined from the erosion and sediment control plan.

a. Fence or wall height is measured from the adjacent sidewalk to the topmost point of the fence or wall.



b. Where no sidewalk exists within 20 feet of the fence or wall, height is measured from the base of the fence or wall to the topmost point of the fence or wall, on the exterior side of the fence or wall.

c. Where a fence or wall is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the fence or wall to the midpoint of the retaining wall.



d. In House-Scale (H-) Form Districts, if no retaining wall is present, fences up to 4 feet in height are permitted within required primary and side street setbacks.

3. Side and Rear Yards

For fences or walls in a side or rear yard, height is measured as follows:

a. Where the difference in grade on either side of a fence or wall is less than 2 feet, height is measured from the base of the wall on the side with the highest grade.

#069

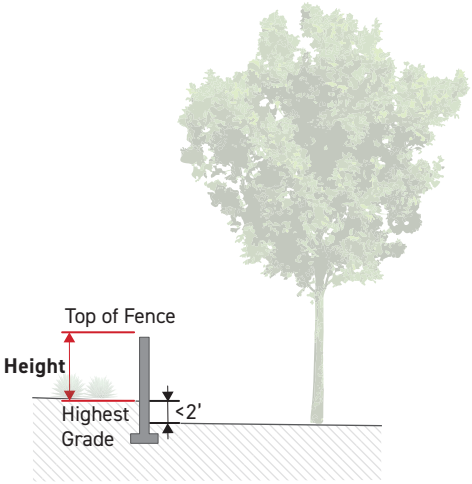
Posted by **Kim 6** on **03/23/2026** at **2:56pm** [Comment ID: 2288] - Link

Suggestion

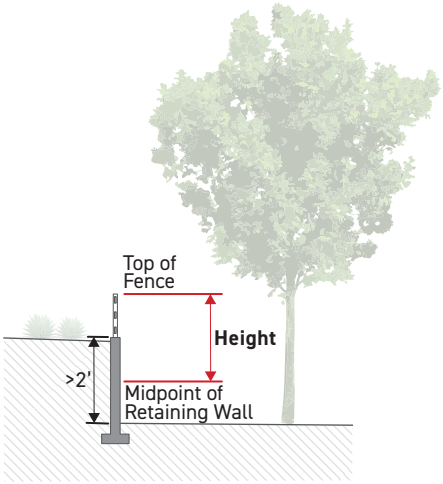
Agree: 0, Disagree: 0

I think that fence type A3 in H Form Districts allows front yard fences up to 3.5 feet. Here is says 4 feet. If it is 4 ft w/o a retaining wall, that should be clarified in the picture in 8.4.5.

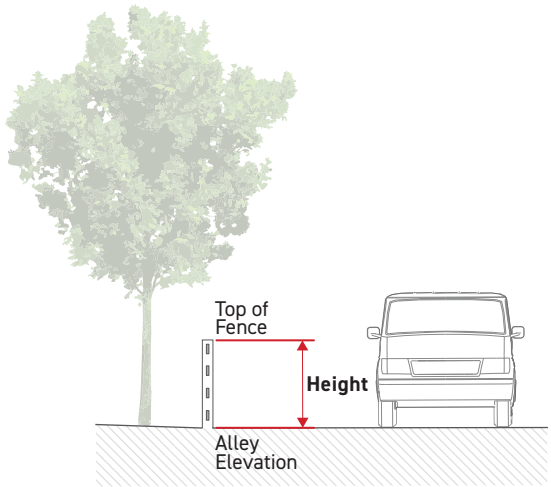
> Reply by **SiteAdmin** on **03/23/2026** at **5:33pm** [Comment ID: 2293] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you. We had previously shown a A3 as 4 feet but reduced it back to 3.5. We failed to change it here.



b. Where a fence or wall is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, the height is measured from the top of the fence or wall to the midpoint of the retaining wall.



c. Fences and walls abutting a legacy alley in the rear or side yard are measured from existing grade at the adjacent legacy alley and vertically to the topmost point of the fence or wall.

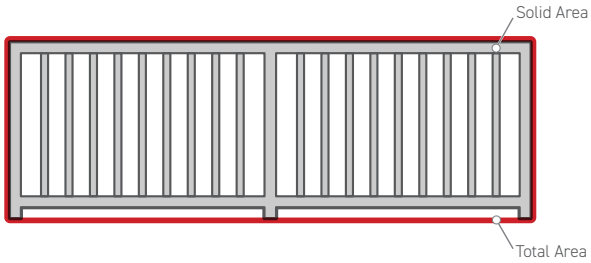


4. Opacity

070

a. Opacity is measured as a percentage, calculated by dividing the solid portion of the fence or wall by the total area of the fence or wall.

b. The total area of the fence or wall is measured as the smallest regular shape containing all elements of the fence or wall, excluding the top portions of finials or posts.



$$\frac{\text{Solid Area}}{\text{Total Area}} = \textbf{Opacity (\%)}$$

c. If the opacity requirement applies to a portion of the fence or wall, the total area to be measured is limited to that specified portion.

E. Relief

1. Front and Side Street Yards

Any change to fence and wall standards may be granted in accordance with *Sec. 9.6. Variance*.

2. Side and Rear Yards

a. A change of up to 10% from the fence and wall standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

b. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*, except for standards related to stream buffers, flood zones, and wetlands.

071

c. Any change to fence height beyond 10% and all other changes beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

#070

Posted by **Ben Valente** on **03/31/2026** at **10:08pm** [Comment ID: 2426] - Link

Question

Agree: 0, Disagree: 0

Is there anything stopping an applicant from planting shrubs/hedges that form a defacto opaque green fence/wall, defeating the carefully crafted fence opacity maximums?

> Reply by **SiteAdmin** on **04/01/2026** at **2:23pm** [Comment ID: 2468] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> There is not.
>
> Vegetation on private property is not subject to fence/wall rules currently.

#071

Posted by **Kim 3** on **03/09/2026** at **6:38am** [Comment ID: 2173] - Link

Question

Agree: 0, Disagree: 0

Wouldn't the limitation apply to a, b, and c of this section? The fences in floodplains cannot extend to the ground if they would inhibit flow during the 100 year event. Very important to protect this flow area, otherwise may increase flooding on other owners.

Sec. 8.4.6. **Retaining Walls**

A. Intent

To prevent retaining walls from looming over neighboring properties and public rights-of-way while improving the aesthetic quality of large retaining walls.

B. Applicability

Retaining wall standards apply based on the requirements of the applicable zoning district and the proposed project activity.

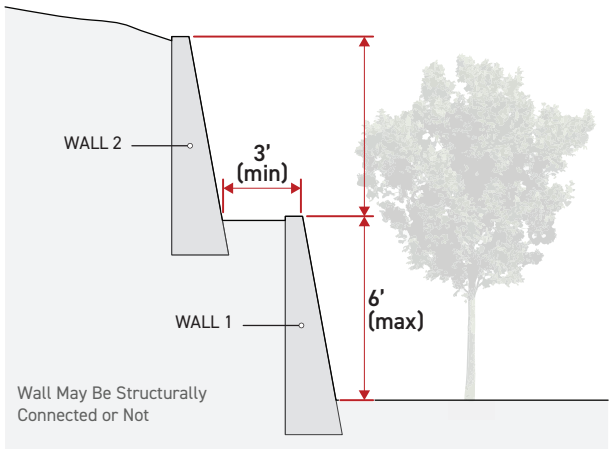
C. Standards

1. General

a. Retaining walls must not exceed a maximum height of 6 feet. However, two or more retaining walls can be built if they comply with the following standards:

i. The minimum horizontal distance between the walls is 3 feet; and

ii. None of the walls can exceed a height of 6 feet.



b. Retaining walls located in a front or side street yard must not exceed a height of 3 feet.

c. The combined height of all retaining walls located in a rear or side setback may not exceed the height of a fence or wall type specified by the zoning district.

d. No land-disturbing activity to construct a retaining wall may begin until a pre-construction meeting has taken place on-site between the City and the responsible party overseeing the installation and maintenance of erosion and sedimentation control measures.

2. Materials and Landscaping

a. Retaining walls must be constructed from finished poured concrete, concrete block with a finished surface, or be faced with stone, brick, decorative block, or smooth stucco.

b. All retaining walls 5 feet or greater in height must be landscaped to be screened from view with shrubs, planted in accordance with *Div. XX. Plants and Plant Material*.

#072

Posted by **apstillman** on **12/30/2025** at **10:38am** [Comment ID: 1766] - Link
Suggestion
Agree: 0, Disagree: 0
These material requirements should be limited to retaining walls located in a street-adjacent yards for House-Scale (H-) Form Districts and Neighborhood-Scale (N-) Form Districts. Timber walls should be permitted in side and rear yards

> Reply by **SiteAdmin** on **12/30/2025** at **12:53pm** [Comment ID: 1790] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

> > Reply by **Jennifer 4** on **02/10/2026** at **9:15am** [Comment ID: 1948] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > We've seen some harrowing examples of timber retaining walls at property lines - a more permanent and sturdy material is far safer in Atlanta's hilly, humid and temperature flux environment. I think timber retaining walls are fine within someones property but not at property lines - neither front, back nor side.

> > > Reply by **SiteAdmin** on **02/11/2026** at **10:08am** [Comment ID: 1954] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your feedback!

#073

Posted by **Kim 5** on **03/17/2026** at **6:00am** [Comment ID: 2266] - Link
Suggestion
Agree: 0, Disagree: 0
Add "and the hydrology report, if required, has been approved". The hydrology report can identify unmapped state waters and/or dictate the grading plan. The review is different than the E&SC review. Given the stormwater issues throughout the City, it is important to have this fail safe in the system.

> Reply by **SiteAdmin** on **03/17/2026** at **8:09am** [Comment ID: 2269] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you.
>
> This provision (d) will be removed and will reference the existing Sec. 74-43 text outside of Zoning to avoid potential future conflicts between zoning and non-zoning regulations.

#074

Posted by **Kim 9** on **04/05/2026** at **1:25pm** [Comment ID: 2545] - Link

Suggestion

Agree: 0, Disagree: 0

Recommend maintaining the limit to 2 retaining walls that exists. This restriction was added to address the mass grading and damage from stormwater, groundwater, and erosion that was occuring due to the number of retaining walls. The current limit allows for the ability of development of properties without the negative impacts of mass grading.

D. Measurement

1. The allowable height of retaining walls is measured from existing grade based on the existing conditions shown on the approved erosion and sediment control plan. 076

2. The height of retaining walls is measured from the top of the wall to the lower side of the adjacent lowest existing grade on the outside of the wall.

E. Relief

1. House- and Neighborhood-Scale Form Districts

a. In House- and Neighborhood-Scale Form Districts, a change of up to 50% from the retaining wall standards may be granted in accordance with *Sec. 9.5. Administrative Modification,* except for standards related to stream buffers, flood zones, and wetlands.

b. A change beyond 50% may be granted in accordance with *Sec. 9.6. Variance*.

2. All Other Zoning Districts

a. A change of up to 10% from the retaining wall standards may be granted in accordance with *Sec. 9.5. Administrative Modification*, except for standards related to stream buffers, flood zones, and wetlands. 075

b. A change beyond 10% may be granted in accordance with *Sec. 9.6. Variance*.

#075

Posted by **Kim 3** on **03/09/2026** at **6:41am** [Comment ID: 2174] - Link
Question
Agree: 0, Disagree: 0
wouldn't this apply to variances as well?

> Reply by **SiteAdmin** on **03/09/2026** at **11:08am** [Comment ID: 2193] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. Could you please clarify it?
>
> Stream buffers, floor zones, and wetland transitions are not regulated by the Zoning Ordinance and relief cannot be granted through the Zoning Ordinance.

> > Reply by **Kim 3** on **03/09/2026** at **7:21pm** [Comment ID: 2211] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > I wasn't very clear. The "except for clause" is listed for administrative modifications and should be listed under variances, because as you noted the zoning code cannot issue these variances.

> > > Reply by **SiteAdmin** on **03/10/2026** at **10:05am** [Comment ID: 2214] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > The exception clause was intended to specify that 10% is not available for those standards. This said, since these are not zoning standards, it is not necessary to list them. Zoning cannot be used to grant relief to non-zoning standards.

#076

Posted by **apstillman** on **12/30/2025** at **11:01am** [Comment ID: 1767] - Link
Suggestion
Agree: 0, Disagree: 0
This measurement method should only be applicable to retaining walls located along or within a certain distance of a property line to meet the intent stated in part A. For other locations, the height should be measured from finished grade to finished grade.
Example: In a zoning district that allows a maximum height of 3' total for retaining walls, a 1' retaining wall is built along the front property line and the front yard is regraded to gently slope up 1' over a distance of 30' to accommodate a driveway and sidewalk. The finished grade 30' from the front property line is now 2' higher than the original existing grade. This measuement method would prohibit a second retaining wall since its height would be 2' as measured from existing (i.e.

pre-construction) grade rather than being measured from the actual finished grade, which is not 2' higher.

Reply by **SiteAdmin** on **12/30/2025** at **1:03pm** [Comment ID: 1793] - Link

Answer

Agree: 0, Disagree: 0

Thank you for the suggestion.

Sec. 8.4.7. Plants and Plant Material

A. Intent

To support a healthy urban ecological system and provide the necessary supplemental information for all applicable planting and landscaping requirements in the Zoning Ordinance.

B. Applicability

1. The plants and plant material standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. The plants and plant material standards apply to any plant material used to meet a requirement of the Zoning Ordinance.

C. Standards

1. General

a. All plants and plant material must meet the standards in *City of Atlanta Code, Chapter 158, Article II - Tree Protection.*

b. Plant materials must be suited to the local environmental conditions of their specific planting location.

c. Plant materials must be able to survive on natural rainfall once established with no loss of health, or an irrigation system must be provided.

d. A natural-appearing dispersion and spacing of trees and shrubs throughout the site is encouraged.

2. Plant Materials Not Allowed

The Director may deem any plant material inappropriate because it is an invasive species or because the plant material is not well suited for the specific planting location. Unless stated otherwise below, such plants may be installed but may not be used to comply with the requirements of this Section. The planting of the following species are not allowed, except upon special review and approval by the Director:

a. All plants identified as invasive or undesirable by the City Arborist in *City of Atlanta Code, Chapter 158, Article II - Tree Protection* are not permitted.

b. Columnar or fastigiate species or cultivars may not be used to meet landscape requirements unless the City Arborist determines that site conditions are unsuitable for a broad canopy tree.

c. Larger shrub varieties can only be used to meet shrub landscape requirements and may not be used to meet tree landscape requirements.

d. No artificial trees or plants may be installed. Artificial turf is permitted but must be included in the calculation of lot coverage in accordance with *Sec. 3.4.2, Lot Coverage* and may not be counted toward any planting requirement.

3. Planting Requirements

a. Planting Size

All landscape planting materials must conform to the minimum size or height standards in the following table, and meet the standards of the *American Standard for Nursery Stock (ANSI Z-60.1)* at the time of planting.

	Min. Size and Height	
Planting Material	**Planting**	**Maturity**
Trees		
Canopy trees	3" caliper / 14' to 16' height	30' canopy spread
Understory trees	2" caliper / 10' height	15' to 30' canopy spread
Multi-stemmed trees	5 canes max / 10' height	15' to 30' canopy spread
Shrubs		
Evergreen shrubs	18" height	3' height
Deciduous shrubs	2' height	3' height
Other shrubs (evergreen)	4' height	10' max width / 8' height

b. Trees

i. All planting areas must meet the minimum soil volume requirements for tree size as specified in the *Chapter 158, Article II – Tree Protection*. Only trees with adequate soil volumes will be counted toward the minimum tree canopy cover requirement.

ii. Trees in planting areas less than 135 square feet must be of a species known to thrive in low soil volume areas.

iii. Unless approved by the Director, only trees with a mature height of less than 20 feet may be installed under overhead utility lines.

4. Installation

a. Plant material must be installed according to *American National Standards Institute ANSI A300 tree care standards*. This includes the removal of straps, burlap wraps, cutting of wire baskets, and proper mulch techniques.

b. All planting areas must be protected from vehicle damage by the installation of curbing or other methods approved by the Director. Alternative barrier designs which provide improved infiltration or storage of stormwater are strongly encouraged.

c. The plant materials used in and around parking lots and adjacent to public rights-of-way and pedestrian ways must have a height at maturity designed to maintain visibility at intersections to ensure the safety of pedestrians.

d. All planting areas must be stabilized with ground covers, mulches, or other materials approved by the Director to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable.

5. Maintenance

a. Plant materials must be maintained in good and healthy condition.

b. Planting areas must be kept free of weeds and trash.

c. All plants and materials used to comply with this Section must be arranged to ensure easy access for maintenance, maintain clear sight lines, avoid encroaching on neighboring properties, and consist of species appropriate for the proposed location, taking into account any conflicts with utility easements and rights-of-way.

d. All plant materials must be maintained to meet the visibility standards of *Sec. 8.3.2.C.2. Sight Visibility Triangles*.

D. Measurement

For the measurement of caliper, height, and canopy spread, refer to *City of Atlanta Code, Chapter 158, Article II - Tree Protection* and "Methods of Measurement" Section of the latest version of the *American Standard for Nursery Stock (ANSI Z-60.1).*

E. Relief

1. A change of up to 10% from the plants and plant material standards may be granted in accordance with *Sec. 9.5. Administrative Modification.*

2. A change beyond 10% may be granted in accordance with *Sec. 9.6 Variance*.

3. All changes to plant and landscaping material standards must be reviewed by the City Arborist.

4. An alternative landscape plan designed by a licensed Landscape Architect that meets the intent of the landscape standards to an extent equal to or better than the specified design standards may be approved by the Director in consultation with the City Arborist.

DIVISION 8.5. **LIGHTING**

Sec. 8.5.1. **Outdoor Lighting**

A. Intent

To establish exterior lighting standards that accommodate a variety of environments while minimizing negative impacts on adjacent uses and the public realm.

B. Applicability

1. Outdoor lighting standards apply based on the requirements of the applicable zoning district and the proposed project activity.

2. New Fixtures

Outdoor lighting standards apply to all exterior lighting fixtures on any lot installed after the effective date of the Zoning Ordinance.

3. Existing Fixtures

a. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.

b. The installation of new site lighting, replacement of existing lighting, and any modifications to light fixture wattage, fixture type, mounting, or fixture location must comply with the outdoor lighting standards.

4. Exemptions

a. Lighting required by the Federal Aviation Administration does not have to comply with the outdoor lighting standards.

b. The prohibition of certain light fixtures and sources, as specified in this Section, does not apply to temporary uses authorized through a Special Use Permit (SUP).

C. Standards

1. Prohibited Lighting Sources

The following light fixtures and sources may not be used:

a. Temporary searchlights and other high-intensity narrow-beam moving fixtures that shine light directly up to the sky.

b. Blinking, flashing, or fluttering lights or other illuminated device that has a changing light intensity, brightness, or color, except for temporary holiday displays or as allowed under *Sec. XX. Signs*.

c. Any lights directed, reflected, or with colors that may create a hazard to operators of motor vehicles or to operators of aircrafts. Sign lighting for approved Gulch signage and Arts and Entertainment (A&E) signage, as regulated by *Section 8.6.15, Sign Overlay District Standards*, is exempt from this standard.

2. Design and Installation

a. Light sources must be concealed or shielded to minimize the potential for direct glare and lighting trespassing onto on adjacent properties and rights-of-way.

b. The maximum light level of any light fixture measured at a lot line may not exceed an average of 2.0 footcandles. The uniformity ratio should be no more than 4:1.

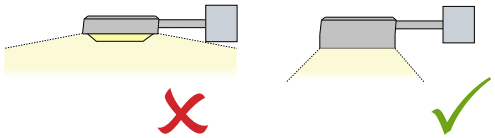
c. Light sources must use a color temperature of no more than 4,000 Kelvin, with a Color Rendering Index (CRI) value of 80 or higher.

d. Lighting must not be oriented onto adjacent properties, sidewalks, or streets.

e. Service connections for all freestanding lighting fixtures must be installed underground.

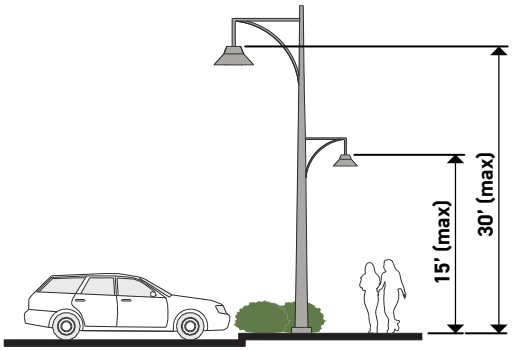
3. Parking and Pedestrian Area Lighting

a. All light fixtures must be full cutoff or shielded, except as listed below.



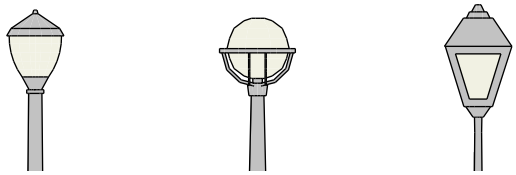
b. Light fixtures within parking lots and vehicle use areas can be no higher than 30 feet.

c. Light fixtures within pedestrian areas can be no higher than 15 feet.



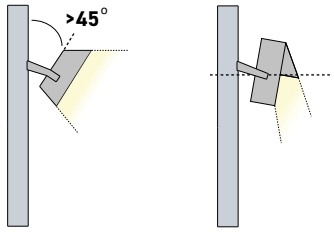
d. All parking lots and structures must provide a minimum illumination of 2.0 footcandles.

e. Non-cutoff or un-shielded fixtures can be used if the maximum initial lumens generated by each fixture is less than 9,500. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

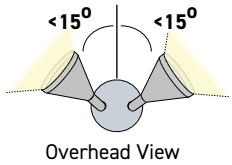


4. Flood Lights and Flood Lamps

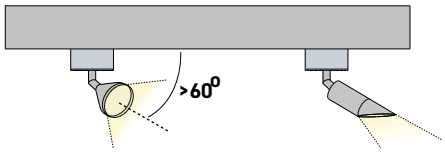
a. Flood light fixtures must be aimed down at least 45 degrees from a vertical plane or the front of the fixture must be shielded so that no portion of the light bulb extends below the bottom edge of the shield.



b. Floodlight fixtures within 50 feet of a public right-of-way must be mounted and aimed perpendicular to the right-of-way, and fully shielded to prevent light from being visible from adjacent properties.



c. All flood lamps emitting 1,000 or more lumens must be shielded or aimed at least 60 degrees down from the horizontal plane so that the main beam is not visible from adjacent properties or the public right-of-way.

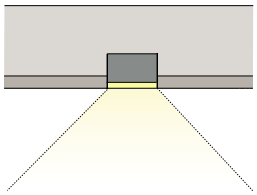


5. Awnings and Canopies

Lighting under awnings or canopies must be less than 24 maintained footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

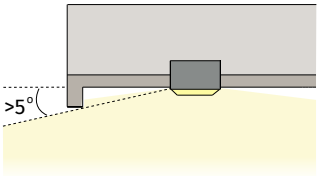
a. Recessed

Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the awning or canopy.



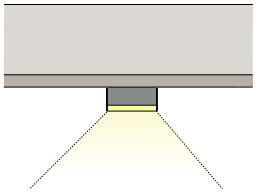
b. Shielded

Light fixture incorporating shields or is shielded by the edge of the awning or canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



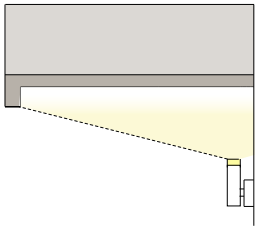
c. Surface Mounted

Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



d. Indirect

Indirect lighting where light is beamed upward and then reflected down from the underside of the awning or canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the awning or canopy.



6. Building Lighting

a. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the public right-of-way.

b. All wall pack fixtures must be full cutoff fixtures.

c. Only lighting used to accent architectural features, landscape, or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

D. Measurement

1. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.

2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

E. Relief

1. A change of up to 10% from the lighting standards may be granted in accordance with *Sec. 9.5. Administrative Modification*.

2. A change of up to 30% may be granted in accordance with *Sec. 9.5. Administrative Variation*.

3. A change beyond 30% may be granted in accordance with *Sec. 9.6. Variance*.

DIVISION 8.6. **SIGNS**

Sec. 8.6.1. **General Provisions**

A. Title

This Division will be known and may be referred to as the "Atlanta Sign Ordinance."

B. Authority

This Division is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to article IX, Section 2, paragraph IV, and article IX, Section 2, paragraph III, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. Section 36-70-3, the City of Atlanta Charter, sections 1-102(b) and 1-102(c)(16), (20), (21), (24), (29), (41), (42), and (56) as well as the general police powers of the City of Atlanta and other authority provided by federal, state and local laws.

C. Intent

The City of Atlanta finds that the number, size, design characteristics, and locations of signs in the City directly affect the public health, safety, and welfare. The City finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public, and substantially detract from the beauty and appearance of the City. The City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the City of Atlanta in enacting this Division are as follows:

1. To create a safe, attractive, and economically vibrant environment that respects constitutional rights and generates public benefits for the community;
2. To safeguard the public health, safety, and welfare of residents and implement the City's comprehensive development plan through detailed sign regulations;
3. To regulate sign design and placement to ensure safe pedestrian and vehicular traffic conditions, minimizing distractions along public right-of-ways;
4. To preserve property values on and around sign locations;
5. To sustain an aesthetically attractive City with signage that complements developments patterns in specific Form Districts;
6. To protect tree coverage throughout the City;
7. To balance business development needs with the City's commitment to safety and visual appeal;
8. To support business identification and the display of available goods and services, promoting local economic vitality;
9. To protect free speech rights under the State and U.S. Constitutions, ensuring no restrictions are based solely on sign content;

10. To create a permit system that allows specific sign types in zoning districts in alignment with district intent and standards;
11. To permit certain small, safe, and discreet signs incidental to the principal lot use without requiring a permit, subject to this Division;
12. To allow temporary signs in limited cases, without content-based restrictions;
13. To apply reasonable controls, including eventual removal, on nonconforming signs, balancing public welfare with the constitutional rights of sign owners;
14. To encourage public art as an integral part of the built environment while preventing misuse of art exemptions to circumvent sign regulations;
15. To prohibit unauthorized signs, ensure proper maintenance, and enforce Division provisions; and
16. To prohibit obscenity in all signage.

D. Applicability

1. Sign standards apply based on the requirements of the applicable zoning district and the proposed project activity.
2. Sign standards apply to all signs erected, installed, structurally altered, or otherwise modified after the effective date of the Zoning Ordinance, whether a Sign Permit is required or not, according to *Sec. XX. Sign Permits*.
3. Nonconforming signs are subject to the provisions of *Sec. XX. Nonconforming Signs*.

E. Severability

Should any Section or provision of this Division, or the application of the requirements to any person or circumstance, be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of this Division as a whole or any Section other than the Section or provision, or application of the requirements, specifically declared to be invalid.

Sec. 8.6.2. **Prohibited Signs**

All signs not expressly permitted under this Division are prohibited. Certain exceptions may apply if approved according to *Sec. XX. Alternate Design Sign Plan*. Prohibited signs include but are not limited to:

A. Banners, except as authorized in *Sec. XX. Public Right-of-Way Signs*.

B. Beacons.

C. Pennants.

D. Strings of lights not permanently mounted to a rigid background, except as authorized in *Sec. XX. Sign Permit Not Required*.

E. Balloons.

F. Roof signs.

G. Rotating signs.

Sec. 8.6.3. **Construction and Maintenance**

All signs must be constructed and maintained in accordance with the following standards:

A. All signs must comply with all applicable provisions of the City of Atlanta Building Code at all times, provided that if any provision of said code directly conflicts with a provision in this Division, this Division will control.

B. All signs must comply with all applicable provisions of the City of Atlanta Electrical Code at all times, provided that if any provision of said code directly conflicts with a provision in this Division, said electrical code will control.

C. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Division, all signs must be constructed of permanent materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.

D. All signs must be erected and maintained in good structural condition and in conformance with this Division and all other applicable regulations of the City of Atlanta at all times. Except as provided in Subsections above, should any provision of this Division be in conflict with another regulation of the City, the more restrictive or that imposing the higher standard will govern.

Sec. 8.6.4. **Public Right-of-Way Signs**

A. General

1. No sign is allowed in the public right-of-way except as follows or as otherwise permitted by the City of Atlanta Code of Ordinances, and all other prohibitions and regulations governing signs in public rights-of-way and upon public property in the City of Atlanta Code of Ordinances, including but not limited to Section 138, also will apply:

    a. Signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

    b. Transit stop signs erected by a public transit authority.

    c. Informational signs of a public utility identifying its poles, lines, pipes or other facilities.

    d. Awning, projecting and suspended signs projecting over a public right-of-way when in conformity with all other requirements of this Division.

    e. Banners within the public right-of-way that are authorized by and approved under of the *City of Atlanta Code of Ordinances* Section *138-60*.

    f. Temporary emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

    g. Signs that are attached to transit shelters subject to the provisions of the City of Atlanta Code of Ordinances Section 138-43. Signs attached to street furniture such as trash cans, benches, kiosks, and streetcar shelters owned or operated by governmental units or public authorities.

h. Temporary changing signs, not to exceed 30 days, as part of a City-sponsored program in connection with entertainment events meeting the criteria set forth for Wrap or Projection Signs (*Sec. XX.*).

i. Newspaper vending devices that are authorized by and approved under City of Atlanta Code of Ordinances Division V of Article II of Section 138.

j. Building identification signs required by building or fire code.

k. Neighborhood identification signs meeting the requirements for Entrance Signs (*Sec. XX)*, limited to 2 such signs per street entrance, are permitted.

2. Any sign installed or placed on public property or right-of-way except in conformance with the requirements of or references in this Section will be deemed to be an illegal sign and must be immediately removed by the owner or be subject to immediate removal by the City. In addition to other remedies hereunder, the City will have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. This Section, and all code sections referenced in this Section, will be enforced by the Commissioner of Transportation or that Commissioner's designee.

B. Liability Insurance

All permits for projecting or pedestrian signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare will be conditioned upon:

1. The obtaining and continuous maintenance of liability insurance by the owner for such sign in an amount not less than $1,000,000.00 per occurrence per sign. Said insurance policy must not contain a deductible in excess of $1,000.00. The owner of such sign must maintain said liability insurance for the life of the sign, and any sign not so insured by the owner will automatically be deemed illegal as of the date of said insurance lapse and be immediately removed by the owner.

2. The owner of such sign executing a statement appearing on the face of the permit or affixed thereto, agreeing to indemnify the City and holding the City harmless from any and all claims of any kind relating to said sign, which indemnification will not be limited to the terms of liability insurance required herein.

3. An application for a permit for projecting or pedestrian signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare must include a form signed by the Chief Risk Officer or their designee that the liability insurance and indemnification requirements above are met. The owner must provide to the Chief Risk Officer or their designee a certificate of insurance that names the City of Atlanta as an additional named insured and that requires notice to the City of Atlanta at least 30 days prior to cancellation or termination. The owner of such sign must provide proof of these insurance requirements in a form acceptable to the Chief Risk Officer or their designee prior to issuance of a Sign Permit.

Sec. 8.6.5. Nonconforming Signs

A. General Standards

1. A sign is a use of property. It can also be a structure, as defined in this Ordinance.

#077

Posted by **Kim 7** on **03/25/2026** at **2:10pm** [Comment ID: 2312] - Link

Suggestion

Agree: 0, Disagree: 0

Can this section specify that nonconforming signs are those that were legally constructed? There are MANY illegally constructed nonconforming signs.

> Reply by **SiteAdmin** on **03/25/2026** at **3:53pm** [Comment ID: 2323] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

2. It is the policy of the City that nonconforming signs be removed or replaced with conforming signs within a reasonable period of time.

3. A nonconforming sign in use may remain subject to the requirements of this Division.

4. The substitution or modification of panels or faces on nonconforming signs and repainting, refacing, or re-postering nonconforming signs is permitted to the extend authorized by this Division.

5. Repairs and normal maintenance of nonconforming signs, such as repainting, electrical repairs, and neon and like tubing lighting with a similar appearance, is permitted to the extent authorized by this Division, provided it does not enlarge or expand the degree of nonconformity.

B. Loss of Nonconforming Sign Status and Removal

1. Demolition of Principal Structure

Any nonconforming freestanding sign, including the sign structure, for a business establishment must be removed at the time of the demolition of the primary structure.

2. Cessation of Sign Use

Any nonconforming sign which is not used or leased for a continuous period of 1 year, regardless of the intent of the owner or tenant to abandon the use of the sign, will be deemed abandoned and the sign will not thereafter be reused for sign purposes unless and until it fully conforms with the requirements of this Division.

3. Cessation of Business Use

a. Where no business establishment occupies the premise for a continuous period of 1 year, any nonconforming sign previously used by such business establishment, regardless of the intent of the owner or tenant to abandon the sign, will be deemed abandoned and may not be reused until the sign is made to conform.

b. Where no business establishment occupies the premise for a continuous period of 2 years, any nonconforming sign previously used by such business establishment, regardless of the intent of the owner or tenant to abandon the sign, will be deemed abandoned and must be removed, including the sign structure.

c. Vacancy, water disconnect or expiration of a current business license is a rebuttable presumption of non-occupancy which will be measured from the earlier date of the vacancy, water disconnect date or the date of the expiration of the last business license associated with the premise.

C. Vacant Lots

Any nonconforming sign except for Entrance Signs (*Sec. XX)* existing on the date of the adoption of this Ordinance on a vacant lot must be removed, including the sign structure, within 2 years of adoption. Vacant means there is no active use or habitable structure on the lot, other than the sign.

#078

Posted by **Kim 7** on **03/25/2026** at **6:24am** [Comment ID: 2302] - Link
Suggestion
Agree: 0, Disagree: 0
I think this is supposed to be extent

> Reply by **SiteAdmin** on **03/25/2026** at **4:03pm** [Comment ID: 2327] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thanks!

D. Window Signs

1. Any window sign in excess of the allowed number existing on the date of the adoption of this Sign Ordinance must be removed within a reasonable period of time so as to allow recoupment of cost to the sign owner. Cost will be evidence by receipts or other evidence of actual cost in procuring the window sign. Removal will be as follows:

    a. Any window sign with a cost of $100.00 or less must be removed within 30 days of the effective date of the Sign Ordinance.

    b. Any window sign with a cost of greater than $100.00 and less than $5000 must be removed within 120 days of the effective date of the Sign Ordinance.

    c. Any window sign with a cost of equal to or greater than $5000.00 must be removed within 1 year of the effective date of the Sign Ordinance.

E. Exceptions

1. The above requirements of subsection (B) or (C) do not apply to signs that require a state sign permit.

2. The above requirements of subsection (B) do not apply to signs in Landmark or Historic Districts or to historic iconic signs.

3. The BZA may grant a variance extending the time to comply with subsection (B)(3) upon a finding that the time frame has not expired and upon a showing of financial hardship in complying with the time frame. Any time extension must be reasonable in relation to the circumstances of the case.

Sec. 8.6.6. General Sign Standards

The following general regulations apply to all signs located in the City:

A. Messages

Any sign allowed in this Division may contain any lawful non-obscene message so long as the sign complies with the size, height, area and other requirements of this Division and of the Zoning Ordinance.

B. Signs Not to Constitute Traffic Hazard

No animated flashing or changing sign is permitted to be located adjacent to an Interstate highway or be visible from any portion of the highway unless the sign is otherwise permitted by state law and complies with the following:

1. Any sign which is directly or indirectly illuminated, including electronically changed signs, will be reviewed by the Commissioner of the Atlanta Department of Transportation prior to the issuance of a Sign Permit for compliance with this subsection.

2. No sign may be erected, and there may be no lighting of signs or premises in such a manner and location so as to obstruct the view of, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to

#079

Posted by **Kim 7** on **03/25/2026** at **10:17am** [Comment ID: 2308] - Link

Question

Agree: 0, Disagree: 0

These signs are currently limited to a number per area. Do those restrictions carry forward? If so, where are they located. Similarly, there are density restrictions for signs on arterial and connector streets. Please clarify where these standards are located or if they were removed.

> Reply by **SiteAdmin** on **03/25/2026** at **4:27pm** [Comment ID: 2328] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Please see page 8-108. They are limited to 1 sign per establishment, and the sign may not cover more than 20% of a window panel. In no case may a sign exceed 10 sf (4 sf for neon and similar).

drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.

3. No flashing or animated sign may extend over a public right-of-way.
4. If any sign is found to constitute a traffic hazard, the owner of the sign may be required to reduce the intensity of the condition or effect which caused the hazard to a level acceptable to the Atlanta Department of Transportation. The Commissioner may through the issuance of a stop work order cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.
5. Signs must meet the requirements for sight visibility triangles according to *Sec. 8.3.2.C.2. Sight Visibility Triangles*.

C. Sign Lighting

1. Any sign erected after the effective date of this Division that is externally illuminated must use full cutoff luminaires. Lighting must be mounted above the sign and directed downward to prevent light spill and glare onto adjacent properties, rights-of-way, or the night sky.
2. Lighting associated with a sign must be directed at the sign face.
3. All sources of light associated with a sign must be effectively shielded from adjacent residential uses and all streets.
4. Lighting associated with a sign may not exceed 1.1 foot candles in intensity when measured within any portion of a lot with a residential use.
5. Sign lighting must comply with the requirements set in Section XX: Lighting.

D. Prohibited Materials

1. Neon

Neon lighting is prohibited, except in the following districts:

a. Urban General (UG-) Form Districts paired with any Use District except Residential (R-);

b. Urban Core (UC-) Form Districts;

c. Workplace (W-) Form Districts;

d. Workplace Flex (WX-) Form Districts,

e. Cabbagetown Landmark District:

   i. Subarea 1 - Mill

   ii. Subarea 5 - Transitional Commercial / Industrial

f. Martin Luther King, Jr. Landmark District:

   i. Subarea 4 - Auburn Commercial Corridor

   ii. Subarea 5 - Edgewood Commercial Corridor

g. Hotel Row Landmark District;

h. Adair Park Historic District:

i. Subarea 2 - Transitional Commercial

ii. Subarea 3 - Transitional Industrial

i. Castleberry Hill Landmark District;

j. Briarcliff Plaza Landmark District;

k. Buckhead Village Legacy District;

l. Buckhead /Lenox Stations Legacy District; and

m. Midtown Legacy District.

E. Maximum Height of Signs

1. No portion of any sign is permitted to extend above the top of the building upon which it is located.

2. For all sign types except for crown signs, or as otherwise provided in this Division, when attached to buildings over 30 feet in height, no portion of a sign is permitted to be located more than 30 feet in height above ground level, provided that when the ground level is lower than the level of the adjoining street pavement, said sign may be raised so as to be not more than 20 feet above the level of the pavement.

F. Protection of Trees

No removal, destruction, topping, pruning or cutting of any trunk, branch, roots or other vital section of any priority tree is allowed, whether or not such priority tree may interfere with the visibility of or otherwise affect a sign, without a permit obtained from the City Arborist. In deciding whether or not to issue such permit, the City Arborist will consider the following factors:

1. Conformance with the City of Atlanta tree ordinance.

2. Whether the priority trees involved are historic or specimen trees as defined by City of Atlanta Code, Chapter 158, Article II - Tree Protection.

3. The degree to which the proposed cutting or pruning is likely to damage the priority trees.

4. The impact of the proposed cutting or pruning on Atlanta's urban forest environment.

G. Signs Inside of a Building

Notwithstanding the provisions of *Sec. XX. Signs Not Requiring a Permit*, certain signs inside of a building may require a permit to demonstrate that such signs conform with the zoning district regulations where said signs function in a manner that is substantially equivalent to signs that would require a permit if placed on the outside of that building. Specific examples of signs that function in a manner that is substantially equivalent to signs placed on the outside of a building include the types of signs regulated by this Subsection. However, a sign that is not specifically regulated by this Subsection may still be considered to function in a manner that is substantially equivalent to a sign

placed on the outside of a building. This Subsection will be considered authority to require that such sign apply for and receive a Sign Permit that complies with this Division.

1. Illuminated and changing signs may not exceed 30% of the area of any window or door where such sign is installed and must be less than 12 square feet in total size regardless of the size of the window; provided however that no one sign may exceed 6 square feet and further provided that where district regulations impose stricter controls on signs inside of a building or window signs, that the district regulations control. Illuminated or changing signs exceeding these limits will not be considered signs inside of a building and require a Sign Permit.

2. No sign installed in any enclosed space on a roof or rising above the level of a roof in that enclosed space will be considered a sign inside of a building; provided however that where such signs are permitted by the zoning district regulations they will not be considered to be in conflict with this Subsection.

3. Window coverings of any type being used for the purpose of shielding interior construction activity or a vacant tenant space on the ground level of commercial or multi-family buildings will be considered signs inside of a building and no Sign Permit is required and will be subject to the following limitations:

    a. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, signs posted inside of a building must not exceed 6 square feet in surface area.

    b. In Campus (CM) Form District or where the district regulations do not otherwise specify, signs posted inside of a building must not exceed 25 square feet in surface area.

    c. Urban General (UG-) and Urban Core (UC-) Form District signs posted inside of a building may not exceed 50 square feet.

    d. One sign of the size specified above is allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces, provided however that the posting of an exterior sign will count against the square footage of signs allowed inside of a building.

H. General Clearance Requirements

1. No sign otherwise permitted in a particular district may project any closer than 18 inches from the inner curbline of a street or driveway.

2. All signs must be so located and must provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles.

3. Above sidewalks or any other public pedestrian ways, vertical clearance to the lower portion of any canopy or marquee sign, projecting sign or wall sign, or freestanding sign must be at least 10 feet.

4. Above parking areas and driveways, other than for large trucks, such vertical clearance must be at least 14 feet.

5. Above service and other driveways for large trucks, such vertical clearance must be at least 14 feet.

6. Signs may not be erected or maintained which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; nor may any sign be attached in any manner to a fire escape.

I. Signs in Historic and Landmark Districts

Signs in a Historic and Landmark District must meet the following standards:

1. The size, scale, and design of the sign must be compatible with the size, scale, and design of the property, building, or site upon which it is to be located.
2. The sign's materials must be compatible with the period and style of the property, building, or site.
3. The sign's location must not obscure any significant architectural features of the building or site.
4. The sign's installation must not irreparably damage any cornice, ornament or similar architectural detail and must be the least damaging method feasible for the property, building, or site.
5. On buildings with masonry facades, signs must be anchored to the exterior face of the building at mortar joints.

J. Regulations for Changing Signs

Where changing signs are allowed, they must meet the following standards:

1. Each message displayed on any changing sign display must remain static for at least 10 seconds following the completion of its transition from the previous message. As used in this Subsection "static" must mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.
2. When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message must be accomplished in 3 seconds or less. The transition period will be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.
3. When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message must be accomplished in 2 seconds or less. The transition period will be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.
4. No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two fully illuminated static messages displays in an electronically changed sign will not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.
5. No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.

6. No display or other effect from any electronically changed sign is allowed to cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Such display or effect will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.

7. An electronically changed sign using the scrolling of letters, numbers, or symbols onto the sign face to form words or messages must appear on the sign face from only one direction for each static display. Messages transitions achieved by means of the scrolling of the letters, numbers or symbols must be completed within 2 seconds and must remain static for at least 10 seconds following the completion of the transition from the previous message.

8. All signs must appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The failure of an electronically changed sign to appropriately adjust display brightness as ambient light levels change will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.

9. No malfunction of a changing sign may cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Any such condition resulting from a malfunction will be considered an acute traffic hazard and will be subject to the regulations contained in this Division.

10. A sign which is not permitted to be a changing sign and employing any changing sign technology must contain only static messages and is not allowed to change more than once every 24 hours.

11. Permit applications for electronically changed signs must also include a certification from the owner or operator of the sign stating that the sign will at all times be operated in accordance with these standards and that the owner or operator must provide proof of such conformance upon request of the Director.

12. Any existing changing sign must comply with these standards. If an existing changing sign currently cannot meet these requirements due to the limitations of the technology being employed, the owner of the sign is allowed to continue the existing use upon a showing, satisfactory to the Director, that these standards cannot be met.

13. Due to the limitation on distances between certain electronic changing signs, an approved application to employ changing sign technology must be acted upon within the time frames stated on the Sign Permit. After expiration of the permit, a new application for the location is required and the expired permit will be not be considered to bar location of other changing signs due to distance requirements. The Director may issue one extension of 60 days for good cause as shown in writing by the permit holder.

Sec. 8.6.7. **Sign Type Standards**

A. District Permissions

1. Sign types are permitted based on the zoning district, as outlined in the table below. A sign must meet all of the standards for that particular sign type and any additional sign standards for the zoning district.

Sign Types	House-Scale (H-)	Neighborhood-Scale (N-)	Urban General (UG-)	Urban Core (UC-)	Workplace Flex (WX-)	Workplace (W-)	Special	Definition and Standards
Building Signs								
Canopy	--	■	■	■	■	■	■	*Sec. XX*
Crown	--	--	◘	■	■	■	■	*Sec. XX*
Marquee	--	--	◘	■	■	■	■	*Sec. XX*
Painted Wall	--	◘	■	■	■	■	■	*Sec. XX*
Pedestrian	--	◘	■	■	■	■	■	*Sec. XX*
Projecting	--	--	■	■	■	■	■	*Sec. XX*
Wall	◘	◘	■	■	■	■	■	*Sec. XX*
Window	--	◘	■	■	■	■	■	*Sec. XX*
Freestanding Signs								
Entrance	■	■	■	■	■	■	■	*Sec. XX*
Monument	--	--	■	■	■	■	■	*Sec. XX*
Suspended	--	--	■	■	■	■	■	*Sec. XX*
Special Signs								
Approved Historic Marker	■	■	■	■	■	■	■	*Sec. XX*
Billboard	--	--	--	--	--	◘	--	*Sec. XX*
Feather	--	--	◘	◘	◘	◘	◘	*Sec. XX*
Flag	■	■	■	■	■	■	■	*Sec. XX*
Landmark	■	■	■	■	■	■	■	*Sec. XX*
Portable	--	--	■	■	■	■	--	*Sec. XX*
Temporary	■	■	■	■	■	■	■	*Sec. XX*

KEY: ■ = Sign type allowed ◘ = Sign type allowed for nonresidential uses only -- = Sign type not allowed

2. See each sign type for sign standards and see *Sec. XX. Form District Sign Standards*, *Sec. XX. Legacy District Sign Standards*, *Sec. XX. Historic and Landmark District Sign Standards*, and *Sec. XX. Sign Overlay District Standards* for additional sign standards and permissions for each zoning district.

B. Sign Type Categories

1. Building Signs

Building signs are attached to any part of a building. Building signs include canopy, crown, marquee, painted wall, pedestrian, projecting, wall, and window sign types. The requirements for building signs can be found in *Sec. XX. Building Signs*.

2. Freestanding Signs

Freestanding signs are not attached to a building or any structure other than its own support, supported by one or more columns, uprights or braces in or upon the ground, and does not extend over any portion of a building. Freestanding signs include entrance, monument, and suspended sign types. The requirements for freestanding signs can be found in *Sec. XX. Freestanding Signs*.

3. Special Signs

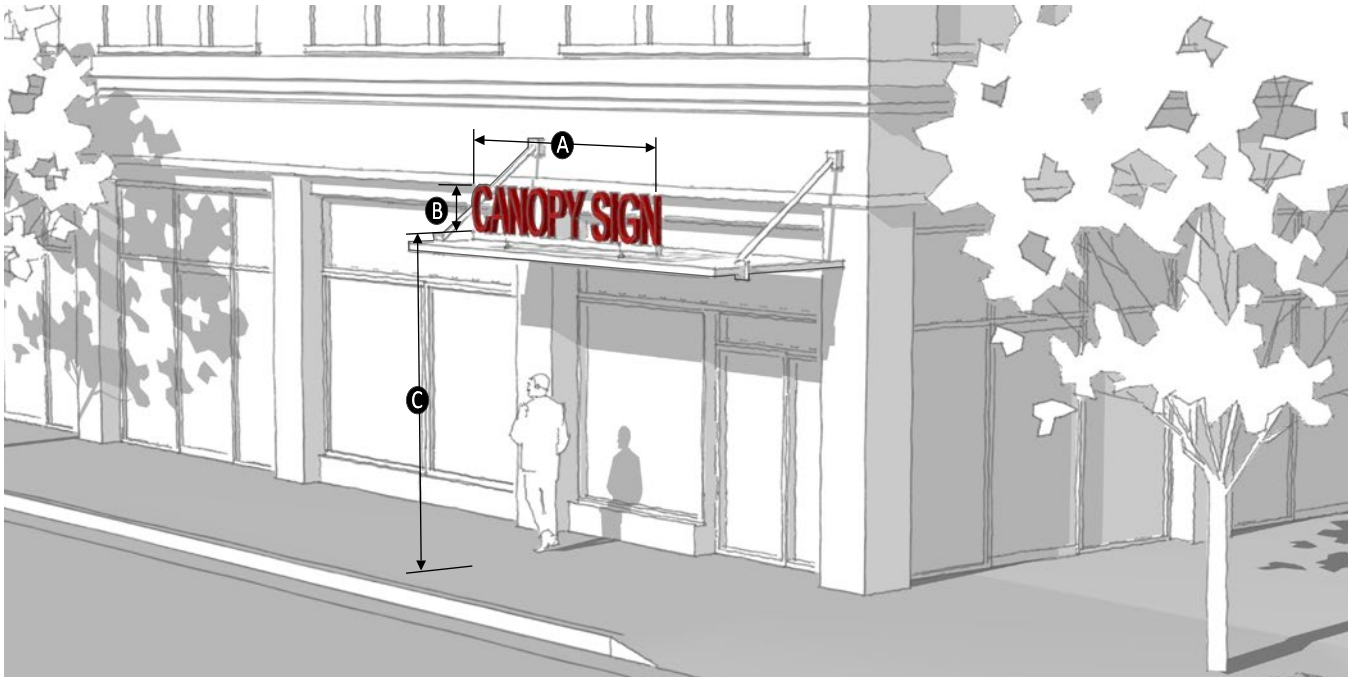
Special signs are unique signs with limited application. Special signs include approved historic marker, billboard, feather, flag, landmark, portable, and temporary sign types. The requirements for special signs can be found in *Sec. XX. Special Signs*.

4. Alternate Sign Plans

Alternate Sign Plans allow for City Council to approve sign types that do not readily adhere to typical sign types on sites with unique design considerations. The requirements for Alternate Sign Plans can be found in *Sec. XX. Alternate Sign Plans*.

Sec. 8.6.8. **Building Signs**

A. Canopy Sign



1. Description

A building sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

2. General Standards

a. Only canopies or awnings over ground-story entries or windows may contain a sign.

b. A canopy sign may be externally and internally illuminated.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of canopy signs (max)	1 per establishment

4. Individual Sign Dimensions

	Area per sign (max)	30 SF
A	Width (max)	60% of the canopy or awning width
B	Height (max)	3 feet
C	Clear height above sidewalk (min)	10 feet
	Clear height above vehicle area or driveway (min)	14 feet

B. Crown Sign

1. Description
A building sign attached to the exterior wall at the top of a building facade on a building 4 or more stories in height and actually occupied by a principal occupant.

2. General Standards
a. Must be located on the fourth story or above.
b. No part of a parking deck may be counted towards meeting the height requirement for this sign type.
c. Crown signs are permitted only for a building's owner or principal occupant.
d. Must not extend above the top of the building.
e. A crown sign may be externally and internally illuminated.

3. Number of Signs	
Total number of building signs (max)	See zoning district sign standards
Number of crown signs (max)	1 per street-facing facade

4. Individual Sign Dimensions	
A Area per sign (max)	
4 story building	5% of total facade
Above 4 story building	350 SF

5. Additional Standards

Crown signs where permitted by district regulations are subject to the following conditions unless otherwise modified by a more specific district regulation:

a. Crown signs may supersede the more restrictive height limit set forth in *Sec. XX. General Sign Standards* including the 200 square foot area limitation imposed by the applicable Form District.

b. Crown signs will not be included in computing the total area of signage imposed by each zoning district for other signs.

c. Crown signs are allowed only for an owner or principal occupant as defined in *Sec. XX. Sign Definitions*. Changes in ownership or occupancy that result in non-compliance with this Division requires the removal of the subject sign.

d. Crown signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a crown sign or to support a crown sign.

e. An applicant seeking permission to erect a crown sign must provide notarized documentation that it has an ownership interest in the building or that it meets the conditions required to be considered a principal occupant and has permission from the owner to make the application. In determining the level of ownership necessary to qualify as an owner, the City presumes, based on the documentation required to be produced, that the applicant has made such arrangements with other claiming ownership interest as may be necessary to allow the applicant to claim that it may apply for the sign as an owner. As a part of the documentation, which may be, but is not required to be on a form supplied by the City, the applicant will acknowledge and agree:

   i. That neither the City nor its administrative officials are confirming whether the application is in conflict with the rights of others claiming ownership rights or others claiming to be principal occupants regardless of whether such claims are known or unknown;

   ii. That the applicant has made the statements in the application subject to the state law penalties which apply to false, fictitious, or fraudulent statements or entries in a matter within the jurisdiction of a department or agency of the government of a city;

   iii. That the City and its administrative officials are relying on the sworn statements in the application in making its determination that the application meets the criteria set forth in this Division;

   iv. That the City and its administrative officials are authorized to audit the leases for a principal occupant to verify that the level of occupancy and length of the lease term meets the requirements of this Subsection and that the applicant agrees to cooperate when requested to produce such documents.

f. The issuance of a Sign Permit pursuant to this Subsection is limited to a determination that the application included the required documentation, that the building on which the sign is to be erected met the requirements of this Subsection and that the sign erected or to be erected met the requirements of this Subsection. Those determinations are, in part, based on the

notarized documentation provided by the applicant concerning the allocation of private rights subject to contracts or leases with other parties and therefore the City's issuance of such permit:

i. Will not be considered to be the decision of the City or any administrative official that such permit has the effect to determine, supersede, amend or modify private rights of ownership in any sign or in any building where such sign may be legally erected in that the City and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and

ii. Will not be considered to be the decision of the City or any administrative official that such permit has the effect to determine, supersede, amend or modify the private rights created in or by any lease or contract between any parties in that the City and its administrative officials are relying on the sworn representations of the applicant in issuing the permit; and

iii. Will not give standing to another party to request that the Board of Zoning Adjustment determine whether ownership rights in the building or a contractual right or leasehold right gives such party the right to control the erection of or the content of the sign for which the permit was issued. While no crown sign may be erected without a Sign Permit, the allocation of the right between private parties as to which party has the right to apply for and erect a permitted crown sign on a building where such sign could otherwise be erected will at all times be determined by the contractual, leasehold or ownership rights of the qualifying principal occupants and the owners, such that in the case of this type of dispute, the parties will be obligated to settle such dispute between them in a court of competent jurisdiction in that the Board of Zoning Adjustment is not empowered to make such determinations.

C. Marquee Sign

1. Description
A building sign painted on or attached across the face of a marquee, including reader-boards, located above a building entrance.

2. General Standards
a. A marquee sign may be internally illuminated in accordance with *Sec. XX. Sign Lighting*.
b. A marquee sign may not encroach over any public right-of-way, including, without limitation, any pedestrian zone.

3. Number of Signs	
Total number of building signs (max)	See zoning district sign standards
Number of marquee signs (max)	1 per street-facing facade

4. Individual Sign Dimensions	
A Area, all faces (max)	60 SF
B Height above bottom of marquee (max)	5 feet
C Clear height above sidewalk (min)	10 feet

D. Painted Wall Sign

1. Description

A building sign painted on the exterior wall of a building or structure.

2. General Standards

a. If a painted wall sign is located within a mural, only areas including text count toward the sign area.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of painted wall signs (max)	1 per building or per 50 feet of street-facing facade, whichever is greater

4. Individual Sign Dimensions

A Area per sign (max)	
Ground story	50 SF
Upper story	100 SF

E. Pedestrian Sign

1. Description

A building sign that is attached perpendicular to the exterior wall of a building, typically extending 12 inches or more from the wall.

2. General Standards

a. Must be located below the window sills of the second story on a multi-story building or below the roof line on a single story building.

b. Must be located within 5 feet of a ground story tenant entrance.

c. Must be located at least 15 feet from any other pedestrian or projecting sign.

d. Pedestrian signs that are not internally illuminated do not count toward the total combined building sign area.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of pedestrian signs (max)	1 per establishment

4. Individual Sign Dimensions

A	Area per sign (max)	10 SF
B	Clear height above sidewalk (min)	10 feet
	Clear height above vehicle area or driveway (min)	14 feet

F. Projecting Sign

1. Description

A building sign that is attached perpendicular to the exterior wall of a building, typically extending 12 inches or more from the wall that does not meet the standards for a pedestrian sign.

2. General Standards

a. Not allowed above roof line or parapet.

3. Number of Signs

Total number of building signs (max)	See zoning district sign standards
Number of projecting signs (max)	1 per establishment

4. Individual Sign Dimensions

A	Area per sign (max)	50 SF
B	Clear height above sidewalk (min)	10 feet
	Clear height above vehicle area or driveway (min)	14 feet

G. Wall Sign

1. Description
A building sign attached flat and parallel to the exterior wall of a building, extending no more than 12 inches from the wall.

2. General Standards	
a.	Not allowed above roof line or parapet.
b.	May only be displayed on facades that include a customer entrance or the appearance of display windows.

3. Number of Signs	
Total number of building signs (max)	See zoning district sign standards
Number of wall signs (max)	1 per establishment

4. Individual Sign Dimensions	
A Area per sign (max)	50 SF
B Projection depth (max)	1 foot

#080

Posted by **Kim 7** on **03/25/2026** at **6:49am** [Comment ID: 2303] - Link
Question
Agree: 0, Disagree: 0
Confirm that this cannot be an animated, flashing, or changing sign.

> Reply by **SiteAdmin** on **03/25/2026** at **4:37pm** [Comment ID: 2333] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. They would need to be allowed by the district regulations.

H. Window Sign

1. Description

A building sign which is painted on, applied to, attached to or projected upon the glass area of a building facade, including doors, or located within 12 inches of the interior of a window.

2. General Standards

a. Window signs may be displayed in ground floor windows only.

b. No combination of temporary and permanent window signs may cover more than 20% of any window panel.

3. Number of Signs

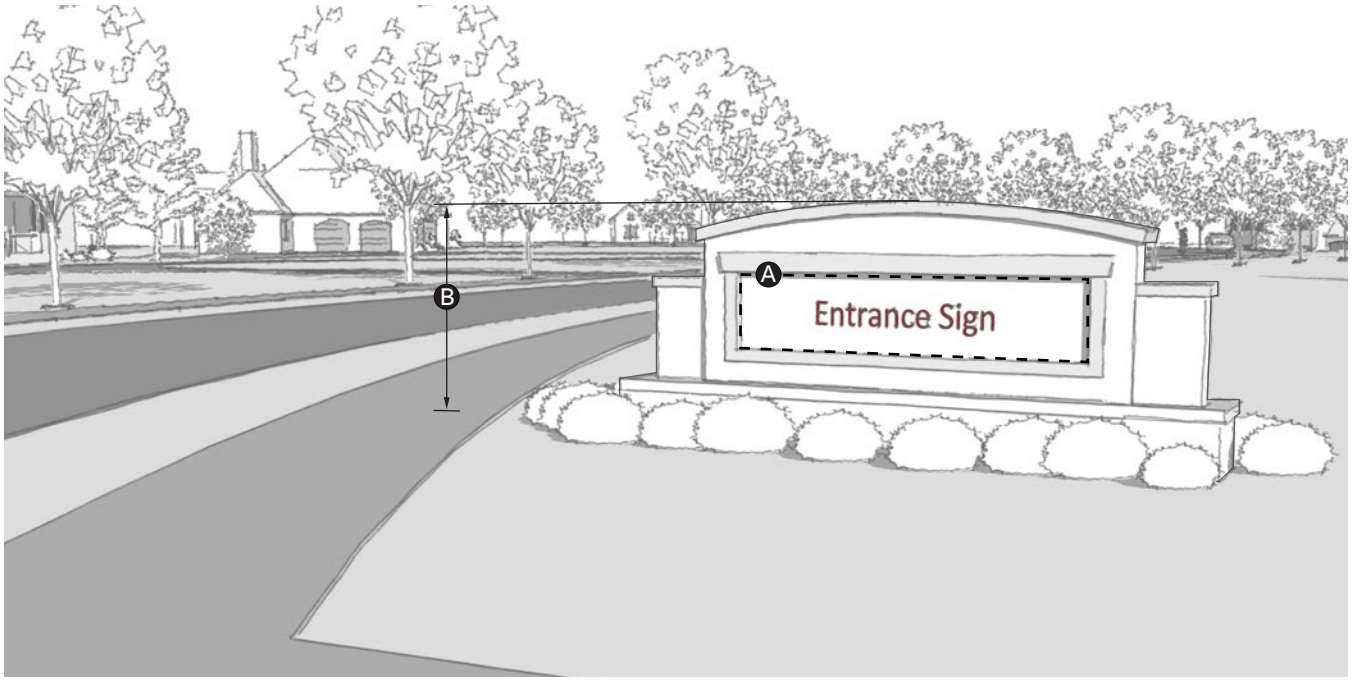
Total number of building signs (max)	See zoning district sign standards
Number of window signs (max)	2 per lot or 1 per establishment, whichever is greater

4. Individual Sign Dimensions

A Area per sign (max)	
With opaque background	10 SF
With no background	None
With illumination or exposed neon	4 SF

Sec. 8.6.9. **Freestanding Signs**

A. Entrance Sign



1. Description
A freestanding sign that is securely mounted to the ground along its entire length, typically with a solid base, positioned near a driveway or pedestrian access point leading into a development from a public right-of-way.

2. General Standards	
a.	May not extend within 2 feet of a public right-of-way.
b.	May not obstruct vision within the sight triangle.
c.	Must be located 10 feet or more from the principal structure, where possible.
d.	Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.
e.	Not permitted in one- and two-dwelling unit districts except at the entrance to a subdivision or on a lot with a public and institutional use.
f.	Letters must have a minimum height of 9 inches.
g.	Landscaping is required around the base of the sign.

3. Number of Signs	
Total number of freestanding signs (max)	See zoning district sign standards
Number of entrance signs (max)	082
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage

4. Individual Sign Dimensions	
A Area per sign (max)	35 SF
B Height (max)	8 feet

081

#081

Posted by **Kim 7** on **03/25/2026** at **6:49am** [Comment ID: 2304] - Link
Question
Agree: 0, Disagree: 0
Confirm that this cannot be an animated, flashing, or changing sign.

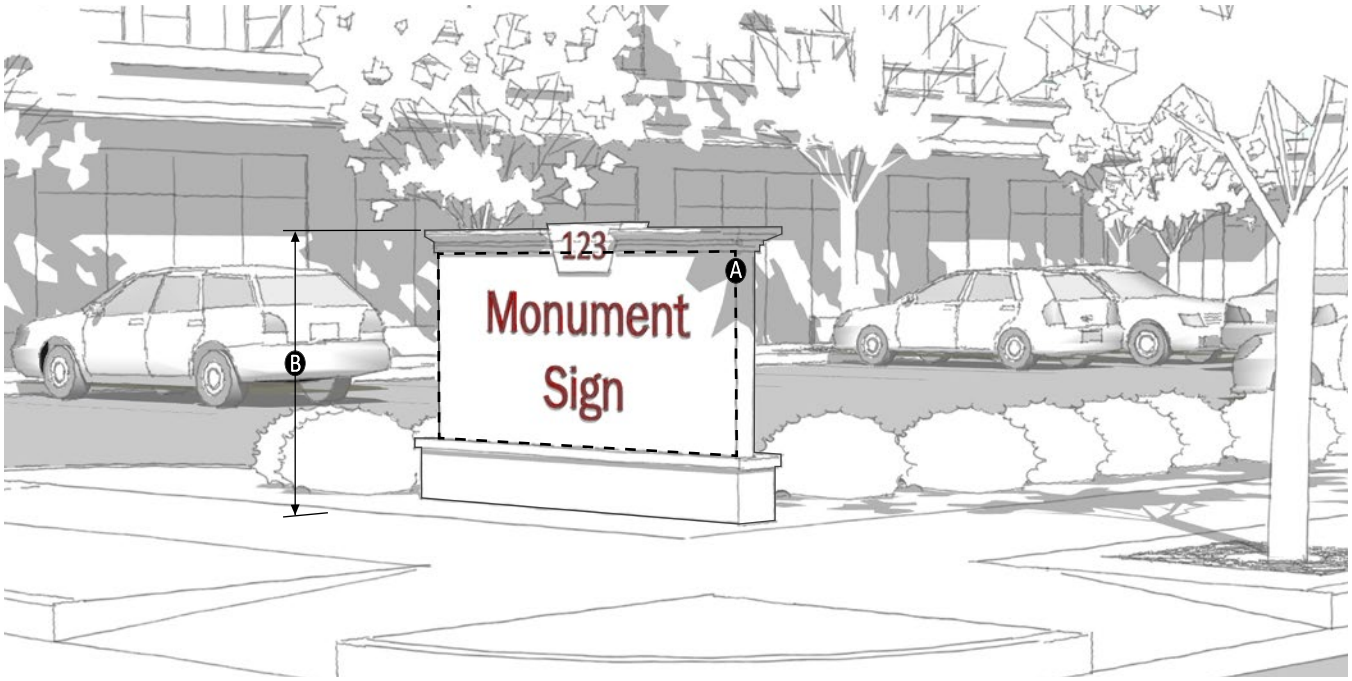
> Reply by **SiteAdmin** on **03/25/2026** at **4:37pm** [Comment ID: 2332] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. The district would have to allow a changing sign for it be one. Some districts do allow these, but house-scale districts do not.

#082

Posted by **Kim 7** on **03/25/2026** at **9:47am** [Comment ID: 2306] - Link
Suggestion
Agree: 0, Disagree: 0
Should this also reference district standards?

> Reply by **SiteAdmin** on **03/25/2026** at **4:34pm** [Comment ID: 2330] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> It is a fixed number in all districts, as shown below.

B. Monument Sign



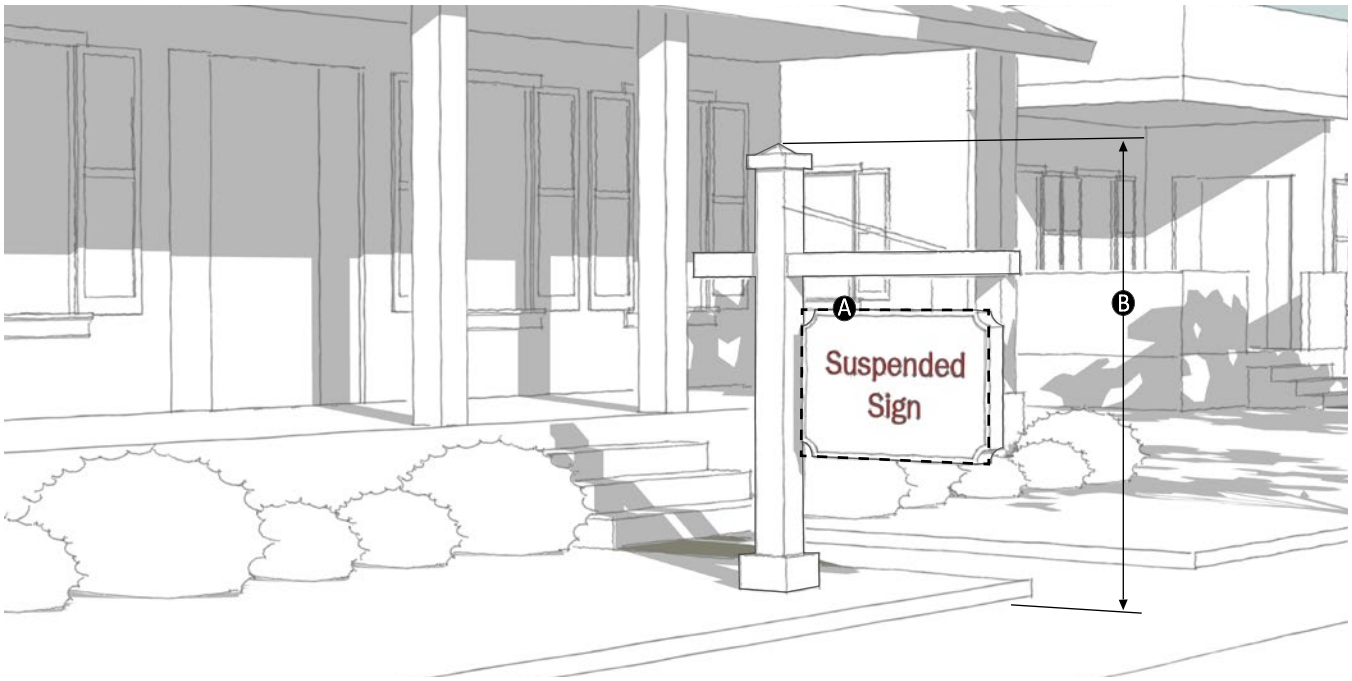
1. Description
A freestanding sign which has a solid base and is attached to the ground along its entire length and that does not meet the description of a entrance sign.

2. General Standards
a. May not extend within 2 feet of a public right-of-way.
b. May not obstruct vision within the sight triangle.
c. Not permitted on a vacant lot.
d. Must be located 10 feet or more from the principal structure, where possible.
e. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.
f. Letters must have a minimum height of 9 inches.
g. Sign must include street address.

3. Number of Signs	
Total number of freestanding signs (max)	See zoning district sign standards
Number of monument signs (max)	
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage

4. Individual Sign Dimensions	
A Area per sign (max)	48 SF
B Height (max)	15 feet

C. Suspended Sign



1. Description
A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

2. General Standards
a. May not extend within 2 feet of a public right-of-way.
b. May not obstruct vision within the sight triangle.
c. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.

3. Number of Signs	
Total number of freestanding signs (max)	See zoning district sign standards
Number of suspended signs (max)	
Lots with 1 street frontage	1 per site
Lots with more than 1 street frontage	1 per street frontage
4. Individual Sign Dimensions	
A Area per sign (max)	16 SF
B Height (max)	8 feet

Sec. 8.6.10. **Special Signs**

A. Approved Historic Marker

1. An approved historic marker is a sign created through a program directly administered by a non-profit organization chartered for the purpose of research and education in Georgia history.

2. All approved historic markers must be freestanding, two-sided, cast aluminum markers of the same size, shape and height (including the support pole), as that marker previously used by the Parks, Recreation and Historic Sites Division of the Georgia Department of Natural Resources in the State of Georgia historical marker program.

3. An approved historic marker must have a total plate size of 38" x 42" and a black background with text in silver. The lettering of the approved historic marker text will be no more and no less than 1 inch in height and the text must be the same on each side.

4. Any seal of the sponsoring historic society must be painted in the same color as the text and must not exceed an area of 96 square inches.

B. Billboard Sign

1. Billboard signs are permitted only in the Workplace (W-) Form Districts, unless noted otherwise, and are subject to all of the following requirements:

   a. No billboard sign may be located within 300 feet of any residential district boundary line as measured in a straight line from said boundary line to the nearest edge of the sign.

   b. No billboard sign may be located within 500 feet of another billboard sign as measured in a straight line from the nearest edge of the signs.

   c. No billboard sign adjacent to an interstate highway may be located within 1,000 feet of another billboard sign adjacent to an interstate highway and on the same side of said interstate highway, as measured in a straight line from the nearest edges of the signs.

   d. No billboard sign may be located within 300 feet of the boundaries of any property which is now on or may be subsequently named to the National Register of Historic Places or is now or may be subsequently designated as a landmark district, historic district, conservation district, landmark building or site, or historic building or site under *Ch. 6. Landmark and Historic Districts* of the Zoning Ordinance, as measured in a straight line from said boundaries to the nearest edge of the sign.

   e. No billboard sign may be located within 300 feet of any governmental building owned by a local, state, or national government, or a public authority thereof, as measured in a straight line from said building to the nearest edge of the sign.

   f. No billboard sign may be located within 300 feet of any portion of a Metropolitan Atlanta Rapid Transit Authority station structure as measured in a straight line from said station to the nearest edge of the sign.

   g. No billboard sign may be located within 1,000 feet of the Freedom Parkway as measured in a straight line from said parkway to the nearest edges of the sign.

h. No billboard sign may be located in a manner such that any part of said sign is visible from the Freedom Parkway.

i. No billboard sign may be located within 500 feet of the boundaries of a public park as measured in a straight line from said boundaries to the nearest edge of the sign.

j. No billboard sign may be stacked on top of another billboard sign.

k. All distance requirements specified in this subsection apply regardless of the existence of intervening streets or lots.

2. Billboard signs are not permitted in the Upper Westside (UW) Overlay District.

C. Feather Sign

1. One feather sign not exceeding 15 square feet in sign area may be flown on each lot within the following districts:

   a. Urban General (UG-) Form Districts;

   b. Urban Core (UC-) Form Districts;

   c. Workplace Flex (WX-) Form Districts;

   d. Workplace (W-) Form Districts;

   e. Campus (CM) Form District;

   f. Fort McPherson Legacy District;

   g. Buckhead Village Legacy District;

   h. Buckhead / Lenox Stations Legacy District;

   i. Midtown Legacy District; and

   j. Greenbriar Legacy District.

2. Unless attached to a pole or building with a fixed foundation, no more than 1 feather sign can be located between the building and the street.

D. Flag

1. Flags not exceeding 60 square feet are permitted in all zoning districts.

2. Said flag will not be counted in computing the number or total area of signs specified in the district regulations.

3. Flags exceeding these size limits will be permitted and counted as signs to the extent authorized under the applicable district regulations.

E. Landmark Sign

1. In order to be designated as a landmark sign, a sign must meet one or more of the following criteria:

a. It is an outstanding example of a sign representative of its era;

b. It is one or more of the few remaining examples of past sign design or style;

c. It is a sign associated with an event or person of historic or cultural significance to the City; or

d. It is a sign of aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the City.

2. The sign must be approved by the Executive Director of the Atlanta Urban Design Commission as a landmark sign, which will review it based on the criteria of this subsection.

3. The sign must have been erected 50 years prior to the current calendar year.

4. The sign will not count toward the total sign area or number of signs allowed on a lot.

F. Portable Sign

1. Portable signs, subject to *Sec. XX. Sign Permit*, will be permitted in the following districts:

   a. Urban General (UG-) Form Districts,

   b. Urban Core (UC-) Form Districts,

   c. Workplace Flex (WX-) Form Districts,

   d. Workplace (W-) Form Districts, and

   e. Buckhead Village Legacy District.

2. Portable signs are only permitted for a period of time not exceeding 30 consecutive days within a 365 day period.

3. At no other time and in no other place will such signs be permitted, except as may be specifically authorized within public rights-of-way under *Sec. XX. Public Right-of-Way Signs*.

G. Temporary Sign

1. Temporary signs are permitted in all Form Districts, subject to the applicable sign regulations governing temporary signs in the zoning district. In the event the sign district regulations for such Districts do not set forth limitations on temporary signs, the following apply:

   a. In House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, two unlighted temporary signs per lot are permitted, each not to exceed 6 square feet in sign area.

   b. In Campus (CM) Form District, two unlighted temporary signs per lot are permitted, each not to exceed 25 square feet in sign area.

   c. In all other districts, the following apply:

      i. Two unlighted temporary signs per lot are permitted, each not to exceed 50 square feet in sign area; or

ii. Two unlighted signs of the sign area specified in the applicable district are allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces.

d. Where buildings are set back along the front or side street to a depth greater than 10 feet, such sign must not be placed closer than 10 feet to the lot line; where buildings have setbacks less than 10 feet such sign may be placed on the building wall or within the zone between the building wall and the street. No such sign is permitted to be erected within 10 feet of a common lot line.

2. Temporary signage during construction will be permitted as follows:

a. In House-Scale (H-) and Neighborhood-Scale (N-) Districts, unilluminated signs are permitted in one- and two-dwelling unit housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a occupancy permit. Such signs are limited to 1 sign per dwelling not to exceed 6 square feet per contractor or subcontractor.

b. In all other Form Districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a occupancy permit is issued. Such signs are limited to 1 sign per contractor or subcontractor not to exceed 16 square feet per contractor and 6 square feet per subcontractor.

c. A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a occupancy permit is issued.

Sec. 8.6.11. **Form District Sign Standards**

The following regulations apply to all signs within the Form Districts indicated. No signs other than those specifically authorized in this Section for each district,must be permitted unless otherwise expressly authorized in *Sec. XX. General Sign Standards* or elsewhere in this Division. All signs authorized in a particular district by this Section will, in addition to these district regulations, meet all other regulations in this Division, including but not limited to *Sec. XX. General Sign Standards* and *Sec. XX. Sign Type Standards*, and also will comply with all other applicable provisions of the Zoning Ordinance.

A. House-Scale (H-) and Neighborhood-Scale (N-) Form Districts

The following signs are permitted in House-Scale (H-) and Neighborhood-Scale (N-) Form Districts:

1. Number and Area of Signs

a. For a residential use, 2 permanent signs per lot are permitted, and each sign must not exceed 2 square feet in sign area.

b. For Public and Institutional uses, 1 sign per street frontage is permitted, and each sign must not exceed 35 square feet in sign area.

c. Subdivisions are permitted 1 sign per entrance, and each sign must not exceed 35 square feet in sign area.

2. Setback

Signs must be mounted flat to the wall of the building, suspended, or not nearer than 30 feet to the street lot line, except that 2 temporary signs are permitted in any building setback.

3. Height

a. No freestanding sign for residential use may be higher than 3 feet above ground level.

b. No freestanding entrance sign may be higher than 8 feet above ground level.

4. Lighting

a. No sign is permitted to be internally illuminated.

b. No lighting will be permitted which illuminates any area outside of the lot upon which said sign is located.

5. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

6. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

B. Urban General (UG-) Form Districts

Signs within the Urban General (UG) Form District are subject to the following regulations, depending on use district.

1. Residential (R-) Use Districts

a. Number and Area of Signs

For all uses permitted in this district, 1 sign per street frontage is permitted, and each sign must not exceed 35 square feet in sign area.

b. Setback

Signs must be mounted flat to the wall of the building or not nearer than 30 feet to the street lot line except for signs mounted on a permitted fence or wall.

c. Height

No freestanding sign may be higher than 10 feet above ground level.

d. Lighting

i. No sign is permitted to be internally illuminated.

ii. No lighting will be permitted which illuminates any area outside of the lot upon which said sign is located.

e. Animated, Flashing, and Changing Signs

No animated flashing, or changing signs are permitted.

f. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

2. All Other Use Districts

a. Number and Area of Signs

i. Building Signs

a) Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.

b) A maximum of 3 building signs are permitted for each business establishment.

c) The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each business establishment, and in no case may any individual sign exceed 200 square feet.

d) Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.

e) For corner lots, 1 additional building sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

ii. Freestanding Signs

a) In addition to the building signs permitted in the subsection above, 1 freestanding sign is permitted for each developed lot with a business establishment.

b) On interior lots, the freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.

c) If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.

d) On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.

e) If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.

f) In lieu of the freestanding sign, permitted shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.

g) Freestanding signs may not be constructed before the primary building on a lot.

b. Height

No freestanding sign is permitted to exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater.

c. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

d. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

e. Billboard Signs

Billboard signs are prohibited.

f. Crown Signs

Crown signs are permitted subject to the restrictions set forth in *Sec. XX. Sign Type Standards*.

g. Window Signs

Window sign do not require a Sign Permit prior to display but are only permitted as follows:

i. Not more than 1 window sign per facade per establishment is allowed.

ii. Each individual window sign or incidental window sign must not be larger than 4 square feet.

iii. In no event will one or more such signs cover more than 25% of the area of each window or glass pane in which a sign is placed.

iv. Such signs must not be illuminated.

v. Window signs will not be counted toward any wall sign total square footage allowed by the building sign regulations.

C. Urban Core (UC-) Form Districts

1. General Standards

Signs within Urban Core (UC-) Form Districts are subject to the following regulations. For purposes of this Subsection, "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.

2. Building Signs

a. Type

i. Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.

ii. Only 1 of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have 2 projecting signs limited to 1 projecting sign per street frontage.

iii. Wrap signs and projection signs are permitted within the time, manner and place limitations contained in this Subsection.

b. Number

i. A maximum of 3 signs are allowed for each business establishment on the ground story of a building, except where additional signage is authorized on a monument sign or multi-tenant sign.

ii. A maximum of 3 signs are allowed for each second story business establishment engaged in a permitted use listed under the commercial, retail, or public and institutional headings of the Use Table (*Div. XX*) and having a facade that faces a street except where additional signage is authorized on a monument sign or multi-tenant sign.

iii. One additional sign is allowed for each business establishment occupying corner space that faces two streets and is located on the ground story or second story, provided such sign is oriented toward the additional street.

c. Area

Where a business establishment is permitted to have signs, the following regulations apply:

i. The combined area of the signs except for that signage on monument signs or multi-tenant signs if allowed must not exceed 10% of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.

ii. The area of the additional sign for corner spaces must not exceed 10% of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation will exclude that signage on monument signs or multi-tenant signs if allowed.

iii. No individual sign may exceed 200 square feet except for wrap signs, where allowed.

d. Height

The height limitation set forth in *Sec. XX. General Sign Standards* may be exceeded as follows:

i. No portion of a sign for a ground story business establishment is permitted to be located more than 40 feet in height above the elevation of the nearest pedestrian zone.

ii. No portion of a sign for a second story business establishment is permitted to be located more than 50 feet in height above the elevation of the nearest pedestrian zone provided that:

a) The sign must located directly above the independent entrance to the second story use; or

b) The sign must located directly above or adjacent to windows for such second story use.

iii. Notwithstanding the permission for increased height in Urban Core (UC-) Form Districts, no portion of any sign is permitted to extend above the top of the building upon which it is located.

iv. Height of a wrap sign is not permitted to extend 200 feet in height above ground level.

3. Freestanding Signs

a. Freestanding signs are not permitted other than monument signs.

b. Monument signs are authorized as a type of sign provided they meet each of the following standards:

i. One monument sign is authorized for each building meeting the following requirements:

a) The building contains more than 25,000 square feet of gross floor area excluding parking areas; and

b) 50% or more of the ground story street-facing facade is located 15 feet or more from the adjacent required amenity zone, measured from the nearest point of said amenity zone to the nearest point of the building, due to lawful nonconforming status of the building.

ii. When buildings meeting the requirements of above face 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street.

iii. Monument signs must not exceed 10 feet in height measured from the lowest point of the elevation of the nearest amenity zone to the highest point of the monument sign. Monument signs must not exceed 4 feet in length and 2 feet in width, measured from the outer edges of the monument sign structure.

iv. Monument signs must be located on private property except when expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code, provided that under no circumstances will a monument sign encroach into required amenity zones or visibility triangles.

4. Multi-Tenant Signs

a. In addition to the signs otherwise authorized in this subsection, buildings with 3 or more tenants are permitted 1 building sign.

b. Said sign must be erected as a wall sign and must not exceed 100 square feet in sign area.

c. Where a building with 3 or more tenants faces 2 or more streets, 2 such multi-tenant signs are authorized provided that each is oriented toward a different street.

5. Animated, Flashing, and Changing Signs

Except where prohibited in Urban Core 4 (UC4) Form District, animated, flashing, and changing signs are permitted provided that no such sign is erected within 100 feet of an adjoining residential district if visible therefrom

6. Public Right-of-Way Signs

Signs extending or projecting over any property line onto sidewalk or street right-of-way are subject to all other provisions of this Division, of the Zoning Ordinance, and of any other applicable requirements of the City of Atlanta Code of Ordinances governing such signs.

7. Public Entertainment District Signs

After temporary designation by the City Council of a Public Entertainment District, wrap and projection signs, as a type of building sign, are permitted only in UC3 and UC4 Form Districts and provided they meet each of the following standards:

a. Display

i. A projection sign may project video from one location onto a building facade at a different location through use of a color projectors.

ii. All wrap signs must be constructed and erected as wall signs on a building or structure, including a pedestrian bridge. Each sign face must be made of perforated one-way window tint or film that is fastened directly onto the exterior of the building facade through an adhesive and without use of any suspended cables or other fastening equipment.

iii. Freestanding wrap signs are specifically prohibited.

b. Number

i. No more than 5 wrap signs are permitted.

ii. No more than 3 projection signs are permitted.

iii. Projection signs are only permitted to project onto wrap signs.

iv. A permit may be issued that authorizes both a wrap and a projection sign.

c. Size

i. No wrap sign may less than 7,000 nor exceed 45,000 square feet in sign face area.

ii. Square feet in sign face area for projection signs may not exceed the square feet in area for the wrap sign it is projected on to.

d. Location

i. Projection signs are only permitted on buildings greater than 100 feet tall and must face and be visible from Centennial Olympic Park.

ii. Any building to which a wrap sign is affixed must be on a parcel that has street frontage along Centennial Olympic Drive, Marietta Street or Peachtree Street.

iii. Any pedestrian bridge to which a wrap sign is affixed must cross over Andrew Young International Boulevard.

e. Height

No portion of a wrap or projection sign may be placed above, supported on, or extend above the roof of a building.

f. Duration

The display of wrap or projection signs may commence no earlier than 7 business days before the beginning of the entertainment event and must be removed no more than 5 business days after the completion of the entertainment event.

8. Crown Signs

a. Museum Signature Signs

i. Notwithstanding the restriction set forth in *Sec. XX. General Sign Standards* museum signature signs are allowed on museums with a gross floor area greater than 75,000 square feet and such museums may combine the 5% allocation allowed for such signs on wall of the museum building. No other museum signature signs will be allowed on other walls of the museum building where the option to combine the 5% per wall allocation is utilized to increase the size of the museum signature sign on any other wall of the museum building.

ii. Enclosed displays constructed as a part of the design of museums that may be visible from the public right-of-way are permitted as a part of the educational or preservation purposes of the museum in that such displays are intended to represent significant contributions to the cultural heritage or history of the city, the state or the nation, natural history, or the history of science, technology or business.

b. Principal Occupant Occupancy Limits

Notwithstanding the restriction on occupancy limits in the definition of Principal Occupant in *Sec. XX. Sign Definitions*, a building tenant who occupies a minimum of 20% or 100,000 square feet of the floor area of a specific building that is available for occupancy is authorized to erect a crown sign, provided all other restrictions set forth in this Division related to crown signs are followed.

9. Wrap Signs

In addition to the signs otherwise authorized in Urban Core (UC-) Form Districts, wrap signs are authorized only in UC3 and UC4 and provided they meet each of the following standards:

a. Wrap signs may be erected only within a public entertainment district delineated and designated by city ordinance; for purposes of this, the definition of public entertainment district in *Sec. XX. Sign Definitions* does not apply. Such public entertainment district are a temporary designation that will not exceed 30 consecutive days, and must be created only in association with an entertainment event that meets the following criteria:

i. Occurs within Urban Core (UC-) Form Districts;

ii. Occurs in a facility that seats at least 15,000;

iii. Has a duration of no greater than 7 consecutive days; and

iv. Is likely to have an economic impact on the City during the period of the event of not less than $25,000,000.00.

b. Only one wrap sign is authorized on each building facade. No wrap sign may exceed 10,000 square feet in sign face area;

c. No building can contain more than 4 wrap signs, nor contain more than 40,000 square feet in total sign face area;

d. All wrap signs must be constructed and erected as wall signs on a building or structure, including a pedestrian bridge. Each sign face will be made of perforated one-way window tint or film that is fastened directly onto the exterior of the building facade through an adhesive and without use of any suspended cables or other fastening equipment. Freestanding wrap signs are specifically prohibited;

e. No portion of a wrap sign may extend 200 feet in height above ground level; provided further that no part of a wrap sign may be placed above, supported on, or extend above the roof of a building;

f. The display of wrap signs may commence no earlier than 3 days before the beginning of the entertainment event and ending no more than 2 days after the completion of the entertainment event; and

g. Any building to which a wrap sign is affixed must be on a parcel that has street frontage along either Marietta Street or Peachtree Street. Any pedestrian bridge to which a wrap sign is affixed must cross over Andrew Young International Boulevard.

10. Urban Core 3 (UC3) Form District

The sign regulations for Urban Core 3 (UC3) Form District are subject to the following additional limitations:

a. LSVD Signs

In addition to the signs otherwise authorized in Urban Core (UC-) Form Districts, LSVD Signs, are a permitted wall sign on a building provided they meet each of the following standards:

i. LSVD signs erected on a building permitted as a Museum, Gallery, Auditorium, Library or similar cultural facility located within Urban Core 3 (UC3) Form District; and

ii. No single LSVD sign may exceed 1,500 square feet in total sign face; and

iii. No portion of an LSVD sign may extend 65 feet in height above sidewalk level; provided further that no part of an LSVD sign may be placed above, supported on, or extend above the building facade to which it is attached; and

iv. All LSVD signs must be constructed and erected as wall signs or parapet wall signs. Freestanding LSVD signs are specifically prohibited; and

v. All LSVD signs must otherwise comply with all other provisions of this Division as well as all other laws and regulations of the State of Georgia and the City of Atlanta.

11. Urban Core 4 (UC4) Form District

The sign regulations for Urban Core 4 (UC4) Form District are subject to the following additional limitations:

a. Multi-Tenant Signs

Multi-tenant signs are limited to 30 square feet in sign area.

b. Changing Signs

No changing signs are permitted, with the exception of theater uses.

c. Canopy Signs

No internally illuminated canopy signs are permitted.

d. LSVD Signs

No LSVD signs are permitted.

D. Workplace Flex (WX-) Form Districts

1. Number and Area of Signs

a. Building Signs

i. Wall signs, projecting signs, canopy signs, crown signs, painted wall signs, window signs, pedestrian signs, and marquee signs are permitted.

ii. A maximum of 3 building signs are permitted for each business establishment.

iii. The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each business establishment, and in no case may any individual sign exceed 200 square feet.

iv. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.

v. For corner lots, 1 additional building sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

b. Freestanding Signs

i. In addition to the building signs permitted in the Subsection above, 1 freestanding entrance, monument, or suspended sign is permitted for each developed lot with a business establishment.

ii. On interior lots, the freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.

iii. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.

iv. On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.

v. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.

vi. In lieu of the freestanding sign, permitted shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.

vii. Freestanding signs may not be constructed before the primary building on a lot.

2. Height

No freestanding sign is permitted to exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater.

3. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

4. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

5. Crown Signs

Crown signs are permitted subject to the restrictions set forth in *Sec. XX. Sign Type Standards*.

6. Window Signs

Window sign do not require a Sign Permit prior to display but are only permitted as follows:

a. Not more than 1 window sign per facade per establishment is allowed.

b. Each individual window sign or incidental window sign must not be larger than 4 square feet.

c. In no event will one or more such signs cover more than 25% of the area of each window or glass pane in which a sign is placed.

d. Such signs must not be illuminated.

e. Window signs will not be counted toward any wall sign total square footage allowed by the building sign regulations.

E. Workplace (W-) Form Districts

1. Number and Area of Signs

a. Building Signs

i. Wall signs, projecting signs, canopy signs, pedestrian signs, and marquee signs are permitted.

ii. A maximum of 3 such signs are permitted for each business establishment.

iii. The combined area of these permitted signs must not exceed 10% of the total area of the front wall of each said business establishment, and in no case will any individual sign exceed 200 square feet.

iv. Where existing nonconforming buildings are located immediately adjacent to the street, such buildings will be permitted to have 1 sign, not exceeding 60 square feet in sign area, projecting into the public right-of-way.

v. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.

vi. For corner lots, 1 additional wall sign for the business establishment occupying the corner space is permitted, provided it is oriented toward the additional street frontage. The total area of said wall sign must not exceed 10% of the area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

b. Freestanding Signs

i. In addition to the building signs permitted, 1 freestanding sign is permitted for each developed lot with a business establishment.

ii. On interior lots, said freestanding sign must not exceed 60 square feet in sign area when located in the required front yard setback.

iii. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area.

iv. On corner lots, said freestanding sign must not exceed 90 square feet in sign area when located in the required front yard setback.

v. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of 1 additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.

vi. In lieu of the freestanding sign, shopping centers are permitted 1 single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign must not exceed 200 square feet in sign area. Where a shopping center has frontage on 2 or more streets, 1 additional sign is permitted for each additional street frontage provided that such additional street does not face a residential district.

2. Height

No freestanding sign may exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater.

3. Animated and Flashing Signs

Animated or flashing signs are permitted provided that no such signs is erected within 100 feet of an adjoining residential district if visible therefrom.

4. Changing Signs

Changing signs are permitted.

5. Billboard Signs

a. Billboard signs are permitted subject to all other provisions in this Division, specifically including *Sec. XX. General Sign Standards*, any other applicable portion of the Zoning Ordinance, and any other provision of the Code of Ordinances governing billboard signs.

b. Billboard signs must not exceed 50 feet in height above ground level; provided, however, when the ground level is lower than the level of the adjoining pavement, then a freestanding billboard sign may be raised so as to be not more than 25 feet above the level of the pavement.

c. Billboard signs must be located within the buildable area of the lot and must not exceed 672 square feet in total sign area.

d. No billboard sign may be located within 300 feet of a freestanding sign 72 square feet or greater but less than 200 square feet in total sign area.

F. Special Form Districts

1. Number and Area of Signs

a. A maximum of 1 sign of any type except billboard and portable sign is permitted for each separate street frontage of each business establishment or building.

b. Such sign must not exceed 30 square feet in sign area.

c. There is no limit on the number of freestanding signs identifying buildings or providing wayfinding at private universities with a physical campus of over 50 acres within City limits.

d. Such signs must not exceed 30 square feet in sign area and 8 feet in height, except hospital signs which must not exceed 95 square feet in sign area and 15 feet in height.

2. Setback

a. Signs must be mounted flat to the wall of the building or not nearer than 20 feet to the street lot line.

b. Freestanding signs identifying buildings or providing wayfinding at private universities with a physical campus of over 50 acres within City limits must not be nearer than 10 feet to the street lot line.

3. Height

No freestanding sign is permitted to be higher than 24 feet above ground level.

4. Lighting

a. Except for hospital signs at private universities with a physical campus of over 50 acres within City limits, no sign is permitted to be internally illuminated.

b. No lighting is permitted which illuminates any area outside of the lot upon which said sign is located.

5. Animated, Flashing, and Changing Signs

Animated, flashing, or changing signs are prohibited.

6. Public Right-of-Way Signs

No sign is permitted to extend or project over any property line onto sidewalk or street right-of-way.

7. Billboard Signs

Billboard signs are prohibited.

8. Crown Signs

Crown signs are permitted subject to the restrictions set forth in *Sec. XX. Sign Type Standards*.

Sec. 8.6.12. **Legacy District Sign Standards**

A. Fort McPherson Legacy District

The regulations for the Fort McPherson Legacy District are the same as the regulations for Urban General (UG-) Form District sign standards, provided that,

1. No freestanding signs are permitted.

2. No shopping center signs are permitted.

3. In addition to the signs otherwise authorized in this subsection, monument signs are authorized as a type of sign provided they meet each of the following standards:

   a. For the purposes of this Subsection, "monument sign" means a permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support

structure, Monument signs must not be supported by visible columns, uprights, poles or braces and must be of continuous solid construction without holes, gaps or spacing;

b. One monument sign only is authorized for each building containing more than 25,000 square feet of gross floor area excluding parking areas. When a building faces 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street;

c. Monument signs must not exceed 10 feet in height measured from the lowest point of the elevation of the nearest pedestrian zone to the highest point of the monument sign. Monument signs must not exceed 4 feet in length and 2 feet in width, measured from the outer edges of the monument sign structure;

d. Monument signs must be located on private property except when expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code, provided that under no circumstances may a monument sign encroach into required pedestrian zones or visibility triangles.

B. Buckhead Village Legacy District

Signs are permitted in the Buckhead Village Legacy District as follows:

1. Subarea Regulations

a. Specific subarea regulations may allow signage that is not permitted in other subareas or exceeds the height otherwise permitted by the Sign Ordinance.

b. The maximum height of any sign on any building frontage in Subarea #1 and along on Pharr Road may be 60 feet above adjacent sidewalk-level.

2. Type, Number, and Area of Business Identification Signs

a. Type

i. Wall signs, projecting signs, canopy signs, monument signs, freestanding signs, pedestrian signs, and marquee signs are permitted.

ii. Crown signs are permitted, subject to the restrictions set forth in *Sec. XX. Sign Type Standards* and this Subsection. Historic iconic signs are permitted, subject to the restrictions set forth in this Subsection.

b. Number

i. Three signs are allowed on the premises of active sidewalk level uses having a frontage along a public street or a private street where visible from a public street. One sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement unless such signs are restricted by specific sub-area regulations.

ii. Two signs are allowed on the premises of businesses located on a building floor above sidewalk-level and having a frontage along a public street or a private street where visible from a public street. One sign may be suspended from the wall or project over any frontage if approved in the manner required for its placement.

iii. For businesses having frontage on more than 1 public street or private street, 1 additional sign for the business establishment is permitted on the premises of such business, provided that no sidewalk level frontage contains more than 3 signs and no frontage above sidewalk level contains more than 2 signs. The total area of increase for any additional sign allowed by this Subsection must not cause all signs on a frontage to exceed 10% of the area of the wall area of said building occupied by such business establishment on that frontage or 60 square feet, whichever is less.

c. Area

i. The combined area of permitted signs must not exceed 10% of the total aggregate area of the walls that face the public right-of-way or which face a private drive and are visible from a public right-of-way provided however that at least 60 square feet of combined sign area is allowed.

ii. No individual sign is permitted to exceed 200 square feet.

3. Height

a. *Sec. XX. General Sign Standards* will be supplanted for Buckhead Village Legacy District by the following height limitations provided however that no portion of any sign may extend above the top of the building upon which it is located where the building height is less than the height permitted for signs.

b. Where a business establishment is permitted to have signs, the following regulations apply:

i. For sidewalk-level business establishments, signs are permitted to a maximum height of 35 feet above the adjacent sidewalk-level.

ii. For above sidewalk-level business establishments, signs are permitted to a maximum height of 50 feet above the lowest point of the adjacent sidewalk-level on that frontage provided that:

a) The sign must be located directly above the independent entrance to the upper floor use; or

b) The sign must be located directly above or adjacent to windows for such upper floor use.

4. Shopping Center Signs

a. Shopping centers are permitted 1 sign in addition to the signs of the businesses therein.

b. Said sign must be erected as a wall sign or monument sign and must not exceed 200 square feet in sign area.

c. Where a shopping center has frontage on 2 or more streets, 1 additional wall sign or monument sign is permitted for each additional street frontage.

5. Signs Extending Over the Public Right-of-Way or Private Drives

a. Signs extending or projecting over any property line onto sidewalk or street right-of-way or extending over a private drive and visible from a public street are not permitted without the

written permission of the Atlanta Department of Transportation obtained according to their procedures for allowing such encroachments.

b. Any pedestrian or projecting sign that extends into any private drive on the exterior of any building will be reviewed and approved by the Atlanta Department of Transportation.

6. Billboard Signs

Billboard signs are prohibited.

7. Animated, Flashing, Neon, Changing and Internally Illuminated Signs

Animated, flashing, neon, changing signs and internally illuminated signs are prohibited.

8. Historic iconic Signs

a. Notwithstanding anything to the contrary in this Section, *Sec. XX. Prohibited Signs*, or *Sec. XX. Nonconforming Signs*, a historic iconic sign is permitted within the district.

b. Such sign may be re-located from its historic location to a new location within the district when the relocation is in connection with redevelopment of the historic location and the historic iconic sign is preserved in its historic form.

c. Such requirement of preservation do not preclude repairs and normal maintenance.

C. Buckhead / Lenox Station Legacy District

It is the intention of these regulations to address the specific and unusual development patterns, building forms, and mix of uses which currently exist in this Legacy District so as to regulate the size and location of signs, so that only businesses which are clearly intended by building form and placement to be a component part of a unified development or a development utilizing shared access.

1. General Regulations

Signs within the Buckhead/Lenox Stations Legacy District are subject to the regulations set forth in this Subsection. For purposes of this Subsection, "street" means public right-of-way, private streets that function as public streets and pedestrian ways. Other references in this Subsection to terms defined in *Sec. XX. Legacy Districts* apply said definitions.

2. Subareas 1, 2 and 4

The sign regulations for Subareas 1, 2 and 4 are as indicated below in this Subsection.

3. Subarea 3

The sign regulations for Subarea 3 are the same as the sign regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts.

4. Building Signs

a. Type

Wall signs, projecting signs, canopy signs, pedestrian signs and marquee signs must be permitted. Only one of the signs may be either suspended or projecting along each street

frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.

b. Number

i. A maximum of 3 building signs are allowed for each business establishment on the ground story of a building having frontage along a street.

ii. A maximum of 2 building signs are allowed for each second-level and third-level business establishment having a facade that faces a street. For purposes of this Subsection, "second-level and third-level" means those building floor levels immediately above ground story.

iii. One additional building sign are allowed for each business establishment occupying a corner space that faces 2 streets and is located on the ground story, second-level or third-level, provided such sign is oriented toward the additional street.

5. Area

Where a business establishment is permitted to have building signs, the following regulations apply:

a. The combined area of the signs must not exceed 10% of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.

b. The area of the additional sign authorized business establishments occupying a corner space must not exceed 10% of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less.

c. No individual sign may exceed 200 square feet.

6. Height

The height limitation set forth in *Sec. XX. General Sign Regulations* may be exceeded for authorized building signs as follows:

a. No portion of a sign for a ground story business establishment may be located more than 35 feet in height above the elevation of the nearest sidewalk walk zone or pedestrian path.

b. No portion of a sign for a second-level or third-level business establishment may be located more than 50 feet in height above the elevation of the nearest sidewalk walk zone or pedestrian path provided that:

i. The sign must be located directly above the independent entrance to the second-level or third-level use; or

ii. The sign must be located directly above or adjacent to windows for such second-level or third-level use.

c. No portion of any sign may extend above the top of a building upon which it is located.

7. Multi-tenant Signs

In addition to the signs otherwise authorized, buildings with 3 or more tenants are permitted 1 single building sign. Said sign must be erected as a wall sign and must not exceed 100 square feet in sign area. Where a building with 3 or more tenants faces 2 or more streets, 2 such multi-tenant signs are be authorized provided that each is oriented toward a different street.

8. Monument Signs

For the purposes of this Subsection, "monument sign" means a permanent sign not attached to a building and constructed directly and continuously upon the ground or grade-level support structure with no separation between the sign and the ground or grade-level support structure. Such signs must not be supported by visible columns, uprights, poles or braces and must be of continuous solid construction without holes, gaps or spacing and must be authorized as a type of sign, subject to all restrictions and regulations generally applicable to all building signs provided they meet each of the following standards:

a. Number

One monument sign is authorized for each building that contains more than 25,000 square feet of gross floor area excluding parking areas except that no monument sign is authorized for any building that utilizes a regional shopping center sign or utilizes a nonconforming freestanding sign. When buildings which meet these criteria for a monument sign also face 2 or more streets, 2 monument signs are authorized provided that each is oriented toward a different street. Any sign copy appearing on a monument sign will be counted against the number of signs and the total square footage of sign faces to which a business is otherwise entitled.

b. Location

Monument signs must only be located on private property provided that under no circumstances may a monument sign encroach into required pedestrian zones, pedestrian paths, or visibility triangles.

c. Size and Height

Monument signs must not exceed 18 feet in length and 2 feet in width measured from the outer edges of the monument sign, and 5 feet in base height measured from the lowest point of the elevation of the nearest pedestrian zone or pedestrian path to the highest point of the monument sign. A vertical extension is permitted above the 5 feet maximum base height provided such extension does not exceed a total height of 18 feet (including the base height), 8 feet in length and 2 feet in width, all measured in the same manner as stated above. Such signs, when located in a primary or side street yard, must not be situated in a manner that prohibits pedestrian circulation.

d. Affiliated Businesses and Affiliated Businesses Utilizing Shared Access

Businesses that are affiliated, such as through a Unified Development Plan, or in the operation of their businesses through direct shared private street vehicular access to the same public

street may utilize monument signs for signage on a monument sign located upon or within 20 feet of a drive lane of such shared vehicular access provided that such monument signage:

i. Must be directly visible from such adjacent public street;

ii. Will be counted against the number of signs and the total square footage of sign faces to which a business utilizing such signage is otherwise entitled; and

iii. Will be subject to include notarized documentation acknowledging that the City will only issue permits that meet the criteria set forth in this Subsection; that the City is not required to determine whether the requested space on any monument sign is available to such applicant for such use; and that such applicant is responsible for all arrangements with its business affiliates to allow the location of the sign which is the subject of the application on the monument sign. Further, the City's issuance of a Sign Permit pursuant to this Subsection, which is, in part, based on the notarized documentation provided by the applicant:

a) Will not be considered to be the City's decision that such permit has the effect to supersede, amend or modify private rights of ownership in the monument sign.

b) Will not be considered to be the City's decision that such permit has the effect to supersede, amend or modify private rights in shared access as between any party with claims to the use of such private access.

c) Will not give rise to any obligation of the City to defend its issuance of the permit because such issuance granted a vested right to a business to locate on any monument sign. While no sign may be located on any monument sign without a permit, the allocation of all private rights as to who may place a permitted sign on such monument sign will at all times be finally determined by the contractual or ownership arrangements between the business affiliates with respect to such monument sign.

9. Crown Signs

Notwithstanding the restriction on occupancy limits in the definition of principal occupant in *Sec. XX. Sign Definitions*, a building tenant who occupies a minimum of 20% or 100,000 square feet of the floor space of a specific building that is available for occupancy is authorized to erect a crown sign, provided all other restrictions set forth in this Division related to crown signs are followed; provided however that crown signs for tenants with qualifying square footage in a qualifying building in a unified development may be located on another building in such unified development under common ownership that meeting the requirements for crown signs in this district provided that the building where the occupancy is located is on an immediately adjacent parcel to the building where the signs are to be erected, the building are not separated by a public right-of-way, and both buildings are served by common pedestrian access and shared parking facilities.

10. Regional Shopping Center Signs

In lieu of authorized monument sign(s), a regional shopping center, as defined by *Sec. XX. Sign Definitions,* must be permitted one single freestanding sign which may be a changing sign. Said sign must not be located within the sidewalk walk zone or pedestrian path. Said sign must not

exceed 200 square feet in sign area and must not exceed 35 feet in height above the elevation of the nearest sidewalk walk zone or 35 feet from the ground at the base of the structure to the tallest part of the structure, whichever greater. Where such regional shopping centers have frontage on two or more streets, one additional large shopping center sign will be permitted provided that such additional sign is not a changing sign.

11. Prohibited or Restricted Signs

a. Billboard signs are not permitted.

b. Freestanding signs are not permitted other than monument signs and regional shopping center signs, except that any freestanding sign lawfully constructed prior to the effective date of this Division that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous height, size and location.

c. Unless authorized as regional shopping center signs in Subsection above, animated, flashing, and changing signs are prohibited.

d. No sign may extend into or project over a amenity zone, pedestrian zone, pedestrian path, or street right-of-way except if expressly authorized to encroach into a public right-of-way by an encroachment agreement approved pursuant to Chapter 138 of the City Code.

12. Two-Dwelling Unit Developments

Two-dwelling unit developments are allowed 1 sign per lot not to exceed 2 square feet in sign area. Said sign must be mounted flat to the building or suspended.

13. Regional Shopping Center Development Major Business Signs

a. Where an authorized building sign for a business occupying and actively using over 80,000 square feet in a regional shopping center, as defined by *Sec. XX. Sign Definitions*, would be permitted on an exterior wall of such business, this authorized wall sign, projecting sign, canopy sign, pedestrian sign or marquee sign may be placed on a building on an immediately adjacent lot not separated from the regional shopping center by a public right-of-way. The relocated sign will considered in calculating the size and number of signs that would be permitted for the authorized business identified.

b. In lieu of an authorized building sign or an authorized monument sign, a business occupying and actively using over 80,000 square feet on a lot immediately adjacent to a regional shopping center, as defined by *Sec. XX. Sign Definitions*, not separated by a public right-of-way is permitted to place this authorized wall sign, projecting sign, canopy sign, pedestrian sign, marquee sign or monument sign for such business on the adjacent regional shopping center building or the lot containing the regional shopping center. The relocated signage will be considered in calculating the size and number of signs that would be permitted for the authorized business identified. A relocated business building identification sign permitted to be relocated by this Subsection may be implemented as either 1 business building identification sign or 1 monument sign. If such relocated business building identification signage permitted is to be installed as a monument sign, it must be located in an area visible from and adjacent to a private drive or pedestrian walkway providing access from the public right-of-way to such business.

c. No part of the signs permitted by Subsections a) and b) above may extend above the top of the building on which it is placed nor be located on portions of a building containing residential uses. Size of the signage permitted will be determined pursuant to *Sec. XX. General Sign Standards*.

D. Midtown Legacy District

The following signs are permitted in the Midtown Legacy District:

1. Subarea 1: Midtown Commercial

The regulations for Subarea 1: Midtown Commercial are the same as the regulations for Urban General (UG-) Form District, provided that:

a. No freestanding signs are permitted.

b. No shopping center signs are permitted.

c. Despite any language to the contrary in this Division, the use of Large Screen Video Display (LSVD) utilizing full motion video technology consisting of a matrix board behind which computerized lights are projected to form images, as for a television, is a permitted wall sign on a building within a Mixed Use Technology Center that meets the following criteria:

i. A Mixed Use Technology Center exceeds 700,000 square feet and consists of the following mix of uses:

a) At least 500,000 square feet of office floor area, a portion of which is leased to a university system of Georgia tenant and the remainder is available for lease by technology companies;

b) At least 50,000 square feet of floor area used as a high-performance computing space or data center;

c) At least 20,000 square feet of retail space with at least 15,000 square feet being street level retail; and

d) At least 20,000 square feet devoted to an outdoor public plaza; and

ii. The LSVD sign:

a) Must be located on a wall facing the public outdoor public plaza; provided however that the LSVD sign may also be incidentally visible from a public street; and

b) Must not create greater hazards or distractions to drivers than other uses or building features permitted by the Zoning Ordinance.

2. Subarea 2: Midtown Residential and Subarea 3: Juniper East

The regulations for Subarea 2: Midtown Residential and Subarea 3: Juniper East are the same as the regulations in subsection Urban General (UG-) Form Districts, provided that:

a. No freestanding signs are permitted.

b. No shopping center signs are permitted.

c. Signs may be located as near to the street lot line as the nearest building.

E. Greenbriar Town Center Legacy District

The following signs are permitted in the Greenbriar Town Center Legacy District:

1. The regulations for Greenbriar Town Center District Subareas 1, 2, and 3 are the same as the regulations for Urban General (UG-) Form Districts, except as otherwise set forth below.

2. Where a shopping center is located on a parcel larger than 50 acres and the structures on the parcel exceed 500,000 square feet, such use may be allowed signs meeting the following requirements:

   a. Four freestanding monument style signs each not exceeding 200 square feet in sign area and not exceeding 20 feet in height above the level of the surface of the pavement of the nearest lane of vehicular travel of the adjacent street or 20 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater. The signs may be internally lighted but must not be changing signs:

   b. The freestanding monument style shopping center signs permitted by this subsection may be installed in any required yard but must be located at least 20 feet from the curb line when adjacent to a street to allow for the future installation of sidewalks and must otherwise meet the requirement set forth in this part as to visibility at intersections.

   c. Each freestanding monument style shopping center sign permitted by this subsection must be separated from any other such sign by a minimum of 500 feet of frontage along the same street when such sign is located in a required yard but this distance requirement may be reduced to 200 feet for signs located on different streets.

   d. Where such shopping center has existing signage which faces limited access roadways, 1 existing sign may be converted to a changing sign, which may utilize any technology allowed by the Sign Ordinance provided however that neither the size of the sign face nor the height of the sign may increase. The converted sign will not be counted in the inventory of permitted monument style shopping center signs and will be a conforming sign.

   e. Any existing signs facing faces limited access roadways, not converted to a changing sign, will be considered non-conforming and will not be counted in the inventory of permitted monument style shopping center signs.

Sec. 8.6.13. Historic and Landmark District Sign Standards

A. Cabbagetown Landmark District

1. General Regulations

The following regulations apply to all property located within the Cabbagetown Landmark District:

a. Billboard signs are not permitted in the Cabbagetown Landmark District; and

b. No sign will be permitted within the Cabbagetown Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts*.

2. The Mill (Subarea 1)

The sign regulations for the Mill (Subarea 1) are the same as the Urban General (UG-) Form District.

3. Mill Housing (Subarea 2)

The sign regulations for Mill Housing (Subarea 2) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea;

b. The location of the sign, unless otherwise specified within this Subsection, are subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness;

c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

4. Shotgun and Cottage Housing (Subarea 3)

The sign regulations for shotgun and cottage housing (Subarea 3) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea;

b. The location of the sign, unless otherwise specified within this Subsection, are subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness;

c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

5. Neighborhood Commercial/Services (Subarea 4)

The sign regulations for Neighborhood commercial/services (Subarea 4) are the same as the Urban General (UG-) Form District, provided that:

a. Freestanding signs are not permitted except for public and institutional uses permitted within the subarea and must not exceed 10 feet above ground level.

b. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

6. Transitional Commercial/Industrial (Subarea 5)

The sign regulations for Transitional commercial/industrial (Subarea 5) are the same as the Urban General (UG-) Form District, except where commercial or industrial uses in this subarea abut residential uses, no sign may exceed 20 feet above ground level.

B. Druid Hills Landmark District

The sign regulations for the Druid Hills Landmark District are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

1. No billboard signs are permitted in the Druid Hills Landmark District.
2. No sign is permitted within the Druid Hills Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts*
3. One sign, not exceeding 20 square feet in sign area, is permitted for multi-dwelling unit uses.
4. For all other nonresidential uses permitted in this District, one sign per street frontage is permitted. Such sign must not exceed 35 square feet in sign area.
5. No sign may be placed nearer than 10 feet to the street lot line.

C. M. L. King, Jr. Landmark District

The following signs are permitted in the M. L. King, Jr. Landmark District:

1. General Regulations

Notwithstanding any other individual District standards, all signs within the M. L. King, Jr. Landmark District are subject to the following general regulations:

a. No billboard signs are permitted in the M. L. King, Jr. Landmark District.

b. No freestanding signs are permitted in the M. L. King, Jr. Landmark District.

c. No monument signs are permitted in the M. L. King, Jr. Landmark District.

d. No LSVD signs are permitted in the M. L. King, Jr. Landmark District.

e. No sign is permitted within the M. L. King, Jr. Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts*

f. Signs provided for contributing structures 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.

g. Signs provided for non-contributing structures 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 district.

2. Auburn Avenue Residential District (Subarea 1)

The sign regulations for Auburn Avenue residential district (Subarea 1) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

3. Residential District (Subarea 2)

The sign regulations for Residential district (Subarea 2) are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign, unless otherwise specified within this subsection,is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

4. Institutional District (Subarea 3)

The sign regulations for Institutional District (Subarea 3) are the same as the regulations for the Special Form Districts, provided that:

a. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness; and

b. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

5. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4)

The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) are the same as the regulations for the Urban Core (UC-) Form Districts, provided that:

a. No individual sign may exceed 100 square feet in sign area.

b. No projecting sign may exceed 8 square feet in sign area.

c. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.

d. Signs must be located as follows:

i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.

ii. On or in display windows or upper facade windows.

iii. On or in the glazing of the doors.

iv. On the valance of awnings.

v. On the fascia or top edge of canopies.

vi. Projecting perpendicularly from the building.

e. Changing signs are prohibited.

6. Transitional Zone (Subarea 5)

The sign regulations for Transitional zone (Subarea 5) are the same as the regulations imposed by the underlying zoning designation of each property within this subarea, provided that no such sign is permitted except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts* and no billboard sign is permitted in this subarea.

D. Washington Park Landmark District

The sign regulations for the Washington Park Landmark District are as follows:

1. No billboard signs are permitted in the Washington Park Landmark District.
2. No sign is permitted within the Washington Park Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts*.
3. No institutional sign may exceed 35 square feet in sign area.
4. No freestanding sign may exceed 10 feet above ground level.
5. No internally illuminated signs are permitted.
6. No sign displaying the name of a sponsor for any park improvement may exceed 2 square feet in sign area.

E. Oakland Cemetery Landmark District

The sign regulations for the Oakland Cemetery Landmark District are as follows:

1. No billboard signs are permitted in the Oakland Cemetery Landmark District.
2. No sign is permitted within the Oakland Cemetery Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*
3. No institutional sign may exceed 35 square feet in sign area.
4. No freestanding sign may exceed 10 feet above ground level.
5. No internally illuminated signs are permitted.
6. No sign for any cemetery improvement may exceed 2 square feet in sign area.

F. Baltimore Block Landmark District

The sign regulations for the Baltimore Block Landmark District are the same as Urban Core (UC-) Form Districts except that:

1. No billboard signs are permitted.

2. No sign is permitted within the Baltimore Block Landmark District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*

3. No sign may exceed 100 square feet in sign area except that a projecting sign may not exceed 8 square feet in sign area.

4. Signs must be located as follows:

   a. On the valance of canopies;

   b. Mounted flush against the facade of the building adjacent to the front entryway of the unit; or

   c. Projecting perpendicularly from the building.

5. No freestanding signs are permitted.

6. No animated, flashing or changing signs are permitted.

7. No internally illuminated signs are permitted.

G. West End Historic District

The regulations for the West End Historic District must be the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, provided that:

1. No billboard signs are permitted in the West End Historic District.

2. No sign is permitted within the West End Historic District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*

3. One sign, not exceeding 20 square feet in sign area, is permitted for multi-dwelling unit uses.

4. For all other nonresidential uses permitted in this district, 1 sign per street frontage is permitted. Such sign must not exceed 35 square feet in sign area.

5. The location of the sign, unless otherwise specified within this subsection,is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

6. For all legal, nonconforming commercial uses:

   a. A maximum of 3 building signs are permitted for each business establishment. The combined area of these permitted building signs must not exceed 10% of the wall of the front of each said business establishment, and in no case may any individual sign exceed 100 square feet.

   b. No projecting sign may exceed 8 square feet in sign area.

   c. Signs must be located as follows:

      i. In the area of the storefront centered between the transom and the cornice.

      ii. On or in display windows.

iii. On or in the glazing of the doors.

iv. On the valance of the awnings.

v. Projecting perpendicularly from the building.

d. No freestanding signs are permitted.

e. No animated, changing, or flashing signs are permitted.

H. Hotel Row Landmark District

The regulations for the Hotel Row Landmark District are the same as the Urban Core (UC-) Form Districts, provided that:

1. No billboard signs are permitted in the Hotel Row Landmark District.
2. No sign is permitted within the Hotel Row landmark district except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*
3. No sign may exceed 100 square feet in sign area except that a projecting sign may not exceed 8 square feet in sign area.
4. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.
5. Signs must be located as follows:
   a. In the area above the transom of the storefront and below the second floor windows.
   b. On or in display windows or upper facade windows.
   c. On or in the glazing of the doors.
   d. On the valance of the awnings.
   e. On the fascia or top edges of canopies.
   f. Projecting perpendicularly from the building.
6. No freestanding signs are permitted.
7. No changing signs are permitted.
8. No internally illuminated signs are permitted.

I. Adair Park Historic District

The following signs are permitted in the Adair Park Historic District:

1. General Regulations

Signs within the Adair Park Historic District are subject to the following regulations:

a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to *Chapter 6. Historic and Landmark Districts.* .

b. No billboard signs are permitted in the Adair Park Historic District.

2. Residential Subarea 1

The regulations for the Residential Subarea 1 are the same as the regulations in House-Scale (H-) and Neighborhood-Scale (N-) Form Districts, except that the location of the sign, unless otherwise specified within this subsection, is be subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

3. Transitional Commercial Subarea 2

The regulations for the Transitional Commercial Subarea 2 are the same as those for the Urban General (UG-) Form Districts district, provided that:

a. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

b. No freestanding sign may exceed 20 feet in height above ground level.

4. Transitional Industrial Subarea 3

The regulations for the Transitional industrial Subarea 3 are the same as those for the Urban General (UG-) Form Districts district, provided that:

a. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

b. No freestanding sign may exceed 20 feet in height above ground level.

J. Grant Park Historic District

Except when otherwise explicitly provided, the provisions of this Division apply to this district.

1. General Regulations

a. No billboard signs are permitted in the Grant Park Historic District.

b. No animated, changing, or flashing signs are permitted in the Grant Park Historic District.

c. No internally illuminated signs are permitted in the Grant Park Historic District.

2. Residential Subarea 1

The regulations for the Residential Subareas are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts provided that:

a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to *Chapter 6. Historic and Landmark Districts.* .

b. The location of the sign, unless otherwise specified within this subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

c. Any nonresidential zoned property must comply with the regulations for the Commercial Subarea 2, as set forth below.

3. Commercial Subarea 2

The regulations for the Commercial Subarea 2 are the same as those for the Urban General (UG-) Form District, provided that:

a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to *Chapter 6. Historic and Landmark Districts.* .

b. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

c. Where an existing building is located immediately adjacent to the street, such building is permitted to have 1 sign, not exceeding 8 square feet in sign area, projecting into the public right-of-way, subject to all other provisions of this Division regarding projecting signs.

4. Transitional Industrial Subarea 3

The regulations for the Transitional Subarea 3 are the same as those for the Workforce (W-) Form Districts, except as otherwise specified within this Subsection.

K. Oakland City Historic District

The following regulations apply to the Oakland City Historic District.

1. Except when otherwise explicitly provided, the provisions of this Division apply to this District.

2. The regulations for this district are the same as the regulations for House-Scale (H-) and Neighborhood-Scale (N-) Form Districts provided that:

   a. No permit will be issued for the erection of any sign prior to issuance of a Certificate of Appropriateness by the Urban Design Commission pursuant to *Chapter 6. Historic and Landmark Districts.* .

   b. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.

3. No billboard signs are permitted in the Oakland City Historic District.

4. No animated, changing, or flashing signs are permitted in the Oakland City Historic District.

5. No internally illuminated signs are permitted in the Oakland City Historic District.

L. Castleberry Hill Landmark District

The sign regulations for the Castleberry Hill Landmark District are the same as those for Urban General (UG-) Form Districts, provided that:

1. No billboard signs are permitted in the Castleberry Hill Landmark District.
2. No sign is permitted within the district except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*
    a. The location of the sign, unless otherwise specified within this Subsection, is subject to the approval of the Urban Design Commission simultaneously with the request for a Certificate of Appropriateness.
3. Sign location on the building must correspond with that portion of the building owned or leased by the person erecting the sign.
4. Signs must be located as follows:
    a. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice;
    b. On or in display windows or upper facade windows;
    c. On or in the glazing of the doors;
    d. On the valance of awnings;
    e. On the fascia or top edge of canopies; or
    f. Projecting perpendicularly from the building.
5. Where a principal structure is located immediately adjacent to the street, each business establishment is permitted to have 1 sign that does not exceed 8 square feet in sign area that projects into the public right-of-way, subject to all other provisions of this Division regarding projecting signs. This projecting sign will be considered 1 of the 3 signs allowed for each business establishment.
6. Freestanding signs are permitted in Subarea 2 of the district, provided that they are no taller than the principal structure or 20 ft., whichever is less.
7. The combined area of these permitted building signs must not exceed 10% of the total area of the front wall of each said business establishment, and in no case may any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment is entitled to at least 60 square feet total combined sign area.
8. No changing signs are permitted.
9. No internally illuminated signs are permitted.

M. Means Street Landmark District

The sign regulations for the Means Street Landmark District are the same as the regulations for the subject property at the time of adoption of the Means Street Landmark District provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*
2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of sign age from the time period of historical significance for the building;
3. Signs provided for non-contributing buildings must be designed in a manner that is compatible with the design and general character of the non-contributing building upon which it is located;
4. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign;
5. All regulations in *Chapter 6. Historic and Landmark Districts* are met;
6. General advertising signs and billboards are prohibited;
7. Freestanding signs are prohibited;
8. Monument signs are prohibited;
9. LSVD signs are prohibited;
10. Changing signs are prohibited on contributing buildings; and
11. Internally illuminated signs are prohibited on contributing buildings.

N. Briarcliff Plaza Landmark District

The sign regulations for the Briarcliff Plaza Landmark District are the same as the Urban General (UG-) Form Districts, provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*
2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of signage from the time-period of historical significance for the building;
3. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign;
4. All regulations in *Chapter 6. Historic and Landmark Districts* are met;
5. Neon lighting or similar tubular lighting mechanisms are permitted;
6. The following signs are prohibited:
    a. General advertising signs and billboards;
    b. Freestanding signs;
    c. Monument signs;
    d. LSVD signs;

e. Changing signs on contributing buildings; and

f. Internally illuminated signs on contributing buildings, except for signs utilizing neon lighting or similar tubular lighting mechanisms.

O. Pratt-Pullman Landmark District

The sign regulations for the Pratt-Pullman Landmark District are the same as the Urban General (UG-) Form Districts, provided that:

1. No sign is permitted within the District except after approval by the Urban Design Commission of a Certificate of Appropriateness as specified in *Chapter 6. Historic and Landmark Districts.*

2. Signs provided for contributing buildings must be designed in a manner that is compatible with the design, materials, location, and general character of signage from the time-period of historical significance for the building.

3. Sign location on a contributing building must correspond with that portion of the building owned or leased by the person erecting the sign.

4. Signs provided for additions to contributing buildings and new 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 district.

5. All regulations in *Chapter 6. Historic and Landmark Districts* are met.

6. As used in the Pratt-Pullman Landmark District, a property signature sign will be defined as a wall sign or a freestanding sign, not greater than 400 square feet and styled in the manner of a movie marquee or train station sign. A property signature sign must not be a pylon sign.

7. The following signs are prohibited:

   a. LSVD signs;

   b. Changing signs on contributing buildings; and

   c. Internally illuminated signs on contributing buildings.

P. Poncey-Highland Historic District

1. The sign requirements of the House-Scale (H-) and Neighborhood-Scale (N-) Form Districts apply in Subareas 1, 2, 6, and 7.

2. The sign requirements of the Urban General (UG-) Form Districts apply in Subareas 3, 4, and 5, except as further restricted by "3" and "4" below.

3. Rope LED lighting is prohibited on signs and in windows in Subareas 3, 4, and 5.

4. All original or historic signs must be retained, provided that the sign face maybe changed compliant with this Division if the overall size, shape, depth, location on the building, and materials of the sign and sign structure are retained.

Sec. 8.6.14. **Alternate Design Sign Plan**

A. In all zoning districts, the City Council may approve an Alternative Design Sign Plan that does not meet the standards of the Sign Ordinance for a development or project by Special Use Permit (*Sec. XX. Special Use Permits*).

B. The Alternate Design Sign Plan must include a written plan detailing the type, quantity, size, shape, color, and location of all signs permitted within the project or development. Signs within the project or development will be strictly governed by the Alternate Design Sign Plan and the procedures of this Division. Any deviation from the Alternate Design Sign Plan will require City Council approval.

C. City Council may approve an Alternate Design Sign Plan upon determining the following criteria are met, in addition to any applicable criteria for a Special Use Permit:

1. There is good cause for deviating from a strict application of the requirements of this Division.

2. The Alternate Design Sign Plan will serve the public purposes and objectives set forth in this Division as well or better than signs that would otherwise be permitted for the project.

D. Applications for an Alternate Design Sign Plan must be submitted in writing to the Director and must be accompanied by the required application fee.

E. Each application for an Alternate Design Sign Plan must include the following:

1. A written narrative description of the overall plan, including a tally of the total number of signs in the plan and a summary of how the applicant believes the sign plan will serve the objectives set forth within this Division.

2. An illustration of each sign included within the sign plan. For signs with multiple faces, an illustration of each face must be provided.

3. A written description of the type, size, materials, proposed lighting and proposed location of each sign.

4. A map or other written identification and description of all existing signs on the property.

Sec. 8.6.15. **Sign Overlay District Standards**

A. Establishment of Sign Overlay Districts

1. The Atlanta City Council originally created the following sign overlay districts:

   a. Historic Sears Roebuck & Co. Sign Overlay District (S1) on May 19, 2014, pursuant to ordinance 14-O-1134, zoning case number Z-14-14.

   b. Arts & Entertainment Sign Overlay District (S2) on June 19, 2017, pursuant to ordinance 17-O-1009, zoning case number Z-17-03.

   c. Gulch Sign Overlay District (S3) on May 21, 2018, pursuant to ordinance 18-O-1212, zoning case number Z-28-01, as amended on January 4, 2021, pursuant to ordinance 20-O-1591, zoning case number Z-20-58.

#083

Posted by **Kim 7** on **03/25/2026** at **10:41am** [Comment ID: 2309] - Link

Question

Agree: 0, Disagree: 0

Please clarify, does an Alternate Design Site Plan require a SUP? It is clear that this requires Council approval but it is unclear whether the NPUs would review. NPU does not review sign permits but does review and recommend for SUPs. I recommend community review and recommend through the NPUs prior to Council.

> Reply by **SiteAdmin** on **03/25/2026** at **4:02pm** [Comment ID: 2326] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Because these are processed via SUP, NPU review and recommendation will be required.

2. With the adoption of this Division, each of the sign overlay districts listed above is hereby re-created and re-adopted, with minor changes to district regulations to eliminate duplicative language and standardize citational references. The public may find the boundary of each Sign Overlay District on the official zoning map.

3. As referenced in the below regulations for some Sign Overlay Districts, there exists a sign plan unique to that Sign Overlay District. Each plan is attached to the ordinance listed above and is incorporated into this Division by reference and is hereby made a public record. Each sign plan is accessible to the public and may be inspected in the office of the Atlanta Municipal Clerk or by requesting from the Clerk a certified copy of the ordinance originally creating the Sign Overlay Districts listed above. Each sign plan is also found in the zoning case number file referenced above and may also be inspected in the Office of Zoning and Development. It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

B. Historic Sears Roebuck & Co. Sign Overlay District (S1)

1. Creation of District

There is created within the Sign Ordinance the Historic Sears Roebuck & Co. Sign District, which applies to the property currently known as 675 Ponce de Leon Avenue where a brick structure was constructed in 1926 and later expanded to house the operations of Sears Roebuck & Co. and which later became known as City Hall East. The boundaries of the District are shown on the Historic Sears Roebuck & Co. Sign District Map, which is attached to the Ordinance creating this District. It is the intention of these regulations to address the specific and unique building forms, mass, and scale of the District and regulate the size and location of signs so as to allow signs which are part of a Sign Plan prepared for the district and approved by the National Park Service while accomplishing the goals of this Section and maintaining the separation between on-site and off-site advertising. All signs within the District as set forth in the Sign Plan are permitted under the regulations set forth in this Section even where the erection of such signs might otherwise be in conflict with the Division. Where a sign is specifically prohibited by this Section, such prohibition is in addition to any prohibition otherwise set forth in this Section.

2. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the Historic Sears Roebuck & Co. Sign District. It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

3. Definitions

For the purpose of this Sign Overlay District, the following definitions apply, provided however that other definitions set forth in the Zoning Ordinance may be used to assist with interpretation of this Section, further provided that the definitions set forth in this Section are intended to control because of their specific application to the District and the sign types permitted:

Blade sign. A sign attached vertically to a metal blade arm extending horizontally from the building face.

Building sign. A type of business identification sign that is allowed in this district to identify the large scale buildings which are part of this development on buildings which are less than 4 stories.

Extended sign. A sign attached to a parapet wall or other wall and extending above the top of the wall.

Historic etched sign. A building business identification sign or incidental sign consisting of a sign face etched into the facade of the building that was in existence during the period in which Sears Roebuck & Co. business operations were conducted in the building.

Historic iconic sign. A crown sign erected on the roof of the Historic Sears Roebuck & Co. Building in substantially the location and massing as the Sears Roebuck & Co. sign that previously existed during the period in which Sears Roebuck & Co. business operations were conducted in the building and used for the same purposes as crown signs.

Historic Sears Roebuck & Co Building (the "Building"). The brick building constructed in 1926 and later expanded and which has been approved for placement on the National Register of Historic Places, as shown on the Historic Sears Roebuck & Co. Sign District Map.

Monument sign. A permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or support structure. Monument signs must not be supported by visible columns, uprights, poles, or braces and must be of continuous solid construction without holes, gaps, or spacing.

Pylon sign. A vinyl sign attached vertically to a metal pylon located in the supplemental zone on private property.

Property owner sign. A sign face installed on a sign structure allowed in this district and authorized by the sign plan that is not in use by a tenant as a business identification sign.

Sign plan. The comprehensive and uniform elevations, architectural designs, and sign legend for signage approved for this district and applicable to the buildings constructed by Sears Roebuck & Co. and existing in the Historic Sears Roebuck & Co. Sign District as of January 1, 2014.

4. Signs

a. Types

i. Wall signs, projecting signs, canopy signs, monument signs, extended signs, blade signs, and pylon signs are permitted as business signs.

ii. Building signs are permitted for the property owner's business located within the district.

b. Number

i. The total number of signs must not exceed the number identified in the sign plan for each type of sign.

ii. Each tenant may be assigned a maximum of 3 signs in accordance with the procedure set forth for permitting of signs in this district.

iii. A business establishment located at the corner of a building may be assigned 1 additional business identification sign by the property, owner, said sign to be oriented toward the additional frontage.

c. Height

The height of signs must not exceed the height specified in the sign plan for each type of sign.

d. Area

The total area of any business identification signs in the district must not exceed the square footage specified in the sign plan for each type of sign.

e. Adjacency

A sign is permitted to be erected only to identify the business of the property owner or tenants of the building but the assignment of sign locations is controlled by the sign plan.

f. Assignment of Sign Locations

i. Applicants seeking a permit for a sign in this district must submit an application on a form to be developed for this district by the Office of Buildings, which requires certification by the property owner that the requested sign face, size, height, number, and location are authorized by the property owner.

ii. The sign copy to be displayed must be included in the application.

iii. One or more signs for a business establishment may be installed in a location other than the premises of the business establishment if so authorized by the property owner.

5. Crown Signs

a. Types

Wall signs, projecting signs, and an historic iconic sign are permitted as crown signs.

b. Number

One historic iconic sign as identified in the sign plan is permitted. One crown sign is permitted on each side elevation of the building.

c. Height

The height of a crown sign must not exceed the height specified in the sign plan for each type of sign.

d. Area

The total area of the permitted historic iconic sign and the crown signs in the district must not exceed the gross square footage specified in the sign plan.

6. Prohibited and Restricted Signs

a. Billboard Signs

Billboard signs are not permitted other than as specified in the sign plan.

b. Animated, Flashing, and Changing Signs

Animated, changing, and flashing signs are not permitted.

c. Freestanding Signs

Freestanding signs other than incidental signs, pylon signs, and monument signs specified in the sign plan are not permitted.

7. Monument Signs

a. Number

Monument signs as defined in this Section are authorized not to exceed the number specified in the sign plan and must be installed on private property provided that under no

circumstances will a monument sign encroach into required amenity zones, pedestrian paths, or visibility triangles.

b. Height

The height of monument signs must not exceed the height specified in the sign plan for each type of monument sign.

c. Area

The total area of each monument sign must not exceed the square footage specified in the sign plan for that type of monument sign.

d. Shared Access and Assignment of Sign Locations

i. Monument signs may include business identification signage for multiple businesses located in the district.

ii. Applicants seeking a permit for a business identification sign on a monument sign in this district must submit an application on a form to be developed for this district by the Office of Buildings, which will require certification by the property owner that the requested sign face and location are authorized by the property owner.

8. Incidental Signs

Incidental signs are permitted.

9. Historic Etched Signs

Historic etched signs are permitted to remain undisturbed as a non-conforming characteristic of the previous use and do not require a permit.

10. Sign Lighting

a. Signs may be externally lit from the top or the bottom and the lighting must be directed onto the sign face. All sources of light associated with a sign must be effectively shielded from adjacent properties with residential uses.

b. Signs may be lit in any of the following ways: halo-lit, exposed neon, exposed light bulbs, internally illuminated letters, and externally illuminated letters.

11. Property Owner Signs

Property owner signs are permitted to be used by the property owner, the property owner's business within the district, or an event or activity occurring within the district.

12. New Buildings

For any building constructed in the district after the effective date of creation of this district, the signs will be governed by the sign standards for Urban General (UG-) Form Districts.

C. Arts and Entertainment Sign Overlay District (S2)

1. Intent

The intent of the City in adopting these regulations is to:

a. Recognize that large scale sporting events, major conventions, and other large and significant entertainment activities in downtown Atlanta have unique needs for signage which is a critical consideration for sponsors and organizers selecting a location to host the event;

b. Create the Arts and Entertainment District, as a sign overlay district, and allow, through certain limitations set forth herein (the "Regulations"), additional signage for the specific and unique building forms, mass, scale and use of the buildings within the Arts and Entertainment District;

c. Expand the economic base of the City, by providing additional employment opportunities and additional tax revenues to the City and the region by making the area of the A&E District more attractive through the management of specialized signage opportunities that will allow large scale sporting events, major conventions, and activities at major entertainment venues to choose the City when evaluating their choices of location;

d. Manage the placement of the additional signage so as to balance the economic development needs of the City in attracting large scale sporting events, major conventions, and activities at major entertainment venues with the general welfare of residents and businesses;

e. Create a process for the management of permits for the additional signage pursuant to a cooperation agreement with Atlanta Downtown Improvement District ("ADID") so that the sponsors and organizers of large scale sporting events, major conventions, and qualifying activities at major entertainment venues can deal with a single entity in order to create a "unified look and feel" for their event;

f. Demonstrate the City's commitment to economic development through its cooperation agreement with ADID so as to allow the contractual governance and enforcement of a unified approach to the streetscape and certain aspects of the built environment for large scale sporting events, major conventions, and qualifying activities at major entertainment venues which will allow the City to focus on traffic planning, crowd control and other key elements of public safety;

g. Enhance the general streetscape in the area encompassed by the district through the establishment of design guidelines providing additional signage opportunities permitted by these regulations;

h. Contribute to the overall welfare of the residents in the District by providing a more lively and enhanced streetscape to encourage a walkable downtown with more activity and which could lead to increased property values;

i. Allow for the management of supplemental signage, art, and other programs by the Atlanta Downtown Improvement District, with the input of other downtown stakeholder's that will protect the public interest and balance the commercial and economic initiatives with an approach designed to keep downtown aesthetically pleasing, safe for pedestrians and vehicular traffic, and respectful of interests of residents and businesses; and

j. Define the effect of these Regulations on other parts of this Code;

2. District Boundaries

The Arts and Entertainment District (hereafter the "A & E District") is established. The boundary of the A & E District is shown on the A&E Sign Overlay District Map, which is attached to the Ordinance creating this District. The Regulations apply within the boundary of the A & E District.

3. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the A & E District. It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

4. Effect of the Regulations upon Existing Entitlements

These Regulations are intended to be a part of a larger economic development purpose and a supplement to and an overlay upon the existing zoning and sign regulations already applicable to parcels within the boundaries of the A & E District but have no effect upon the entitlement given by other applicable parts of this Division to businesses and property owners to erect signage within the A & E District.

5. Nonconforming

Where a non-conforming sign is altered or removed, such sign is not permitted to be restored to its previous degree of non-conformity or reconstructed, without regard to whether such alteration or removal was undertaken in connection with the erection of a sign that is permitted only by these regulations, such that the removal of any non-conforming sign will be governed by other applicable parts of this Division and the Zoning Ordinance applicable to non-conformities.

6. Effect of Subsequent Rezoning

The regulations set forth herein continue to apply when the existing underlying zoning is changed unless a specific condition associated with a specific parcel otherwise requires and such condition govern over these regulations.

7. Additional Standards for Signs on Buildings or Sites Designated by the Historic Preservation Ordinance

In determining the appropriateness or location of new signs proposed to be placed under this Section, ADID will also make application to the Urban Design Commission which will apply the criteria set forth in the subsection below in addition to the applicable criteria for Certificates of Appropriateness specified in *Chapter 8. Historic and Landmark Districts*.

8. Distance limitations

Distance limitations set forth in O.C.G.A. § 32-6-70 et seq. apply.

9. Applications Limited

In recognition of the economic development purpose behind the creation of the Subarea, the adoption of the regulations and the Sign Plan, only applications received from ADID as the permit applicant will be accepted for the additional signs permitted by these regulations and as specified in the cooperation agreement approved by the governing authority.

10. Action on ADID Applications

An application by ADID seeking permission to erect a sign found by ADID to meet the criteria of the Sign Plan will be approved by the Director under this subsection even where the erection of such sign might otherwise be in conflict with regulations elsewhere in this Division provided that upon receipt of an application, the structural plans for the erection of the sign are deemed by the Director to meet the applicable building codes through construction review by the Office of Buildings.

11. Construction Review by the Office of Buildings

a. Upon receipt of an application containing the items immediately below, from ADID for permission to erect a sign found by ADID as meeting the criteria of the Sign Plan, the Director will review only the structural plans for the erection of the sign described in the application to determine if the plans for the erection of the sign meet the applicable building codes. If approved, such sign may be erected and operated only in the manner set forth on the approved structural plans.

b. All applications from ADID for a permit to erect a sign in the district pursuant to these regulations will be submitted to the Director on the application form provided by the Director.

c. Each application must be accompanied by the applicable fees established by the governing authority as may be amended (or in effect at the time of submittal) from time to time.

d. All applications for construction, creation or installation of a new sign or for modification of an existing sign must be accompanied by detailed drawings showing the dimensions, design, structure, and location of the sign sufficient to review for compliance with all applicable codes.

e. No application will be deemed to be accepted by the Director unless all fees are paid and the required drawings are submitted.

f. Any permanent sign that projects into the right-of-way will be subject to the provisions of Article II of Chapter 138 and must obtain permission from the City to encroach therein in the same manner as canopies, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities. If an application for encroachment is pending the fact that such permission is pending will not prevent the Director from receiving an application but no permit for erection will be issued until a fully executed encroachment agreement approved by the Department of Transportation has been received.

g. All applications are to be reviewed by the Department of Transportation prior to the issuance of a permit to verify that no sign will be erected or lit on a premises or location, in such a manner so as to obstruct the view of, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards

or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.

i. If the department of transportation determines that the sign will be a traffic hazard, the Commissioner will deny the application;

ii. If any sign is found to constitute a traffic hazard after installation by the Department of Transportation, the Commissioner will require the operator of the sign to either reduce the intensity of the condition or effect which causes the hazard to a level acceptable to the department of transportation or if no such reduction is possible, to remove the sign.

iii. The Commissioner may, through the issuance of a stop work order, cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.

12. Criteria for the Sign Plan

The Sign Plan, which is adopted as a part of the economic development purpose associated with these regulations, is developed based on criteria which are intended to allow flexibility in the development of signage in the district.

a. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is to be displayed or suspended;

b. The use of the building mass and orientation in the placement of the sign so as to define and place strong visual emphasis on the street and other important public open spaces;

c. Whether the sign will enliven building facades and avoid extensive blank walls that would detract from the visual interest and appearance of an active streetscape and unify a building's appearance so as to add to a street facade's interest, scale and three-dimensional quality;

d. Whether the signage will direct attention to street level architecture and building uses in a manner that adds richness and variety to the pedestrian experience of the district;

e. Whether the signage will assist buildings to display a clear pattern of openings and create shadow lines that enhance the street wall;

f. Standard outdoor advertising billboard proportions of 14'x48' must be rejected unless used as one component of a multiple sign array of varying proportions;

g. Where signage is at street level, it should present dynamic, state-of-the-art facades with expressive lighting, audio-visual effects, and dimensional signage;

h. Signs should appear as an integral part of the building design so as not to appear as an afterthought application;

i. Whether the sign uses means of illumination such as neon tubes, fiber optics, incandescent lamps, LED's cathode ray tubes, shielded spotlights and wall wash fixtures so as to provide visual interest during nighttime hours is appropriate for placement of the sign when considering the safety of vehicular traffic and the impact on the residential uses that will be affected;

j. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.

13. Cap on Sign Locations

Not more than 25 sign locations will be authorized by this subsection at any one time within the district. This number is the cap. This cap does not limit the number of supplemental sign permits that may be issued, only the number of locations. In the event all supplemental signage is removed from a sign location, a new sign location may be authorized so long as the total outstanding sign locations does not exceed the cap. For purposes of this Subsection, a sign location mean on the same building or parcel.

14. Annual Inspection of Signs

Sign Permit owners must provide an annual inspection report certified by a licensed engineer that the sign installed pursuant to this subsection is structurally sound and continues to meet the state minimum codes applicable at the time of sign erection.

15. Signs Not to be Visible from the Interstate

No supplemental Sign Permit will be issued, nor may any supplemental sign be erected or maintained if the sign face of such sign is visible by drivers on the interstate highway.

D. Gulch Sign Overlay District (S3)

1. Intent

It is the intent of these regulations to address the specific and unique building forms, mass, and scale of the district and regulate the type, number, height, area, location and all other characteristics of signs to be located therein. All signs within the Gulch Sign Overlay District as set forth in the Sign Plan are permitted under the regulations set forth hereafter, even where the erection of such signs might otherwise be in conflict with *Div. XX. Signs*. No new sign proposed by the Gulch Sign District will be considered a billboard as defined.

2. District Boundaries

The boundary of the Gulch Sign Overlay District is shown on the Gulch Sign Overlay District Map, which is attached to the Ordinance creating this District. The regulations apply within the boundary of the District.

3. Sign Plan

A Sign Plan is adopted at the time of creation of the District and contains certain criteria for Atlanta Office of Buildings to follow when deciding that a proposed sign meets the criteria as set forth in these regulations. Said Sign Plan is attached to the Ordinance creating this District and is incorporated herein by reference. Said Sign Plan is hereby made a public record, is accessible to members of the public, including but not limited to those who are, or may be, affected by it, and is accessible for public inspection in the office of the Atlanta Municipal Clerk by requesting a certified copy of the Ordinance creating the Gulch Sign Overlay District. It is also available online at https://aim-ewebapp-01-finalactions.azurewebsites.net/.

4. Applicability

a. It is the intent of these regulations to address the specific and unique building forms, mass, and scale of the district and regulate the type, number, height, area, location and all other characteristics of signs to be located therein. All signs within the Gulch Sign Overlay District as set forth in the Sign Plan are permitted under the regulations set forth in this Section, even where the erection of such signs might otherwise be in conflict with the Section. No new sign proposed by the Gulch Sign District will be considered a billboard as defined.

b. All generally applicable sign regulations in this Division will apply unless expressly or clearly contrary to the sign plan or this Section. The regulations contained within this Section will apply in lieu of the specific sign regulations for the underlying zoning district.

5. Definitions

For the purpose of this Section the following definitions apply and are intended to control within and because of their sole and specific application to the Gulch Sign Overlay District and the sign types permitted therein. The signage types in parenthesis are referenced in the Sign Plan other than the following definitions, the provisions and definitions set forth in *Sec. XX. Sign Definitions* apply within the district, however, where there is a conflict, the definition contained in this Section will control.

3D digital projection sign. A sign that uses specialized software and hardware within the district to project dynamic video media onto building facades, sidewalks, or any three-dimensional object within the district. The receiving surface for any such sign must be located within the district.

Building marker. A sign, when cut into a masonry surface or made of bronze or other permanent material. Building markers may be building entry signs, retail signs, lobby signs or other type of signs that may take the form of a building marker.

Business establishment. An entity that (i) possesses a valid City of Atlanta business license authorizing that entity to operate on said premises, unless said entity is exempt from business licensing requirements; and (ii) occupies said premises.

Building entry signs. A building sign affixed to or above any building pedestrian and porte-cochere entry. The signage types are pedestrian building canopy signs and building entry identification signs.

Building facade signage. A building sign attached parallel to but within 72 inches of a building facade wall facing a street, provided that no part must extend beyond the top of the building. Such signs may wrap around the corner of a building. The signage types are digital facade signs), static graphics and static building wraps.

Crown signs. A building sign located at the top of a building four or more stories in height above street viaduct level provided that no part must extend beyond the top of the building. For the purposes of this Section, no part of a parking deck must be used in calculating the height of the building. The signage type is of building identification signs.

Construction signs. A temporary sign at ground or street viaduct level affixed to temporary construction barricades, walls, building facades, windows or fences while construction is in progress.

Event signage. a temporary or permanent sign affixed to temporary or permanent open-air structures as part of event spaces located in pedestrian gathering areas.

Land parcel. A parcel lawfully created through the Office of Zoning and Development's subdivision, consolidation, or acknowledgment process and approved by the Director and located at street viaduct level which is bounded by pedestrian ways, public or private streets or alleys.

Large screen video display (LSVD) sign. A type of sign that utilizes full motion video technology consisting of a matrix board from or behind which computerized lights are projected to form images, such as a television.

LCD. Liquid crystal display.

LED. Light-emitting diode.

Lobby signs. A sign attached, affixed or hung from a wall or ceiling inside a building lobby which is located at least ten feet inside of the exterior wall or window directly in front of the lobby sign building facade.

Nit. A unit of measurement for the total brightness over one square meter of an LED display. This value takes into account all of the contributing factors to brightness such as the number of LEDs per pixel, the pixel pitch (distance between pixels) and the brightness of individual LEDs. A nit is also known as candelas per square meter.

Person. Any association, company corporation, firm, individual, organization, or partnership, singular or plural, of any kind.

Property owner sign. A sign face installed on a sign structure allowed in this Gulch Sign Overlay District and authorized by the sign plan that is not in use by a tenant as a business identification sign.

Real estate signs. Signs that identify or advertise the sale, lease or rental of a particular structure or land parcel and limited to: wall, window and ground signs.

Retail signs. Means a building sign on retail storefronts, entries and retail building facades provided that no part extends above the highest slab above the leased premises. The signage types are retail tenant signs and blade signs.

Sign plan. The comprehensive and uniform details and specifications for signage approved for this Gulch Sign Overlay District, attached to the original authorizing ordinance for the Gulch Sign Overlay District, and the comprehensive and uniform details specifications and signage approved for the Spring Street Subarea, attached to the authorizing ordinance for the Spring Street Subarea. The respective sign plans are on file with the Office of the Municipal Clerk. The pictures contained in the respective sign plans are illustrative and generally depict the sign types allowed.

Street viaduct level. The level of the street network as defined by the general elevation of Centennial Olympic Park Drive NW, Martin Luther King Jr. Drive SW, Mitchell Street NW, Ted Turner Drive NW, Forsyth Street SW and Marietta Street NW. All heights in this Section area measured from the street viaduct level unless otherwise indicated.

Total area of the wall. The total exterior wall surface area measured in square feet above streetscape viaduct level including all opaque portions, glass portions, and door areas.

Wayfinding sign. A pedestrian or auto oriented sign which indicates the route to, direction of or location of a given goal, or which provides regulatory or service information of a non-advertising character.

6. Standards

a. Billboard Signs

New billboard signs are not permitted.

b. Flashing, Changing Signs, and LSVD Signs

Flashing, changing, and LSVD signs, are permitted as specified in the sign plan.

c. Public Right-of-Way SIgns

Signs extending or projecting over any lot line onto a public sidewalk or public right-of-way must be subject to all other provisions of *Sec. XX. Public Right-of-Way Signs*, and of any other applicable requirements of the Code of Ordinances of the City of Atlanta governing such signs.

d. Sign Lighting

i. Signs may be internally or externally lit. All sources of light associated with a sign must be determined not to materially affect or must be effectively shielded from adjacent properties zoned for residential uses.

ii. Signs may be lit in any of the following ways: internally or externally illuminated, halo-lit, exposed neon, exposed light bulbs, internally illuminated letters, and externally illuminated letters, face lighting, LED displays, LED-faced letters, LCD displays, interactive digital displays, stage and production lighting, and large screen video display (LSVD) as specified in the sign plan.

iii. All sign lighting must comply with the light intensity limits as set forth in the sign plan. Each sign permit application must include a notarized form that the sign will not exceed those light intensity limits. Each sign permit must be conditioned on such sign not exceeding these light intensity limits

iv. Upon installation and on an annual basis thereafter, sign permit owner must certify the intensity limits of any lighting from time to time at the request of the city.

7. General Regulations

The following general regulations apply to this Overlay Sign District:

a. Portable Signs

Portable signs are permitted as temporary signs.

b. Temporary Signs

Temporary signs do not require a sign permit.

c. Messages

The copy of signs allowed herein may not contain obscenities, nudity or sexual conduct as defined by O.C.G.A. § 32-6-52 or as thereafter amended.

d. Crown Signs

Crown signs where permitted by this district must be governed by the sign plan.

e. Signs Inside a Building

Notwithstanding the provisions of this Division, certain signs inside of a building other than temporary signs may require a permit if they are designed to be visible to the general public from a public right-of-way or sidewalk outside of the Sign District. Signs inside of a building are subject only to the provisions of the sign plan and this Overlay Sign District.

8. Sign Permits

The first sign permit in this district must not be issued prior to the receipt by the city of a land development permit application for a parcel or aggregate parcels totaling not less than ten acres within the Gulch Sign Overlay District or not less than one acre within the Gulch Sign Overlay District Spring Street Subarea. This provision will not apply to construction signage.

9. New Buildings or New Signs

For any building or sign constructed in the Gulch Sign District after the effective date of creation of this Gulch Sign District, the signage must be governed by this Overlay Sign District and not the sign regulations for the underlying zoning district. For buildings or signs in existence prior to the effective date of creation of this Gulch Sign District, the signage must be governed by the sign regulations for the underlying zoning district.

Sec. 8.6.16. **Measurement**

A. Area of Sign Face and Distance Between Signs

1. All regulations involving the area of signs specified in this Division will be interpreted to mean measurements of the sign face unless the context, text or usage clearly requires otherwise.

2. All regulations involving distances from or between signs specified in this Division will be interpreted to refer to any part of a sign, including both the sign structure and the sign face.

B. Computation of Sign Area of Individual Signs

The area of a sign will be the total area within the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with the total area of any material or color forming an integral part of the

background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of the Zoning Ordinance and is clearly incidental to the display itself.

C. Computation of Area of Multi-Faced Signs

1. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face will be measured in computing sign area.
2. If the two faces of a double-face sign are of unequal area, the area of the sign will be the area of the larger sign face.
3. In all other cases, the areas of all sign faces of a multi-faced sign will be added together to compute the area of the sign.

D. Computation of Height of Sign

1. The height of a sign will be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the lower of existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
2. In cases in which the normal grade cannot reasonably be determined, sign height will be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Sec. 8.6.17. **Relief**

The provisions of the Sign Ordinance are varied only pursuant to the following requirements:

A. The Board of Zoning Adjustment, the Urban Design Commission, or any other duly authorized administrative body have the power to grant variances relating to the height of signs, sign setbacks, topographic conditions which would prevent the erection of a sign which is otherwise permissible under this Division, and similar minor variances, according to their authority, and which are not otherwise expressly prohibited below.

B. Neither the Board of Zoning Adjustment, the Urban Design Commission, nor any other authorized administrative body have the power or authority to vary the express terms of this Division related to the number of signs, the total area of signs permitted on a lot, distance and spacing requirements, or removal of illegal signs. Further, the board or other commission or administrative body have no power to permit within any zoning district within the City of Atlanta any sign not otherwise authorized by this Division.

C. Appeals from decisions of the Director are authorized by *Div. XX. Quasi-Judicial Review*.

Sec. 8.6.18. **Sign Permits**

A. Permit Required

1. General Requirements

a. No sign may be placed, constructed, erected or modified without first securing a Sign Permit from the Director in accordance with these procedures, except for those signs exempted by the specific language of *Sec. XX. Sign Permit Not Required*.

b. No Sign Permit of any kind will be issued for an existing or proposed sign unless such sign meets all of the requirements of this Division, and all other applicable requirements of the Zoning Ordinance or is a lawful nonconforming sign under *Sec. XX. Nonconforming Signs*.

c. A Sign Permit is required for a change of materials or for the substitution of panels or faces on a billboard sign to verify that the sign is structurally sound, is at a location, and is of a size and height, which meets the requirements for a lawful sign under the Zoning Ordinance.

d. No Sign Permit will be issued for any change to a legally nonconforming sign that enlarges or expands the degree of nonconformity, provided however that repairs and normal maintenance of legally nonconforming signs including the repairs and maintenance necessary to allow conversion of the sign face for the utilization of changing sign technology will not be considered an expansion of the degree of nonconformity. An existing changing sign that is legally nonconforming will be allowed to utilize this provision for purpose of installing a different changing sign technology.

2. Requirements for Portable Signs

Portable signs are allowed only in accordance with the provisions of *Sec. XX. General Sign Standards* and only upon the issuance of a Sign Permit, which is subject to the following additional requirements:

a. A Sign Permit allows the use of a portable sign only for one single continuous specified 30-day period.

b. Only 1 sign permit for a portable sign may be issued to the same business license holder on the same lot for the same business.

c. A portable sign is allowed only in the districts specified in *Sec. XX. General Sign Standards* and is subject to all other requirements for portable signs as set forth in this Division, the Zoning Ordinance, and in any other applicable City of Atlanta Code Section.

B. Permit Not Required

The following signs are not required to obtain a Sign Permit as long as all applicable requirements in this Division and the City Code are met:

1. Temporary signs, see *Sec. XX. Sign Type Standards*.

2. Any sign inside a building provided that such signs otherwise comply with the requirements of this Division, see *Sec. XX. General Sign Standards*.

3. Lights and decorations.

#084

Posted by **Kim 7** on **03/25/2026** at **2:23pm** [Comment ID: 2313] - Link

Question

Agree: 0, Disagree: 0

This is only allowed in districts where these signs are permitted, correct?

This seems to contradict the section on nonconformity that describes efforts to reduce nonconforming sign conditions. Upgrading existing non-conforming signs is not helping eliminate nonconforming conditions.

> Reply by **SiteAdmin** on **03/25/2026** at **3:47pm** [Comment ID: 2322] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Sign regulations and nonconformities are subject to different legal requirements than general nonconformities because signs are considered a form of speech and because the State of Georgia has enacted legislation that preempts local authority to regulate certain types of signs. Under this provision, an existing changing sign may be updated, even if the underlying zoning doesn't allow changing signs.

#085

Posted by **Kim 7** on **03/25/2026** at **10:52am** [Comment ID: 2310] - Link

Question

Agree: 0, Disagree: 0

Would nonconforming static signs be able to be converted to nonconforming electronic/changing signs in districts where such signs are not allowed?

I don't think that upgrading nonconforming signs should be permitted without a variance that is run through a public process. Would this rewards illegal weekend installations of nonconforming signs that can then get upgraded???

> Reply by **SiteAdmin** on **03/25/2026** at **4:00pm** [Comment ID: 2325] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> No. This is not the intent of this provision. A nonconforming changing sign may upgrade its technology, but a new changing sign may not be created unless it is allowed by the zoning district.

4. Flags.

5. Signs allowed within public rights-of-way according to *Sec. XX. Public Right-of-Way Signs*, except where that Section requires a Sign Permit.

6. Parking lot identification signs required by the zoning district.

7. Approved historic markers, according to *Sec. XX. Sign Type Standards*. Signs which do not meet the requirements for approved historic markers provided in *Sec. XX. Sign Type Standards* as to size, shape, height, plate size, and allowable text or decoration are not "approved historic markers," even if erected for the purpose of commemorating historical events or persons, and will be required to obtain a permit in accordance with the Atlanta Sign Ordinance.

8. Signs not visible from the public right-of-way at private universities with a physical campus of over 50 acres within City limits.

C. Permit Review

1. Application Submittal

All applications for sign permits must be submitted to the Director on an application form provided by the Director, and to be complete must include the following:

a. Each application must be accompanied by the applicable fees established by the governing authority.

b. No application will be deemed to be accepted by the Director unless all fees are paid and all information reasonably required by the Director is provided by the applicant.

c. All applications for construction, creation, or installation of a new sign, or for modification of an existing sign, must be accompanied by detailed drawings showing the dimensions, design, structure, and location of each particular sign, as well as total wall area dimensions when necessary to determine compliance with this Division.

d. One application and permit may include multiple signs on the same lot where multiple signs are allowed according to this Division.

2. Application Review and Director Decision

All complete applications for sign permits will be either issued or denied within 45 days of their submission unless the applicant consents in writing to extend the time period to a date certain. If the Sign Permit is neither issued nor denied within this time period, the applicant may at their own risk erect a sign meeting the requirements of this Division as if the application had been granted. The Director is authorized, however, upon determination that a sign, erected for any reason, is not in compliance with these regulations, to take the appropriate action necessary to cause it to come into compliance or to be removed if illegal.

a. After examination of an application, including an application which has been filed for more than 30 days, the Director will either:

i. Issue the Sign Permit if the sign conforms in all respects to the requirements of the Zoning Ordinance and all other applicable City Code provisions; or

ii. Deny the Sign Permit if the sign fails in any way to conform to the requirements of the Zoning Ordinance or any other applicable City Code provision. In case of a denial, the Director will notify the applicant in writing at the e-mail address set forth in the application. The applicant may appeal the denial to the BZA within 30 days of the written decision or appeal directly to Fulton County Superior Court in the manner authorized by State law. In the event the applicant appeals to the BZA, the BZA will hear and decide the appeal within 45 days of the appeal date unless the applicant consents in writing to extend the time period to a date certain.

b. No illegal display, feature, attribute or other part of any otherwise permitted sign will be considered legally nonconforming and no illegal sign will become legally nonconforming by reason of failure of the Director to deny the Sign Permit within 45 days of the submission of the application.

D. Criteria for Review and Decision

1. Signs in Landmark and Historic Districts

In determining the appropriateness or location of new signs proposed to be placed within the boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the Urban Design Commission will apply the following criteria in addition to the applicable criteria for Certificates of Appropriateness specified in *Sec. XX. Certificate of Appropriateness*:

a. The content of the message to be conveyed will not be considered.

b. Whenever in these regulations a Certificate of Appropriateness is required for a sign, the Certificate will be granted or denied within 30 days from the filing of the initial application. If the Certificate is not granted or denied within that time period, the applicant may proceed as if the Certificate had been granted. Provided, however, if the Commission subsequently takes action on the Certificate, the Director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

c. Any appeal from any decision made on the issuance or denial of a Certificate will be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the Director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

E. After Permit Review

1. Inspections

The Director can, at any time deemed necessary, inspect each sign regulated by the Zoning Ordinance to ensure conformity with these regulations and other ordinances of the City. The Director is authorized and empowered to revoke any Sign Permit issued upon failure of the permit holder to comply with any provision of this Division or other ordinances of the City, or to take other action lawful and necessary to assure correction of violations.

2. Lapse of Sign Permit

A Sign Permit will be deemed to lapse automatically and will be deemed illegal if the business license for the premises lapses, is revoked, or is not renewed. A Sign Permit will also lapse if the activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice to the last permit holder, sent to the premises, that the Sign Permit will lapse if such activity is not renewed.

Sec. 8.6.19. **Violations and Enforcement**

A. Any person violating any provision of this Division are guilty of an offense and punished in accordance with the enforcement provisions of *Chapter 9. Administration*.

B. This Division is enforced by the Director, except where otherwise specified.

C. Each sign installed, created, erected or maintained in violation of this Division is considered a separate violation, and each day of a continued violation for each sign is considered a separate violation when applying the penalties of *Chapter 9. Administration*.

D. In addition to the enforcement and penalty provisions in *Chapter 9. Administration*, the Director is authorized to remove any illegal sign and place a lien for the removal costs against the property upon which the sign was located prior to removal.

E. Any person damaging any tree in violation of this Division will, in addition to other penalties imposed by the Zoning Ordinance, be required to replace any such tree with a healthy tree or trees of like caliper and species, if, in the judgment of the City Arborist, such tree is permanently injured or impaired or in danger of dying as a result of such damage.

Sec. 8.6.20. **Sign Definitions**

The following definitions apply to this Division unless specifically stated otherwise. Any word or phrase not defined below but otherwise defined in the Zoning Ordinance will be given the meaning set forth in the Zoning Ordinance. All other words and phrases will be given their common ordinary meaning unless the context clearly requires otherwise.

Adjacent to an Interstate Highway. Located within 500 feet of the nearest outer edge of the pavement of any interstate highway, limited access freeway or expressway within the City, regardless of the existence of intervening streets or lots.

Animated Sign. A sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. A sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. A flag is not considered a banner.

Beacon. Any light with one or more beams that:

1. Is directed into the atmosphere; or
2. Is directed at one or more points not on the same lot as the light source; or
3. Rotates or moves.

A sign created solely by a light or lights projected onto an immovable and unchanging surface is not included in this definition.

Billboard. A sign, other than a crown sign, over 200 square feet but not greater than 672 square feet. Any sign that requires a Georgia Department of Transportation Outdoor Advertising Permit is also a billboard.

Building Marker. A sign, when cut into a masonry surface or made of bronze or other permanent material.

Building Official. The Director, Office of Buildings or such person's designee.

Building Sign. See *Sec. XX. Sign Type Categories*.

Business Establishment. An entity that:

1. Possesses a valid City of Atlanta business license authorizing that entity to operate on said premises, unless said entity is exempt from business licensing requirements; and
2. Occupies said premises.

Canopy Sign. See *Sec. XX. Canopy Sign*.

Changing Sign. A sign that is capable of changing the visible display of words, numbers, symbols, graphics or position or format of word messages or other displays when such changes are actuated by any type of remote control or automatic mechanism rather than manually. Changing signs include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electric lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, back lighting, or any other light source that is electronically changed. Any changing sign that includes both mechanical and electronic elements will be regulated as an electronically changed sign. A sign that changes no more frequently than once every 24 hours will not be considered a changing sign.

Copy. The portion of a sign containing a message consisting of words, numbers, symbols, logos, or any other visual image whether such message or part of such message is permanently affixed or capable of being changed in any manner. Where the term "message" is used in this part, such term refers to the entire "copy" and all other parts of the sign face.

Crown Sign. See *Sec. XX. Crown Sign*.

Director. The Director, Office of Buildings or such person's designee.

District. A zoning district, whether underlying, overlay or floating.

Entrance Sign. See *Sec. XX. Entrance Sign*.

Feather Sign. A sign consisting of a piece of fabric or similar material that is typically tall and slender with a dimensional ratio of 4 high to 1 wide and attached to a support pole. A flag is not considered a feather sign.

Flag. A sign consisting of a piece of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, or which exhibits sudden or marked changes in lighting effects.

Freedom Parkway Corridor. The parkway, formerly known as the Presidential Parkway, located between the convergence of Interstate Highways 1-75 and 1-85 (known as the Downtown Connector) and either Ponce de Leon Avenue or Moreland Avenue, and including both the pavement of said parkway and all right-of-way associated with said parkway.

Freestanding Sign. See *Sec. XX. Sign Type Categories*.

Historic Iconic Sign. A roof sign erected on an establishment within the district, both of which were in continuous existence for at least 40 years prior to the creation of the district.

Illegal Sign. A sign erected or maintained without a lawful permit or other authorization specified in this Division.

Large Screen Video Display (LSVD) Sign. A sign that utilizes full motion video technology consisting of a matrix board behind which computerized lights are projected to form images, as for a television. LSVD signs will be separately regulated and authorized in strict accordance with the Urban Core (UC-) Form District and other regulations specified herein.

Landmark Sign. A sign that exhibits unique design characteristics that enhance the streetscape or the identity of a neighborhood and contributes to the historical or cultural character of the area of community at-large.

Marquee. Any permanent, roof-like structure attached to and projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee Sign. See *Sec. XX. Marquee Sign*.

Monument Sign. See *Sec. XX. Monument Sign*.

Museum. A facility meeting the following criteria:

1. Is used for educational or preservation purposes;
2. Owns utilizes tangible inanimate objects of historical or cultural significance;
3. Is organized for the care of those objects and exhibits them to the public on a regular schedule;
4. Interprets the cultural heritage or history of the city, the state or the nation, natural history, or the history of science, technology or business;
5. Devotes less than 15% of the floor area of the primary building for retail, restaurant or other commercial purposes, excluding any parking facilities.

Museum Signature Sign. A crown sign on a museum.

Nonconforming Sign. A sign that was lawfully erected prior to the adoption of the Zoning Ordinance and does not conform to the requirements of this Division or other provisions of the Zoning Ordinance. A proposed sign that was lawfully permitted but not erected prior to the adoption of the Zoning Ordinance will be considered "erected" within the meaning of this definition provided said permit has

not expired prior to the adoption of the Zoning Ordinance and further provided that said permit will not be extended or renewed.

Obscenity. Nudity or sexual conduct as defined by O.C.G.A. § 32-6-52 or as thereafter amended.

Painted Wall Sign. See *Sec. XX. Painted Wall Sign*.

Parapet Wall. That integral part of a wall that extends above the top of a building.

Pedestrian Sign. See *Sec. XX. Pedestrian Sign*.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Portable Sign. A sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs made as A-frames or T-frames; balloons used as signs; beacons; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. This definition will not construed to include signs contained on umbrellas, carry bags, or similar objects ordinarily carried or held by pedestrians.

Primary Occupant. An office building tenant that occupies a minimum of 50,000 square feet of floor space and possesses a leasehold term of not less than 5 years.

Principal Occupant. A building owner or tenant who occupies a minimum of 25% of the floor area, or 100,000 square feet of the floor area, of a specific building that is available for occupancy. Any lease for the required amount of floor space is to be for a period of not less than 5 years.

Private street. Any area that is fully accessible to vehicular traffic but that is not a public street and is not interior to a building or parking structure.

Projecting Sign. See *Sec. XX. Projecting Sign*.

Public Entertainment District (PED). An area of land delineated and designated by City Ordinance not to exceed 30 days created only in association with an entertainment event of national interest that meets the following criteria:

1. Occurs within Urban Core (UC-) Form District;
2. The primary spectacle occurs in a facility that seats at least 15,000;
3. Has a duration of no greater than 10 consecutive days; and
4. Is likely to have an economic impact on the City during the period of the event of not less than $25,000,000.00.

Public Park. A park owned, leased, or maintained by a local, state, or federal government or agency thereof.

Public street. Any public right-of-way including such right-of-way that is only accessible by pedestrians.

Regional Shopping Center. One or more attached buildings containing primarily retail establishments which exceed 800,000 square feet of gross leasable floor area.

Residential District. All zoning districts contained in the Zoning Ordinance in which the principal use is restricted to one-dwelling unit housing, two-dwelling unit housing, or multiple dwelling unit housing.

Roof Sign. A sign, any part of which is placed above, supported on, or extends above the top of a building, excluding parapet wall signs.

Rotating Sign. A sign designed to revolve, rotate, or otherwise turn, in whole or in part, by means of electrical power.

Second Story. The building floor level immediately above the ground story.

Shopping center. Three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

Sign. Any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" will include both "sign face" and "sign structure."

Sign Face. The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

Sign Structure. The portion of a sign consisting of the total structural bracing system supporting said sign including the foundation.

Special Sign. See *Sec. XX. Sign Type Categories*.

Suspended Sign. See *Sec. XX. Suspended Sign*.

Temporary Sign. A sign mounted on a stake or frame that is used for a limited time period, not to exceed 180 consecutive days, and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

Total Area of the Wall. The total exterior wall surface area measured in square feet above grade including all opaque portions, glass portions, and door areas.

Wall Sign. See *Sec. XX. Wall Sign*.

Window Sign. See *Sec. XX. Window Sign*.

CHAPTER 9.

ADMINISTRATION

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002

001

#001

Posted by **steele145@comcast.net** on **04/08/2026** at **5:44pm** [Comment ID: 2745] - Link
Suggestion
Agree: 0, Disagree: 0
House and Neighborhood Scale should remain excluded from Administrative Relief as they are in the current code (R1-R5 and some RGs).

> Reply by **SiteAdmin** on **04/09/2026** at **12:00pm** [Comment ID: 2771] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#002

Posted by **steele145@comcast.net** on **04/08/2026** at **5:44pm** [Comment ID: 2744] - Link
Suggestion
Agree: 0, Disagree: 0
Administrative relief bypasses public input. 10%-30% variations on multiple Zoning standards would have a negative impact on our streetscape and neighborhood character.

> Reply by **SiteAdmin** on **04/09/2026** at **12:02pm** [Comment ID: 2772] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please note that 100% administrative relief already exists across the vast majority of the city through overlays, SPIs, and quality-of-life zoning applications. This relief is currently accomplished through the SAP process.

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DIVISION 9.1. **REVIEW AUTHORITY**

Sec. 9.1.1. **Summary of Review Authority**

The following table summarizes the review, approval, and appeal authority of the various review bodies and officials that implement and administer the Zoning Ordinance.

		REVIEW AND APPROVAL AUTHORITY						NOTICE		
APPROVAL PROCESS		Neighborhood Planning Unit	Development Review Committee	Director	Zoning Review Board	Board of Zoning Adjustment	City Council	Posted	Mailed	Published
Legislative Review										
Zoning Amendment	*Sec. XX*	RR		RR	RR-PH		D-M	Y	Y	Y
Special Use Permit	*Sec. XX*	RR		RR	RR-PH		D-M	Y	Y	Y
Transfer of Development Rights	*Sec. XX*	RR		RR	RR-PH		D-M	Y	Y	Y
Historic Review	*Sec. XX*									
Permit Review										
Common Review Procedures	*Sec. XX*			D						
Development Review	*Sec. XX*		RR	D						
Sign Permit	*Sec. XX*			D						
Temporary Use Review	*Sec. XX*			D						
Administrative Relief	*Sec. XX*									
Administrative Modification				D						
Administrative Variation		RC		D						
Quasi-Judicial Review	*Sec. XX*									
Variance		RR		RR		D-PH		Y	Y	Y
Appeal of Administrative Decision						D-PH		Y	Y	Y

KEY: RC = Review and Comment RR = Review and Recommend D = Final Decision
-PH = Public Hearing -M = Meeting Y = Required

#003

Posted by **Kim 2** on **02/26/2026** at **4:19pm** [Comment ID: 2051] - Link
Suggestion
Agree: 1, Disagree: 0
This section should match 9.2.1 and include:
Zoning Text Amendment
Rezoning
Special Use Permit

Transfer of Development Rights should be added to Section 9.2.1 to make consistent

> Reply by **SiteAdmin** on **02/27/2026** at **11:55am** [Comment ID: 2057] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#004

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:27am** [Comment ID: 2176] - Link
Suggestion
Agree: 1, Disagree: 0
This should be Review and Recommend - I can't imagine a scenario where an NPU would not want to give neighborhood input on 11%-30% Variations. Again, this input will only help the Director make an informed decision.

> Reply by **SiteAdmin** on **03/09/2026** at **11:05am** [Comment ID: 2192] - Link
> *Question*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#005

Posted by **Jennifer Friese 3** on **03/09/2026** at **8:21am** [Comment ID: 2175] - Link
Suggestion
Agree: 1, Disagree: 0
This should be Review and Comment - there should always be notice to the NPUs for the 10% Modifications especially when there is more than one. This practice will better inform the Director to ensure allowing the 10% Modifications will not have negative impact on surrounding properties.

#006

Posted by **Kim 2** on **02/27/2026** at **12:57pm** [Comment ID: 2058] - Link
Suggestion
Agree: 0, Disagree: 0
Currently NPUs have Review and Comment ability on SAPs. Hopefully not including

this was an oversite. It might be that SAPs are a special development review and should be a separate row with RC for NPUs.

Reply by **SiteAdmin** on **03/02/2026** at **10:35am** [Comment ID: 2083] - Link

Answer

Agree: 0, Disagree: 0

SAPs are being eliminated. Because SAPs exist solely to provide a process for verifying zoning compliance, the City must approve applications as submitted if they meet all applicable standards.

That said, SAPs currently allow for administrative variations. Under the proposed changes, administrative variance requests will continue to be shared with the NPU for review and comment.

Reply by **Kim 9** on **04/05/2026** at **12:58pm** [Comment ID: 2529] - Link

Suggestion

Agree: 0, Disagree: 0

Currently, NPU B is granted RC abilities for the Beltline SAP. Is that current entitlement getting removed? We believe that our input has shaped better development and would hope to continue to positively enhance the future development.

Reply by **SiteAdmin** on **04/06/2026** at **7:22am** [Comment ID: 2549] - Link

Answer

Agree: 0, Disagree: 0

SAPs are being eliminated as a permit type. The zoning compliance review currently provided through SAPs is being incorporated into the City's standard operating procedures. The administrative variation authority provided through SAPs will continue to be available for NPU review and comment.

Sec. 9.1.2. **Neighborhood Planning Unit (NPU)**

Neighborhood Planning Units (NPUs) have those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for:

1. Legislative Review; and
2. Variance. 007

B. Review and Comment

To review and provide comments, if desired, on applications for:

1. Administrative Variation. 008

Sec. 9.1.3. **Development Review Committee (DRC)**

Development Review Committees (DRCs) have those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for Development Review.

Sec. 9.1.4. **Director**

The Office of Zoning and Development, through the Director, their staff, or their designee is delegated the authority to administer and enforce the Zoning Ordinance. A designee may be another official in the City of Atlanta who has been specifically designated or appointed by the Director to carry out certain duties or powers on their behalf. This includes the authority to review for compliance with the Zoning Ordinance applications for building permits and applications for minor site plan amendments previously approved by the City Council. This also includes the authority to accept and process applications, to reject incomplete applications, and to approve, to approve with conditions, or to deny applications not otherwise delegated to a board or reserved by the City Council. The Director is responsible for determining whether applications for building permits as required by the Building Code are in accord with the requirements of the Zoning Ordinance, and no building permit will be issued without the Director's determination that plans conform to applicable zoning regulations.

The Director has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for:

1. Legislative Review; and
2. Quasi-Judicial Review.

#007

Posted by **Jennifer Friese 4** on **03/12/2026** at **5:56pm** [Comment ID: 2245] - Link
Suggestion
Agree: 1, Disagree: 0
Administrative Variation should be Review & Recommend - Neighborhood participation should not be circumvented.

#008

Posted by **Jennifer Friese 4** on **03/12/2026** at **5:58pm** [Comment ID: 2246] - Link
Suggestion
Agree: 0, Disagree: 0
Administrative Modification should be Review and Comment. In many cases even up to a 10% metric change could negatively impact adjacent properties - neighborhood participation shoul not be circumvented.

> Reply by **SiteAdmin** on **03/13/2026** at **9:43am** [Comment ID: 2249] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. We will be discussing this internally.
>
> Please note that in all MR, MRC, LW, IMIX, and SPI districts (which includes many single-family subareas), 100% (one hundred percent) relief is available today through the SAP process with no NPU review.

B. Decision

To review and decide on applications for:

1. Development Review;
2. Sign Permit;
3. Temporary Event Permit;
4. Administrative Modification; and
5. Administrative Variation.

Sec. 9.1.5. Zoning Review Board (ZRB)

The Zoning Review Board (ZRB) is delegated the authority to conduct the state law required public hearing preceding zoning decisions by the City Council. The ZRB is the exclusive forum for the conducting of public hearings before zoning decisions by the City Council. The ZRB has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Review and Recommend

To review and provide recommendations on applications for Legislative Review.

Sec. 9.1.6. Board of Zoning Adjustment (BZA)

The Board of Zoning Adjustment (BZA) is delegated exclusive authority to hear and render decisions on applications for variances from the Zoning Ordinance, where not otherwise prohibited as provided below, and to hear and render decisions on appeals from the decisions of administrative officials in the administration and enforcement of the Zoning Ordinance. The BZA will sit as a quasi-judicial board making quasi-judicial decisions, as defined by state law, pursuant to standards below. The Board of Zoning Adjustment (BZA) has those powers and duties expressly identified in this Chapter, including, but not limited to, the following:

A. Decision

To review and decide on applications for Quasi-Judicial Review.

Sec. 9.1.7. City Council

The City Council has those powers and duties expressly identified in this Chapter, including, but not limited to the following:

A. Decision

To review and decide on applications for Legislative Review.

#009

Posted by **GLORIA** on **04/07/2026** at **10:52pm** [Comment ID: 2645] - Link

Suggestion

Agree: 0, Disagree: 0

The BZA was created in Chapter 6 of the Municipal Code and its power and jurisdiction are laid out in substantial detail there. That detail is necessary for the the operation of the BZA and making changes or adding glosses here would create a great deal of confusion. I would urge that this section be subject to the provisions in Chapter 6 and that any changes to the long-established powers and jurisdiction of the BZA be done as amendments to Chapter 6 (which deals with a whole host of boards). Any changes to the power and jurisdiction of the ZRB should be handled the same way.

> Reply by **SiteAdmin** on **04/08/2026** at **9:45am** [Comment ID: 2686] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment. It has been shared with our legal team.

DIVISION 9.2. **LEGISLATIVE REVIEW**

Sec. 9.2.1. **Applicability**

Legislative Review is required for the following:

A. **Zoning Text Amendment.** A proposed amendment to the Zoning Ordinance. 011

B. **Rezoning.** A proposed amendment to the official zoning map from one zoning classification, including form and use districts, to another, or to change the boundaries of an existing zoning district, including overlay districts.

C. **Special Use Permit.** An application for uses of substantial significance or of unusual operational characteristics permitted only by Special Use Permit in the zoning district.

Sec. 9.2.2. **Application Submittal** 010

A. Rezoning

1. Applicants seeking a rezoning must schedule a pre-application meeting with the Concept Review Committee (CRC) to discuss the procedures, standards, and regulations required for approval through Legislative Review. This requirement may be waived at the discretion of the Director 012

2. Following the pre-application meeting, applicants may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Director.

B. Withdrawal

An applicant may withdraw their application for legislative review at any time before the public hearing by submitting written notice of withdrawal.

Sec. 9.2.3. **Application Review**

A. Director Review

The Director will review the facts of each application and will submit written findings of fact and recommendations to the Zoning Review Board (ZRB) at or before the time each application is heard. The Director may recommend that the ZRB impose one or more conditions of approval, whether proposed by the applicant or not, relating to the application that they believe may be necessary in the particular case to protect the public interest should the application be approved.

B. Notice

1. Published Notice

At least 15 but not more than 45 days before the date of the hearing, the Director must cause to be published within a newspaper of general circulation within the territorial boundaries of the City a notice of the hearing. The notice will state the date, time, place, and purpose of the hearing.

#010

Posted by **Kim 3** on **03/09/2026** at **4:52pm** [Comment ID: 2199] - Link

Question

Agree: 0, Disagree: 0

Where is the list of things that must be submitted for consideration for either a rezoning (ZRB) or a variance (BZA)? I think it is important to document the minimum requirements for a submission recognizing that the format it is submitted may be altered over time. Things like survey, buildable area, streams/wetlands/floodplains, trees, etc.

> Reply by **SiteAdmin** on **03/10/2026** at **10:08am** [Comment ID: 2215] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Application requirements are established through administrative operating procedures rather than codified in the text of the ordinance. This is consistent with state law.
>
> > Reply by **Kim 9** on **04/05/2026** at **12:47pm** [Comment ID: 2523] - Link
> >
> > *Suggestion*
> >
> > *Agree: 0, Disagree: 0*
> >
> > The current zoning code includes lists of minimum requirements submitted for consideration. I think that a minimum list is CRITICAL!!! The exact list can be maintained as a policy doc and changed as needed, so long as it is in excess of the mandatory minimum items.
> >
> > This provides transparency for everyone involved in the process.
> >
> > > Reply by **SiteAdmin** on **04/06/2026** at **10:34am** [Comment ID: 2553] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Thank you for your suggestion. We will share this with the legal team.

#011

Posted by **Jennifer Friese 4** on **03/12/2026** at **6:45pm** [Comment ID: 2247] - Link

Question

Agree: 1, Disagree: 0

I think I understand the FORM aspect of a rezoning - that a subject property can rezone to another zoning designation within the CDP Future Zoning Map but if they want to change categories ie. a zoning designation for Low Density Residential to a zoning category in Medium Density Res it would also need an amendment to the CDP Map - where do I find what USES fall into each category (is that also on the Map?) - And is it a rezoning if the form stays the same but I want to change the USE from R2 to RX1 for example?

Reply by **SiteAdmin** on **03/13/2026** at **9:41am** [Comment ID: 2248] - Link
Answer
Agree: 1, Disagree: 0
We are currently working with the CDP to establish a new Development Pattern Compatibility Table. It will be necessary that both the Form and Use Districts are compatible. For example, in the Low Density Residential Development Pattern, an Industrial Use District would not be compatible, even if the form was still Neighborhood-Scale.

#012

Posted by **Jennifer Friese 3** on **03/08/2026** at **2:20pm** [Comment ID: 2160] - Link
Question
Agree: 0, Disagree: 0
Is this the current standard for rezonings?

Reply by **SiteAdmin** on **03/08/2026** at **5:31pm** [Comment ID: 2166] - Link
Answer
Agree: 1, Disagree: 0
CRC requirements are not currently codified. An applicant is encouraged, but not required, to attend one. See use of "should" below.

https://www.atlantaga.gov/government/departments/city-planning/public-meetings-boards-commissions/concept-review-committee

Reply by **Jennifer 6** on **03/29/2026** at **1:36pm** [Comment ID: 2381] - Link
Question
Agree: 0, Disagree: 0
What would be the circumstances for the Director to waive the pre-application meeting with CRC?

2. Additional Notice in Certain Cases

If a zoning decision of the City Council is for the rezoning of property or a Special Use Permit and the rezoning or Special Use Permit is initiated by a party other than the City, then the following are required:

a. Published Notice

In addition to the requirements of published notice in subsection *B.1* above, the published notice must include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;

b. Posted Notice

A sign containing information stated in subsection *B.2.a.* above must be placed by the applicant unless otherwise directed by the Director in a conspicuous location on the property not less than 15 days nor more than 45 days before the date of the hearing; and

c. Mailed Notice

The Director must also cause notice of the date, time and place of the hearing and the nature of the proposed change to be sent by regular mail, with mailing postmarked at least 15 days nor more than 45 days before the hearing addressed to property owners (as ownership and address appears on the tax records of Fulton or Dekalb County) of all property within 300 feet of the property involved in the proposed change.

C. Zoning Review Board (ZRB) Public Hearing

1. Procedure

a. Before the City Council takes action resulting in a zoning decision, as defined by state law (currently O.C.G.A. § 36-66-3(4)), the ZRB will conduct a hearing on the proposed action. Where the proposed action includes any combination of zoning decisions to rezone property from one or more zoning classifications, including form or use districts (collectively the zoning classification) to different classifications, or a Special Use Permit, for the same property, only 1 public hearing is required.

b. The ZRB may adopt policies and procedures not inconsistent with state law or the Zoning Ordinance governing the conducting of the public hearing including the matter presented, order of presentation, time limits for each speaker, number of speakers, decorum and order.

c. An equal amount of time for the presentation of data, evidence, and opinion will be afforded to proponents and opponents of each zoning decision. The minimum amount of time must be at least 10 minutes per side for the presentation of data, evidence, and opinion of each zoning decision.

d. Printed copies of these policies and procedures will be available for distribution to the general public. Printed copies of these policies and procedures will be available at each hearing.

#013

Posted by **Kim 1** on **02/23/2026** at **5:47pm** [Comment ID: 2041] - Link
Suggestion
Agree: 1, Disagree: 0
Recommend rewording to simplify.
If the application is a rezoning of property or a Special Use Permit that was not initiated the City, then the following
are required:

#014

Posted by **Kim 2** on **02/27/2026** at **1:14pm** [Comment ID: 2059] - Link
Suggestion
Agree: 0, Disagree: 0
15 continuous days in a conspicuous location

> Reply by **SiteAdmin** on **03/02/2026** at **4:11pm** [Comment ID: 2120] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> This language mirrors state law as currently drafted.

#015

Posted by **Kim 2** on **02/27/2026** at **1:16pm** [Comment ID: 2060] - Link
Question
Agree: 0, Disagree: 0
Confirming that if variances or special exceptions are needed, those would have a separate hearing at BZA. This is if there is a rezoning of 2 parcels that will be combined into one, there only needs to be 1 public hearing.

> Reply by **SiteAdmin** on **03/02/2026** at **10:46am** [Comment ID: 2084] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Correct. This approach allows all required legislative review for a property to be considered at a single hearing. Quasi-judicial reviews (e.g., variances) require a separate hearing. ATL Zoning 2.0 does not propose allowing “variances concurrent with rezoning,” as is permitted in some communities.

#016

Posted by **Jennifer Friese 3** on **03/08/2026** at **2:28pm** [Comment ID: 2161] - Link
Question
Agree: 0, Disagree: 0
Just so I understand correctly - the existing code does not allow any variances with a

rezoning and the new code is the same?

> Reply by **SiteAdmin** on **03/08/2026** at **5:28pm** [Comment ID: 2163] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Correct on both fronts. Only the BZA can grant a Variance. A Variance cannot be granted as part of a rezoning application.

#017

Posted by **Kim Shorter** on **02/13/2026** at **8:31am** [Comment ID: 1963] - Link
Suggestion
Agree: 0, Disagree: 0
In a past case, an owner who received a tax bill at their address did not receive notification of a rezoning. The city relied on the GIS data provided by Fulton County. GIS data is prone to errors, especially with condos and other multi-family dwellings where there is one parcel but multiple mailing addresses. I think it is important to be clear of the specific source of the tax assessor data - GIS data is not the same as the tax assessors mailing list. An internal policy to check the GIS data, especially for condos/townhomes where more than one owner are assigned to a parcel could also be a solution.

> Reply by **SiteAdmin** on **02/15/2026** at **8:53am** [Comment ID: 1966] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for the suggestion. We will take it into consideration.

2. Action by the ZRB

a. The ZRB will make separate findings of facts and conclusions on each proposed amendment to the Zoning Ordinance or Special Use Permit. The ZRB may make its own findings or adopt those of the Director.

b. The ZRB may recommend approval, approval with conditions, withdrawal, deferral to the next regular meeting or to a date certain, or denial of the proposed action. The ZRB may also, either by majority vote or tie, send forth a recommendation of "no recommendation."

c. As soon as practicable, but in no event later than the day before the City Council meeting at which the zoning decision is scheduled to be considered, the Secretary to the ZRB will transmit the following by e-mail to each City Council member:

i. A hyperlink to the video of the public hearing;

ii. A verbatim transcript of the hearing; or

iii. Meeting minutes summarizing the content of each public speaker's comments.

iv. The purpose of this requirement is to inform the City Council in a meaningful way of what happened at the ZRB hearing.

D. City Council Decision

1. Upon compliance with the procedures in this Section and the receipt of reports and recommendations from the Director and the ZRB, the City Council will proceed to act on the proposed changes, by passing or rejecting the amendments, or suspending action where prior changes in comprehensive development plans are required and City Council finds reasonable justification for considering such changes.

2. At the time each zoning case is presented to the City Council for action, it must be provided with a copy of the submission of the applicant, the report and recommendation of the Director, the recommendation of the appropriate Neighborhood Planning Unit (NPU) if any, at the time each zoning case is presented to them for action.

Sec. 9.2.4. Criteria for Review and Decision

018

A. Zoning Amendment and Rezoning

The Director, Zoning Review Board, and City Council will each consider the following standards when recommending action on a zoning decision to rezone or to amend the text of the Zoning Ordinance:

1. **Compatibility with Comprehensive Development Plan.** Whether the proposal is compatible with the Comprehensive Development Plan. Compatibility refers to both the written policies, goals and objectives, the development pattern map set forth in the plan, any local area plans incorporated in the Comprehensive Development Plan, and Atlanta City Design. The Director will not recommend any change not in accord with adopted Comprehensive Development Plans but may, where they see fit, recommend changes in such plans, following which, if such changes in plans are officially adopted, the zoning change may be reconsidered without prejudice and without a new application if an application is involved.

#018

Posted by **Matthew** on **04/07/2026** at **5:34pm** [Comment ID: 2617] - Link

Suggestion

Agree: 0, Disagree: 0

Sec. 9.2.4 should add explicit criteria for housing supply, affordability, transit access, walkability, and infrastructure efficiency. As written, terms like neighborhood character, stability, blight, and availability of other land can be used to block needed housing in appropriate growth areas.

2. **Availability of and effect on public facilities and services.** The availability of public facilities and services and the effect the proposed change would have on demands for public facilities and services in the area in which the change is proposed or generally. Such facilities and services include but are not limited to water supply, sewerage, drainage, transportation, schools, fire and police protection, and solid waste collection and disposal.

3. **Availability of other land suitable for proposed use.** The availability of other appropriate land already zoned for the proposed use, generally and in the area of the proposed change. Whether generally, or in the area of the proposed change, the change would have adverse environmental effects on the balance of land uses by removing land from a category for which it is suited, and for which there is a greater public need, and changing it to a category for which the public need is lesser.

4. **Effect on character of the neighborhood.** The effect of uses permitted under the proposed change on the surrounding neighborhood and must report any substantial probably adverse influences on desirable living conditions or sustained stability, or any tendencies toward blight and depreciation likely to result from the change.

5. **Suitability of proposed use.** Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

6. **Effect on adjacent property.** Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

7. **Economic use of current zoning.** Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

8. **Other conditions.** Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

B. Special Use Permit

1. General Criteria

Although the City Council previously made the legislative determination that the special use is appropriate in the district generally, the special use may not be appropriate on the property for which the Special Use Permit is sought. Accordingly, the City Council must make a case-by-case decision. In doing so, it must consider and anticipate the special use's potential conflict with existing permitted uses. This tool affords the City Council the flexibility of permitting the proposed use upon considerations of the standards set out in the Ordinance, or in the discretion of the local governing body. The Director, Zoning Review Board and the City Council will consider the following when recommending and deciding the grant or denial of a Special Use Permit:

a. **Use allowed.** The use is allowed by way of Special Use Permit in the zoning district. No application may be accepted unless the use is allowed by way of Special Use Permit in the zoning district or unless a text amendment to allow such use by Special Use Permit is introduced by the City Council before or at the time of the introduction of the ordinance to grant the Special Use Permit.

#019

Posted by **Kim 3** on **03/11/2026** at **6:00am** [Comment ID: 2231] - Link

Question

Agree: 0, Disagree: 0

Where are the "construction, generally" criteria from the current ordinance located? I recommend including the existing provisions and considerations, especially those related to protected yards. Would increases in lot coverage or FAR still be controlled, as done today?

> Reply by **SiteAdmin** on **03/12/2026** at **3:00pm** [Comment ID: 2240] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> We will be discussing the removal of "construction, generally" with our legal counsel at our next team meeting and will respond afterward - like mid next week.
>
> This said, no SUP can be used to increase FAR or lot coverage. The underlying zoning district would still prevail.

b. **Use standards.** Whether the special use complies with all specific use standards, if any, set forth elsewhere in the Zoning Ordinance without the granting of any variance.

c. **Effect on adjacent properties.** Whether the special use is compatible with adjacent uses in the City in terms of location, scale, site design, hours of operation and operating characteristics. In measuring compatibility, the City Council will consider:

   i. Whether the days and hours the special use will operate and the manner of operation will disturb the quite use and enjoyment of adjacent property owners.

   ii. The written and oral statements made by adjacent property owners during the public hearing.

   iii. Whether the special use complies with the off-street parking and loading requirements. Where none exist, whether or not anticipated parking demand from the special use will have significant "spill-over" on-street parking into adjacent streets.

   iv. Whether there are adequate areas for the storage and collection of trash and for the parking of service vehicles.

   v. Whether the ingress and egress to the property and proposed structure or uses thereon will result in significant impacts to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.

d. **Buffering and screening.** The extent to which proposed buffering or screening will alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.

e. **Duration.** The length of time regarding the duration of the permit, if any.

f. **Mitigation.** The extent to which changing circumstances or conditions proposed by the applicant or imposed by the City Council will alleviate the potential adverse effects suggested by staff or adjacent property owners during the application process.

2. Criteria for Data Centers

All applications for a Special Use Permit for a data center must, in addition the other application requirements of this Section, provide the following:

a. **Water consumption plan.** Outlining the total water requirements of the data center, including cooling needs, and any strategies to reduce or mitigate excessive water usage. The plan must demonstrate that the water usage will not significantly strain the City of Atlanta's water supply, which serves both the City and surrounding metropolitan areas from the Chattahoochee River.

b. **Water conservation and sustainability plan.** Which includes measures to minimize the data center's impact on regional water resources, such as the use of water-efficient cooling technologies and closed-loop systems.

c. **Energy consumption plan.** Outlining estimates of peak electricity demand and strategies for mitigating strain on local power infrastructure, including proposed improvements or alternatives to minimize the need for additional transmission lines.

#020

Posted by **Kim 2** on **02/27/2026** at **3:22pm** [Comment ID: 2061] - Link

Question

Agree: 0, Disagree: 0

In current zoning code, specifies that required yards for the underlying zoning control unless different standards are approved in the site plan or in conditions. Can you confirm that is still true. Existing conditions within existing SUPs hold and any future modifications would still mirror the underlying zoning.

> Reply by **SiteAdmin** on **03/02/2026** at **4:14pm** [Comment ID: 2122] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes. All district setbacks apply unless otherwise specified in the controlling SUP site plan. See Pg. 1-12 regarding existing conditions for existing SUPs.

d. **Transmission line impact assessment.** Identifying the need for new or upgraded transmission lines to meet the data center's electricity requirements. This assessment must include the potential environmental impact on public and, including tree removal from city-owned land and rights-of-way.

e. **Tree preservation and reforestation plan.** Outlining efforts to minimize tree removal and enhance urban forestry efforts, especially when transmission lines cross public land or park areas.

f. **Stormwater management plan.** Which addresses how the site's development and operation will manage stormwater runoff, as well as mitigation measures to prevent negative impacts on local water systems.

g. **Additional information.** Any additional information required by the City f Atlanta's Department of City Planning, Department of Watershed Management, Department of Parks and Recreation, Department of Enterprise Assets Management, or other relevant City Departments.

Sec. 9.2.5. **Action After the Decision**

A. Effect of Denial

1. For applications initiated by an applicant, the City Council may decide to reject or otherwise vote to not approve a proposed zoning amendment, rezoning, or Special Use Permit application, resulting in a defeated zoning decision. The Mayor may veto a City Council decision to approve an application, resulting in a defeated zoning decision.

2. If the zoning decision is for the rezoning of property and the amendment to the Zoning Ordinance to accomplish the rezoning is denied by the City, then the same property may not again be considered for rezoning until the expiration of at least 12 months immediately following the denial of the amendment by the City or the conclusion of related judicial proceedings.

3. If the zoning decision is for the approval of a Special Use Permit and the ordinance to approve the permit is denied by the City, then the same property may not again be considered for the same Special Use Permit until the expiration of at least 6 months immediately following the denial of the Special Use Permit by the City or the conclusion of related judicial proceedings.

B. Modification of Approved Conditional Site Plan

1. Administrative Approval of Minor Revisions

a. Minor revisions to an approved site plan that was approved as a condition of rezoning or Special Use Permit by City Council may be approved by the Director.

b. Minor revisions include, but are not limited to, the following:

i. Reductions in the gross floor area of a building.

ii. Increases in outdoor amenity spaces.

iii. Adjustments to parking counts that do not reduce the number of spaces below the minimum required for the applicable zoning district.

#021

Posted by **Kim 1** on **02/23/2026** at **6:26pm** [Comment ID: 2042] - Link
Suggestion
Agree: 0, Disagree: 0
Sometimes parking requirements address counts and locations. If any of these are spaces for loading/unloading, uber drivers, deliveries, etc and are moved to internal parking, they won't meet the intended purpose. Is there a way to add the "spirit in which" the parking was conditioned?

> Reply by **SiteAdmin** on **02/24/2026** at **8:27am** [Comment ID: 2044] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will seek to add clarity.

#022

Posted by **Kim 2** on **02/27/2026** at **3:27pm** [Comment ID: 2064] - Link
Question
Agree: 0, Disagree: 0
whichever is later?

> Reply by **SiteAdmin** on **03/16/2026** at **1:07pm** [Comment ID: 2257] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. This is a State of Georgia requirement.

#023

Posted by **Kim 2** on **02/27/2026** at **3:26pm** [Comment ID: 2062] - Link
Question
Agree: 0, Disagree: 0
whichever is later?

> Reply by **SiteAdmin** on **03/02/2026** at **4:16pm** [Comment ID: 2123] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. The judicial proceeding is always later than the denial, so no need to specify "whichever is later". The proposed verbiage mirrors state law. O.C.G.A. § 36-66-4(c), except 12 months, not 6 months, must pass. This is measured from the denial of the rezoning or if judicial proceedings follow a denial, then 12 months from the conclusion of those proceedings.

#024

Posted by **Kim 2** on **02/27/2026** at **3:27pm** [Comment ID: 2063] - Link
Question

Agree: 0, Disagree: 0

exact same or substantially similar?

Reply by **SiteAdmin** on **03/02/2026** at **4:17pm** [Comment ID: 2124] - Link

Answer

Agree: 0, Disagree: 0

The wait period applies to same SUP specific use previously denied, not to a different proposed SUP specific use. See Use Table 4-1 for list of uses.

iv. Minor revisions to internal layout, including but not limited to building or parking placement, provided they do not increase height or density, or reduce required setbacks.

2. Major Revisions Require New Application

a. Any revision not defined as minor is considered major and must be submitted as a new application.

b. Major revisions include, but are not limited to, the following:

i. Increases in the total number of dwelling units or floor area of nonresidential use.

ii. Increases in the maximum building height shown on the approved plan.

iii. Any change to a use category not identified on the approved site plan or in the associated conditions.

iv. Relocation or addition of driveways or vehicular access points that alter traffic circulation or safety.

v. Reduction in required setbacks, open space, or tree preservation areas established through the site plan or conditions.

3. Effect on Application Status

When a revision to an approved site plan requires a new application, the application is not considered defeated and is not subject to the time constraints of *subsection A.2.* or *A.3.* above.

Sec. 9.2.6. **Alternative Legislative Procedures**

A. Procedure for Annexation

If the rezoning is for property to be annexed into the City, then either:

1. The procedures required by this Section will be completed for such rezoning, except for the final vote of the City Council, before adoption of the annexation ordinance or the effective date of any local act of the General Assembly but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under OCGA § 36-36-6;

2. The public hearing required by *Sec. 9.2.3.C.* will be conducted before the annexation of the subject property into the City;

3. In addition to the other notice requirements of this Section, the City must cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of *Sec. 9.2.3.B.*, as applicable, and must post a sign on the property when required by *Sec. 9.2.3.B.*; and

4. The zoning classification approved by the City following the required public hearing will become effective on the later of:

   a. The date the zoning is approved by the City;

#025

Posted by **Kim 1** on **02/23/2026** at **6:27pm** [Comment ID: 2043] - Link

Suggestion

Agree: 0, Disagree: 0

Reduce agreed upon setbacks. Occassionally there are reasons for larger setbacks in certain areas that might be greater than minimum required. If this is part of a negotiated agreement, then it should not be able to be adjusted without resubmittal.

> Reply by **SiteAdmin** on **02/24/2026** at **8:30am** [Comment ID: 2045] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion.

b. The date that the annexation becomes effective pursuant to OCGA § 36-36-2; or

c. Where a county has interposed an objection pursuant to OCGA § 36-36-11, the date provided for in paragraph (8) of subsection (c) of said state Code Section; or

5. By virtue of the adoption of the Zoning Ordinance, and in lieu of the procedures set forth in subsection D of this Section, the City may provide in the annexing ordinance its intent to exercise the authority set forth in OCGA § 36-66-4(e) that all annexed property will be zoned by the City, as a qualified municipality, without further action, for the same use for which that property was zoned immediately before such annexation. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this Division.

B. Procedure for City-Initiated Amendments for Multiple Dwelling Units

1. Applicability

a. When a proposed zoning amendment or rezoning is initiated by the City and:

i. Is an amendment of the Zoning Ordinance to revise one or more zoning classifications or definitions relating to single-dwelling units on property so as to authorize multiple dwelling units on property pursuant to such classification or definitions, or to grant permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single dwelling unit zoning; or

ii. Provides for the abolition of all single dwelling unit zoning classifications within the territorial boundaries of the City; or

iii. Results in the rezoning of all property zoned for single dwelling units within the territorial boundaries of the City for multiple dwelling units on property,

then in such case, such zoning decision must be adopted in the procedural manner set forth in *subsection 2* below.

b. This procedure does not apply to zoning decisions for the rezoning of property from a single dwelling unit on a property to multiple dwelling units on a property when the rezoning is initiated by the owner or authorized agent of the owner of such property or when the City adopts a Zoning Ordinance or Zoning Map applicable to the entire land area under the governance of the City, as opposed to a subset of parcels or land under the governance of the City.

2. Procedure

a. The zoning decision will be adopted at two regular meetings of the City Council, during a period of at least 15 but not more than 45 days apart; and

b. Before the first ZRB meeting provided for in *Sec. 9.2.3.C.*, at least two public hearings before the Zoning Review Board will be held on the proposed action. Such public hearings will be held at least 3 months and not more than 9 months before the date of final action on the zoning decision. Furthermore, at least 1 of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph will be in addition to

#026

Posted by **GLORIA** on **04/07/2026** at **11:28pm** [Comment ID: 2646] - Link

Suggestion

Agree: 0, Disagree: 0

As I recall, these provisions are set out in state law. Rather than restating them, it might be better to reference the state law by chapter and verse.

Also in this regard, I recall a provision in the rewrite that provides that accessory dwelling units are not counted toward the number of dwelling units on a property. I do not believe that is consistent with state law. Beyond that, though, could you explain why all dwelling units for separate households should not be counted for purposes of this code? ADUs necessarily create demands on water, sewer, schools and other infrastructure the same way other dwelling units do, and they invariably result in more cars and fewer trees. Arbitrarily excluding them from being counted as "dwelling units" seems like a way to avoid compliance with state law and to add density to neighborhoods under the radar and without having to go through rezoning procedures. I would urge that ADUs be counted as "dwelling units" under this code.

> Reply by **SiteAdmin** on **04/09/2026** at **2:54pm** [Comment ID: 2804] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The notice and hearing procedures set forth in O.C.G.A. 36-66-4(h) do not apply when, as for the proposed 2.0 ordinance, the local government adopts a zoning ordinance or zoning map applicable to the entire land area under the governance of the local government. See O.C.G.A. 36-66-4(h)(3); HB 155 (2025).

the ZRB hearing required by *Sec. 9.2.3.C.*, such that there will be a total of 3 public hearings before the Zoning Review Board.

3. Notice

The City must give notice of such hearings required by this paragraph by:

a. Posting notice on each affected premises in the manner prescribed by *Sec. 9.2.3.B.*; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

b. Publishing in a newspaper of general circulation within the territorial boundaries of the City a notice of each hearing at least 15 days and not more than 45 days before the date of the hearing; and

c. Both the posted notice and the published notice must include a prominent statement that the proposed zoning decision relates to or will authorize multiple dwelling units or give permission to the property owner to deviate from the zoning requirements of a single dwelling unit zoning of property in classification previously relating to single dwelling units. The published notice must be at least 9 column inches in size and must not be located in the classified advertising section of the newspaper. The notice must state that a copy of the proposed amendment is on file in the Office of the Municipal Clerk and in the Office of the Clerk of the Superior Court of Fulton County for the purpose of examination and inspection by the public. The City will furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

Sec. 9.2.7. **Transfer of Development Rights (TDR)**

A. Intent

The City's TDR program provides a voluntary uniform mechanism for unused development rights to be severed from one property, the "sending property," and transferred to another property, the "receiving property." The program also allows development rights to be severed and held or sold by an entity for future transfer or conservation purposes. The intent is to help preserve and maintain natural, recreational, environmental, historic, cultural and other important resources by removing excess development rights from those resources and allowing those rights to be held, sold, or transferred. This Section contains the regulations governing these transfers citywide. The program is intended to promote the public health, safety and welfare consistent with the Comprehensive Development Plan and the requirements of O.C.G.A § 36-66A-1 et seq., as amended.

B. Definitions

1. **Development Rights.** The maximum square footage expressed in floor area ratio or building height in feet currently authorized by the Zoning Ordinance as applied to a sending property. The term excludes:

   a. The square footage and building height in feet of all existing development on the sending property;

   b. Development rights attributable to a nonconforming status of the sending property; and

c. Development rights attributable to a zoning bonus unless the requirements necessary to secure the bonus have been achieved on the sending property.

2. **Sending Area.** An area of land consisting of one or more parcels from which development rights are authorized to be severed or transferred to a receiving area. Sending areas consist of the following:

   a. The boundaries of all properties designated as a Landmark Building or Site (LBS) or Historic Building or Site (HBS) pursuant to the City of Atlanta Historic Preservation Ordinance;

   b. The boundaries of all properties designated as a Landmark District (LD) or Historic District (HD) in accordance with the City of Atlanta Historic Preservation Ordinance and having one or more non-residential buildings exceeding 5,000 square feet in floor area; or

   c. The boundaries of any land possessing special characteristic(s) determined by resolution of the Mayor and Council to be deserving of future public use or protection through the TDR program.

3. **Sending Property.** A lot or parcel located within a sending area:

   a. Designated as a LBS or HBS pursuant to the City of Atlanta Historic Preservation Ordinance that meets the TDR Special Use Permit requirements of this Section;

   b. Designated as a LD or HD pursuant to the City of Atlanta Historic Preservation Ordinance and having one or more non-residential buildings exceeding 5,000 square feet in floor area that meets the TDR special use permit requirements of this Section; or

   c. Possessing one or more special characteristics and which will be donated to or purchased by the City for public use or protection and that meets the TDR Special Use Permit requirements of this Section.

4. **Receiving Area.** Property within a Residential Mix, Mixed Use, or Industrial Mix Use District and the following legacy districts: Buckhead Village, Buckhead / Lenox Stations, and Midtown.

5. **Receiving Property.** A parcel within a receiving area that is zoned to allow multiple dwelling units, or mixed use, and that meets the TDR Special Use Permit requirements of this Section.

6. **Special Characteristic.** Farm land, woodland, flood plain, natural habitats, wetlands, groundwater recharge areas, recreation areas, or any other land that has unique aesthetic, architectural, or historic value.

7. **Suitable.** There are no substantially adverse environmental, economic or social impacts on the receiving property or on neighboring properties by virtue of the amount or type of development rights sought to be transferred.

8. **TDR Special Use Permit.** One of three types of Special Use Permits authorizing an applicant to sever, affix, or jointly transfer development rights after approval of an application meeting the appropriate criteria of this Section by the Mayor and City Council.

9. **Transfer of Development Rights.** The process by which excess development rights are severed from a sending property and sold, held for future transfer or conservation, or affixed to a receiving property.

#027

Posted by **Kim 2** on **02/27/2026** at **4:07pm** [Comment ID: 2066] - Link
Suggestion
Agree: 0, Disagree: 0
not SFR property

> Reply by **SiteAdmin** on **03/02/2026** at **10:11am** [Comment ID: 2081] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Could you please clarify your concern? Are you suggesting that single-unit properties should not be permitted to send their allowed development rights off-site for preservation purposes, or that they should not be permitted to receive development rights transferred from other areas?
>
> EDIT: Thank you for specifying this in your other comment.
>
> > Reply by **Kim 9** on **04/05/2026** at **12:42pm** [Comment ID: 2522] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > Suggest adding language that this change to the designated sending and receiving areas will comply with Georgia Code 36-66A-2(d)(1) notification requirements.
> >
> > GA Code § 36-66A-2(d)(1) Prior to the enactment of an ordinance as provided in subsection (c) of this Code section, the local governing authority shall provide for a hearing on the proposed ordinance. At least 15 but not more than 45 days prior to the date of the hearing, the local governing authority shall cause to be published in a newspaper of general circulation within the territorial boundaries of the political subdivision a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
> >
> > Mayor and Council do have the authoirty to change the defined sending and receiving areas, but state law requires proper notification. Outlining that linkage will help potential applicants understand the connection. It also ensures that there has been a robust and transparent discussion of the public interest associated with the designation of the special characteristics.
> >
> > > Reply by **SiteAdmin** on **04/06/2026** at **9:28am** [Comment ID: 2551] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you.

We have shared this suggestion with our legal team.

#028

Posted by **Kim 2** on **02/27/2026** at **4:00pm** [Comment ID: 2065] - Link
Suggestion
Agree: 1, Disagree: 0
Currently SFR areas cannot send or receive TDR. I think this is an important protection to maintain.

> Reply by **SiteAdmin** on **03/02/2026** at **10:13am** [Comment ID: 2082] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#029

Posted by **GLORIA** on **04/07/2026** at **11:44pm** [Comment ID: 2647] - Link
Suggestion
Agree: 0, Disagree: 0
Could you please make clear that development rights cannot be transferred to House-scale or Neighborhood-scale properties under any circumstances? (You may recall that there was a big fight a while back over a City-sanctioned attempt to transfer development rights to an R-3 property under the current TDR ordinance.)

> Reply by **GLORIA** on **04/07/2026** at **11:48pm** [Comment ID: 2648] - Link
> *Suggestion*
> *Agree: 0, Disagree: 0*
> The state enabling legislation for TDR ordinances makes clear that development rights should only be transferred to properties zoned for dense multifamily development--not to SFR properties or duplex/triplex properties.
>
> > Reply by **SiteAdmin** on **04/08/2026** at **9:44am** [Comment ID: 2685] - Link
> > *Answer*
> > *Agree: 0, Disagree: 0*
> > Thank you for your suggestion. We have shared it with our legal team.

C. Sending Property Requirements

1. Historic Sending Properties

Any designated sending property as specified in *subsection (3)(a), (b), or (c)* above may apply to sever or jointly transfer development rights not utilized by the present development of the property. Designation alone is insufficient to sever or jointly transfer. The applicant also must show that the designated property meets the requirements of this Section. Any permitted use allowed on the designated property under the zoning ordinance as applied to the property may be severed or jointly transferred, except that density associated with uses not authorized by the zoning of a receiving property may not be transferred to that receiving property. Redevelopment of the designated property from which development rights have been severed or jointly transferred must be based on the property's remaining development rights and the conditions under which the TDR Special Use Permit was granted. This Section is not intended to alter the application of the City of Atlanta Historic Preservation Ordinance to the designated property.

2. Special Characteristic Sending Properties

Before the owner of the special characteristic property may apply to sever or jointly transfer development rights, preliminary approval by resolution of the Mayor and Council stating the City's intent to acquire the property by purchase or dedication associated with a TDR Special Use Permit must occur. Final approval by the Mayor and Council to acquire the property in accordance with City procedures for property acquisition must occur either as a part of the TDR Special Use Permit legislation or within 12 months of the permit's approval. The purchase price of property acquired by the City for this purpose must be reduced by the appraised value of the development rights which are severed or jointly transferred as a part of the TDR Special Use Permit. These TDR Special Use Permit may be approved only if they are made conditional on the final approval of the property's acquisition by the City. Failure of the City to acquire the property within the 12-month limit will automatically void the TDR Special Use Permit. Any permitted uses allowed on the special characteristic property under the Zoning Ordinance as applied to the property may be transferred, except that density associated with uses not authorized by the zoning of a receiving property may not be transferred to that receiving property.

D. Receiving Property Requirements

In order for development rights to be affixed to a receiving property, the applicant must show that the receiving property meets the requirements of this Section. Contiguous individual parcels being developed under common ownership may apply to receive development rights under a single application but must indicate the manner in which the rights to be received are allocated among the parcels. Unless a higher percentage is required by the underlying or overlay zoning, at least 5% of the multiple dwelling units on the receiving property must be rented to tenants earning no more than 80% of the area median income.

E. Application Procedures

All transfers of development rights require a TDR Special Use Permit. There are three types of TDR Special Use Permits depending on the action that is requested. The procedures for each type are as follows:

1. Type 1: Application to Sever Development Rights

The owner of a sending property may apply to the Office of Zoning and Development for a TDR Special Use Permit to sever development rights from the sending property. All development rights proposed to be severed must be available on the sending property and meet the requirements of this Section. Applications to sever development rights are authorized only for property that qualifies as a sending property located in a sending area. Each application must include the following:

a. A statement specifying that the sending property is within a defined sending area and demonstrating that the property qualifies as a sending property.

b. All materials required for a special use permit including a statement demonstrating compliance with the required criteria that are applicable to the severance application.

c. A statement assuring that the character of the sending property will be preserved including specifics on how that will occur.

d. A description of the landmark or historic designation or the special characteristics of the sending property and an explanation of the manner in which the landmark or historic designation or those special characteristics advance and promote the intent of the Zoning Ordinance.

e. A survey and legal description of the sending property.

f. A calculation of the amount and allowed uses of excess development rights that are proposed to be severed from the sending property including calculations showing that these excess development rights currently exist on the property as well as a calculation of the development rights that will be retained on the sending property.

g. A draft affidavit meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that includes each of the following statements:

    i. That the person executing the affidavit has the authority to do so on behalf of the owner and all other persons or entities including lienholders with an interest in the property.

    ii. The amount and uses of development rights transferred with a placeholder for an attached copy of the final TDR Special Use Permit and reference to the SUP number and legislation number.

    iii. That the current landowner and any persons or entities with an interest in the property, including without limitation any lienholders, consent to the prohibitions against future use of the development rights severed from the property in accordance with this Section and the TDR Special Use Permit.

    iv. That the prohibitions against future use of the development rights severed from the sending property in accordance with this Section and the TDR Special Use Permit will be binding on the landowner or any other persons with an interest in the property as of the date that the instrument is recorded and that this instrument will bind every successor in interest to the landowner and any other person with an interest in the sending property.

v. That the affidavit is given with the owner's understanding that it has been relied upon by the City of Atlanta in the issuance of the TDR Special Use Permit benefiting and restricting the sending property.

h. A draft deed of transferable development rights meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that severs the identified excess development rights from the sending property and sells, conveys or otherwise transfers those development rights in fee simple to the grantee. The draft deed of transferable development rights must include a placeholder for a copy of the final TDR Special Use Permit with a reference to the SUP number and legislation number.

i. A statement that the applicant understands and will adhere to each provision contained in the draft affidavit and draft deed and that substantially similar instruments will be properly executed and recorded in the clerk's office of the county superior court in which the sending property is located and thereafter filed with the City within the times established by this Section.

2. Type 2: Applications to Affix Development Rights

The owner of a receiving property may apply to the Office of Zoning and Development for a TDR Special Use Permit to affix development rights that were previously severed from a sending property and not yet affixed to a receiving property. No application to affix development rights will be accepted unless the development rights sought to be affixed, as well as the current owner of those rights, are listed on the city's registration system. The resulting development on the receiving property may exceed the maximum floor area ratio or building height authorized under its present zoning but must otherwise comply with all zoning requirements. Development rights proposed to be affixed to a receiving property must meet all requirements of this Section. Each application must include the following:

a. A statement specifying that the receiving property is within a defined receiving area and demonstrating that the property qualifies as a receiving property.

b. All materials required for a special use permit including a statement demonstrating compliance with all required criteria.

c. An affidavit by the owner of the development rights that are to be transferred to the receiving property stating that the owner is in lawful possession of the development rights to be transferred and agrees to the transfer. The affidavit must include an analysis demonstrating that the development rights sought to be affixed to the receiving property were properly created in accordance with the terms of the Zoning Ordinance, including a history of all transactions associated with the development rights back to the transaction that created such development rights showing that they are registered with the city and currently available to be affixed to the receiving property.

d. A statement demonstrating the receiving property is suitable for the proposed development and can accommodate the transferable development rights proposed to be affixed to the property without substantial adverse environmental, economic, or social impact to the receiving property or to neighboring property.

e. A survey and legal description of the receiving property.

f. A site plan for the receiving property showing where and how the proposed transfer of development rights will be used.

g. A calculation of the amount and allowed uses of development rights that are proposed to be affixed to the receiving property.

h. A statement explaining how the project assures future protection of public interests and achievement of public objectives to the same or higher degree than would application of the zoning district regulations without approval of the application to affix the transferred development rights.

i. A draft affidavit meeting the requirements for recordation in the clerk's office of the county superior court in which the sending property is located that includes each of the following statements:

   i. That the person executing the affidavit has the authority to do so on behalf of the owner and all other persons or entities including lienholders with an interest in the receiving property.

   ii. The amount and uses of development rights to be affixed with a placeholder for an attached copy of the final TDR Special Use Permit and reference to the SUP number and legislation number.

   iii. That the current property owner and any persons or entities with an interest in the receiving property, including without limitation any lienholders, consent to the use of the transferred development rights and stating that all such rights sought to be utilized pursuant to the TDR Special Use Permit are fully and unconditionally owned by the property owner.

   iv. A statement that the use of the transferable development rights remains with the property for the life of the development and cannot be severed from the property or otherwise transferred without the property being declared a sending property pursuant to a subsequent TDR Special Use Permit.

   v. That the affidavit is given with the owner's understanding that that it has been relied upon by the City of Atlanta in the issuance of the TDR Special Use Permit benefiting and restricting the receiving property.

j. A draft deed of transferable development rights meeting the requirements for recordation in the clerk's office of the county superior court in which the receiving property is located that sells, conveys or otherwise transfers the development rights in fee simple to the grantee. The draft deed of transferable development rights must include a placeholder for a copy of the final TDR Special Use Permit with a reference to the SUP number and legislation number.

k. A statement that the applicant understands and will adhere to each provision contained in the draft affidavit and draft deed and that substantially similar instruments will be properly executed and recorded in the clerk's office of the county superior court in which the receiving property is located and thereafter filed with the city within the times established by this Section.

3. Type 3: Joint Applications to Simultaneously Sever and Affix Development Rights.

The owners of sending and receiving properties may jointly apply to sever development rights in a sending property and transfer those development rights to a receiving property in one joint TDR Special Use Permit application. Joint applications must contain all information required by TDR Special Use Permit Type 1 applications to sever development rights and Type 2 applications to affix development rights and may be acted on as one application.

F. Processing the Application

The Office of Zoning and Development must review each TDR Special Use Permit application and make recommendations in accordance with *Sec. 9.3.4.B.* based on compliance with the requirements in that Section and those of this Section. TDR Special Use Permit applications must follow the procedures, public notice and hearing requirements in *Sec. 9.3.3*. After completion of that process. the Mayor and Council may approve a TDR Special Use Permit to sever, affix, or jointly transfer development rights if it is determined that the application meets all requirements for the Special Use Permit. If approved, a notation on the sending or receiving parcel indicating the case number of the TDR will be added to the Official Zoning Map.

1. Criteria

In reviewing and deciding on a TDR Special Use Permit, the following criteria, as applicable, will be considered:

a. Whether or not the sending property meets the requirements contained herein and is therefore eligible for severance of development rights;

b. Whether or not the receiving property meets the requirements contained herein and is therefore eligible for receipt of development rights;

c. Whether or not the receiving property is suitable for the increased development allowed by the receipt of the additional development rights.

d. Whether or not the sending property or the receiving property satisfies the general Special Use Permit standards in *Sec. 9.3.4.B.*

2. Additional Requirements

a. **Registering development rights.** The Office of Zoning and Development must develop and implement a registration system for monitoring the severance, ownership, assignment and transfer of development rights authorized by this Section.

b. **Private purchase and resale of development rights.** Development rights that have been severed in accordance with this Section may be purchased, sold, exchanged or otherwise conveyed by any person and held for conservation purposes or resale. If development rights have been severed in accordance with this Section and sold to another person without becoming affixed to a receiving property, the private parties to the transaction are required to register the change in ownership with the Office of Zoning and Development within 30 days of the purchase, including certified copies of the transfer agreement, deed, or other instrument of transfer. If the change in ownership is not so filed, the development rights will not be eligible to be used in any future application to affix those development rights until registered with the Office of Zoning and Development.

c. **City purchase of development rights.** The City is authorized to purchase development rights in the same manner as any other interest in real property and may hold the development rights for conservation purposes or for resale.

d. **TDR special use permit transfers.** Transfers of a TDR Special Use Permit are authorized in the same manner as other special use permits provided that all conditions in the TDR Special Use Permit continue to apply to the transferee.

e. **Nature of transferred interests and taxation.** In accordance with O.C.G.A. § 36-66A-2.C.(8), development rights transferable under this Section are interests in real property and will be considered as such for purposes of conveyance and taxation. Once a deed of transferable development rights created pursuant to this Section has been sold, conveyed, or otherwise transferred by the owner of the parcel from which the development rights were derived, the transfer of development rights will vest in the grantee and become freely alienable. For the purposes of ad valorem real property taxation, the value of the transferable development rights will be deemed appurtenant to the sending property until the transferable development rights are registered as a distinct interest in real property with the appropriate tax assessor or the transferable development rights are used at a receiving property and become appurtenant thereto.

f. **Rules regarding affixed rights.** Transferred development rights that are affixed to a receiving property by a recorded deed following approval of a TDR Special Use Permit are appurtenant to the receiving property and may be used on the property or transferred as an integrated part of any future sale of the property without further approval of the City in accordance with the site plan approved as part of the TDR Special Use Permit. Transferred development rights that are affixed to a receiving property by a recorded deed but not used on the receiving property cannot be severed or transferred without approval of a TDR Special Use Permit to do so.

g. **Deed and affidavit recordation deadline.** Deeds of transferable development rights that sever development rights, affix development rights, or transfer development rights from a sending property to a receiving property, pursuant to a TDR Special Use Permit authorized by this Section, as well as the required affidavits, must be executed and recorded in the clerk's office of the county superior court in which the impacted property is located within 9 months from the date of approval of the authorizing TDR special use permit. These deeds and affidavits must contain all provisions required in the application for the TDR Special Use Permit as well as any conditions of the approval of the Special Use Permit. Failure to record both the required deeds and required affidavits within the time specified automatically voids the corresponding TDR Special Use Permit.

h. **Filing deadline.** Certified copies of the recorded deeds and recorded affidavits required by subsection (g) must be filed by the holder(s) of the TDR special use permit with the Office of Zoning and Development within 30 days of their recordation. Failure to file the recorded deeds and affidavits with the Office of Zoning and Development within the required time automatically voids the corresponding TDR special use permit.

i. **Future zoning actions affecting sending property.** Once a deed of transferable development rights severing development rights from a sending property has been recorded, no rezoning, text amendment or other zoning action may act to restore any of the severed development rights back to the sending property. If subsequent to the severance of development rights, a rezoning, text amendment or other zoning action increases development rights beyond what

was previously severed from the sending property, only the incremental development rights may thereafter be severed. For example, if a floor area equal to "x" FAR was severed from the sending property and through a zoning action the new FAR is "x + 1.0" FAR, then only the 1.0 FAR increment may be severed prospectively.

j. **Limitations on vested property interests.** TDR Special Use Permit authorize the actions specified in the permit legislation but do not accomplish the actual transfer authorized. Transfers of development rights become effective only upon the recording of the required deeds and affidavits and the filing of certified copies of these recorded instruments with the Office of Zoning and Development. No property interests vest or become able to be used on or transferred to any property until the deeds and affidavits required by this Section are timely recorded and filed with the Office of Zoning and Development. In addition, no property interests vest or become able to be used on or transferred to any property unless all conditions in the permit are followed. When a TDR Special Use Permit is voided according to this Section, it conveys no interest in property, and any effort to sever, affix or jointly transfer development rights on those properties will require a new application. This subsection does not apply to the purchase, sale, exchange, or other conveyance of transferable development rights after they have been severed from a sending property and before the rights being affixed to a receiving property.

DIVISION 9.3. **HISTORIC REVIEW**

Reserved. For requirements, see *Chapter 6. Historic and Landmark Districts*.

DIVISION 9.4. **PERMIT REVIEW**

Sec. 9.4.1. **Common Review Procedures**

A. Concept Review Committee (CRC)

1. Intent

The Concept Review Committee (CRC) is a pre-submission meeting program for rezonings and subdivisions, among other land development activities. It serves as an opportunity for applicants to meet with representatives from the City's plan review agencies at the forefront of the project design stage to refine plans and scope in an open and organized format. The CRC is intended to save time for both the applicant and the City, by highlighting challenges, clarifying processes ahead of submission, and reducing the number of follow-ups and streamlining the overall review process. The CRC is not meant to extend the timeline or impose additional regulations, rather it is intended to provide technical feedback before beginning the entitlement and permitting process.

2. Applicability

The following intent, procedures, and standards apply to City staff review and comment before the submission of some applications. The Director, at their discretion, may request a review by the Concept Review Committee (CRC) before an application can be submitted.

3. Procedure

The Director may prescribe rules that require applicants to consult with the CRC before formal application submittal where proposed activity may involve land disturbance, tree impacts, or other land development activities.

4. Standards

Consideration by and comments or recommendations from the members of the CRC must be limited to the requirements of and compliance with relevant City requirements for land development.

B. Building Permits

1. Applicability

The Director will review the plan set included in the application for building permit to determine that the plans conform to the applicable zoning regulations.

2. Plans Required

All applications for building permits as required by the Building Code must be accompanied by electronically uploaded plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building or buildings and accessory building existing or to be erected, the existing and intended use of each building or part of a building, the number of dwelling or lodging units the building is designed to accommodate, and such other information regarding the lot and neighboring lots as may be required by the Director to determine and provide for enforcement of the Zoning Ordinance.

3. Survey Required

A survey must accurately depict all current existing conditions on the lot. All dimensions related to the location and size of the lot and any proposed buildings or additions must be based on an actual field survey. The lot and the location of proposed buildings or additions must be staked in the field prior to construction to facilitate inspection.

4. Director Decision

No permit for excavation or construction will be issued before the Director certifies that the plans, specifications and intended use conform to the provisions of the Zoning Ordinance. One copy of such plans will be returned to the owner when such plans have been approved by the Director.

5. Posting of Approved Building Permit

Whenever a building permit is issued by the Office of Buildings other than for repairs or alterations, the recipient of the building permit must post a copy of same on a sign not less than 6 square feet with the words "Notice of Issuance of Building Permit" in letters not less than 4 inches high in a conspicuous place on the effected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign must be posted no later than 24 hours after the issuance of the building permit and may not be removed for 30 days. In the event the sign is not timely posted, the deadline to appeal an approved building permit will commence to run starting on the actual date of the sign posting.

C. Occupancy Permits

1. For New or Altered Structures and Uses

a. No person is permitted to use or permit the use of any structure or premises created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a occupancy permit reflecting use, extent and location have been issued to the owner or tenant by the Director, Office of Buildings.

b. Where a building permit is involved, such certificate must show that the structure or use, or both, to the affected part thereof, are in conformity with the provisions of the Zoning Ordinance; and it is the duty of the Director, Office of Buildings to issue such certificate if they find that all of the requirements of the Zoning Ordinance have been met, and to withhold such certificates unless they find that all of the requirements of the Zoning Ordinance have been met.

2. Temporary Occupancy Permits

A temporary occupancy permit for a part of a building or premises may be issued in accordance with general rules or regulations concerning such temporary certificates, and with such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of occupants and the general public.

3. Occupancy Permits for Existing Uses or Structures

Upon written request from the owner and upon inspection to determine the facts in the case, if in conformity with the requirements of the Zoning Ordinance, the Director, Office of Buildings will

issue a occupancy permit for any buildings, premises or use, certifying that the building, premises or use is in conformity with the provisions of the Zoning Ordinance.

D. Conformity Requirements

1. Conformity to Applications

Building or occupancy permits will be issued on the basis of plans and applications approved by the Director, Office of Buildings. When building permits, occupancy permits, and other permits are issued for property with conditional zoning or an approved variance, only the use, arrangement and construction set forth in such approved plans and application, subject to any conditions or safeguards attached thereto, are permitted. Any use, arrangement or construction other than that authorized or failure to observe any of the conditions or safeguards will be deemed a violation of the Zoning Ordinance.

2. Zoning Conformance for Issuance of Business Occupational Tax Certificate

The Department of Finance may not grant a business occupational tax certificate to any person or firm unless the business conforms to the regulations of the Zoning Ordinance in which it is located or is established as a legal nonconforming use, as determined by the Director.

E. Application Completeness

1. No application for any permit, including occupancy permits, zoning amendment, or other zoning action or document will be considered complete, nor may processing on such application begin, until all applicable fees, charges and expenses have been paid.

2. When a complete and proper application, including plans, has been filed or when a building permit has been issued, before the effective date of the Zoning Ordinance, or an amendment, nothing contained herein will require any changes in the plans, construction, size or designated use of a building, structure or part thereof if actual construction under such plans or permit is begun during the term of the building permit, including any extensions.

3. "Actual construction" is defined as building construction carried on diligently to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal will be deemed to be actual construction provided that work will be carried on diligently.

F. Term of Approval

Failure to begin construction on or before expiration of the building permit, or discontinuance of construction for 180 days will have the effect of voiding the permit. In such cases, the Director, Office of Buildings will require a new permit, which will be governed by regulations currently in effect.

Sec. 9.4.2. **Development Review**

A. Intent

There exist Development Review Committees (DRCs) established as advisory groups to review and to provide to the Director written comments and recommendations on proposed development activity within specified zoning districts as prescribed by their respective authorizing resolution (01-R-1003;

01-R-1795; 01-R-1796; 07-R-1457; 11-R-0102; 14-R-4377). It is the intent of the City Council that hereafter these committees provide review and written comments to the Director on that proposed development activity within those districts (or successor districts) as set forth below.

B. Applicability

1. Development Review is required for any property within a zoning district where a Development Review Committee (DRC) is established by an authorizing resolution.
2. Development Review is required for the following project activities, unless noted as an exception below:
   a. New construction;
   b. Addition;
   c. Site modification;
   d. Replats or lot consolidations; or
   e. Facade modification, where more than 50 linear feet of a street-facing facade is impacted.
3. The following project activities are exempt from Development Review:
   a. Any project activity on lots with up to 2 primary dwelling units;
   b. Additions or site modifications not visible from a street.

C. Application Review

1. Development Review Committee (DRC) Review

a. After a complete application is submitted to the Office of Zoning and Development, the Director will refer the application to the DRC for review and recommendation. The application will include any administrative relief sought from the requirements of the Zoning Ordinance.

b. Once the Director refers an application to the DRC, an applicant is required to present the application to the DRC 1 time.

c. The DRC will have 30 days from the date an application is presented to the DRC to submit written comments and recommendations to the Director on the proposed development plan and any administrative relief sought from the district regulations.

d. Presented means the appearance of the applicant at the next published DRC meeting following the application submittal. This review period will run concurrently with the Director's review and will not create undue delays in the processing of the application.

2. Director Decision

a. The Director will evaluate if the application conforms to the provision of the Zoning Ordinance, while considering the recommendation of the DRC, and approve, approve with conditions, or deny the proposed application.

b. The Director will not be required to delay their decision on the application if the written recommendation from the DRC is not provided within the time period specified above.

#030

Posted by **Forrest** on **01/05/2026** at **9:25am** [Comment ID: 1814] - Link

Suggestion

Agree: 0, Disagree: 0

I believe we asked this before, but how is the Beltline defined here? Beltline DRC needs to review projects (additions and modifications) seen from the corridor as many projects along the corridor are not visible from a "street." Suggest revising to read... "not visible from a public ROW or Beltline Corridor."

> Reply by **SiteAdmin** on **01/06/2026** at **8:22am** [Comment ID: 1817] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> In order to ensure high quality urbanism along the Beltline Corridor, the corridor is considered to be a "primary street" for the purpose of this code (see page 10-9; Primary Street Designation). Thus, all standards that apply along a primary street, including review, will apply along the Beltline Corridor.

#031

Posted by **Matthew** on **04/07/2026** at **5:40pm** [Comment ID: 2619] - Link

Suggestion

Agree: 0, Disagree: 0

Development Review should exempt more by-right housing projects, not just lots with up to 2 primary dwelling units. Small and moderate infill that meets objective standards should move directly to permit review so Chapter 9 does not add unnecessary time and uncertainty to housing production.

D. Criteria for Review and Decision

Consideration by and comments or recommendations from the DRC must be limited to the requirements of and compliance with the relevant zoning district, including any authorized administrative relief therefrom if justified by the applicant in reference to the public health, safety and welfare.

Sec. 9.4.3. **Sign Permit**

See *Sec. XX. Sign Permit* for requirements.

Sec. 9.4.4. **Temporary Use Review**

A. Intent

It is the intent of the City Council that the Director review and decide proposed temporary uses of land for 90 days or less, where permitted in the various districts. Temporary uses exceeding 90 days, including outdoor vending and urban gardens, require a Special Use Permit from the City Council, where permitted in the district. Temporary events requiring an outdoor events permit under *City of Atlanta Code of Ordinances, Chapter 142*, are not reviewed by the Office of Zoning and Development and are not required to meet the standards of this Section.

B. Applicability

The permitted use table in *Div. XX. Permitted Uses* establishes the allowed temporary uses and structures in each Use District.

C. Application Submittal

1. If a structure in connection with a temporary use is proposed and requires a building permit, the Director will perform such review and decision as part of the building permit application process.

2. If a structure in connection in a temporary use is not proposed or does not require a building permit, the Director will perform such review by way of a temporary use application on forms to be developed by the Director.

D. Application Review

1. Director Decision

a. The Director, or their designee, will review the application and decide if the proposed temporary use for 90 days or less is a permitted use in the district and complies with the standards governing such use. See *Division 4.6.*

b. If permitted and compliant, the Director, or their designee, will approve the application as submitted or with such condition(s) as necessary to assure compliance with the standards governing such temporary use. If not permitted or compliant, the Director, or their designee, will deny the application, with written reasons for such denial.

c. The review and decision will be made within 10 business days (unless a longer period is mutually agreed upon) of a complete application.

d. The Director, or their designee, may revoke the approval if the temporary use violates the standards for such use or any conditions of such approval.

DIVISION 9.5. **ADMINISTRATIVE RELIEF**

Sec. 9.5.1. **Intent**

The City Council finds that where development plans propose strict compliance with the Zoning Ordinance, the review by the Director may be accomplished through the building permit application process. The City Council further finds that where development plans propose less than strict compliance with the Zoning Ordinance, more robust administrative processes are needed in order to adequately protect the public health, safety and general welfare. Sometimes the applicant requests this modification or variation. Other times, it is required after initial plan review by the Director. The City Council further finds that in such cases, there are complex or unusual technical determinations involving the Zoning Ordinance which are better handled within an administrative approval process designed to ensure, before the time and expense of detailed civil drawings, that such relief is warranted and that other the relief sought, the zoning plan conforms to the Zoning Ordinance. This administrative process, known as administrative relief, is set forth in more detail below.

Sec. 9.5.2. **Applicability**

A. There are two types of certificates for administrative relief: a Certificate of Administrative Modification and a Certificate of Administrative Variation. Application for administrative relief must be reviewed and decided in the manner set forth in this Division. Relief beyond that authorized below is only authorized by variance granted by the Board of Zoning Adjustment, according to *Div. XX. Quasi-Judicial Review*.

1. **Certificate of Administrative Modification.** Within *Ch. 3. Rules for Zoning Districts* and *Ch. 8. Development Standards*, express authorization is granted to the Director to reduce certain development controls a limited amount. When so authorized, the Director's approval takes the form of a Certificate of Administrative Modification.

2. **Certificate of Administrative Variation.** Within *Ch. 3. Rules for Zoning Districts* and *Ch. 8. Development Standards*, express authorization is granted to the Director to reduce or waive certain development controls. When so authorized, the Director's approval takes the form of a Certificate of Administrative Variation.

B. Administrative relief only applies to a zoning requirement or standard. Administrative relief is not permitted to replace or modify the method of measurement used to determine compliance with a standard.

Sec. 9.5.3. **Application Submittal**

A. Application Initiation

A property owner, or any other person with notarized written consent of each property owner, may file an application with the Director for an administrative relief certificate for such property. The application must be submitted on a form provided for that purpose and must include all plans, reports, exhibits, or other information as may reasonably be required by the Director to make the necessary findings.

#032

Posted by **Matthew** on **04/07/2026** at **5:38pm** [Comment ID: 2618] - Link
Suggestion
Agree: 0, Disagree: 0
Administrative Variations should require mailed notice, posted notice, and an online public record before the Director acts. If the City allows standards to be waived administratively, the process should still be transparent and easy for residents and advocates to track

#033

Posted by **Sue Olszewski** on **04/04/2026** at **4:43pm** [Comment ID: 2509] - Link
Agree: 1, Disagree: 0
House and Neighborhood Scale should remain excluded fro Administrative Relief as they are in the currentcode (R1-5 and some RGs).

All changes to development rules should go through the variance process.
Administrative relief bypasses Public input.
Small changes in House and Neighborhood scale metrics could lead to negative impact on surrounding neighbors.
10%-30% variations on a myriad of Zoning Standards could have a negative impact on our streetscape and neighborhood character.

Relief should only come with a case-by-v=case assessment through the Variance process.

> Reply by **SiteAdmin** on **04/05/2026** at **1:05pm** [Comment ID: 2535] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for suggestion.

#034

Posted by **Kathryn** on **02/18/2026** at **10:10am** [Comment ID: 1989] - Link
Suggestion
Agree: 2, Disagree: 0
This clause allows an undesignated city of ATL staff person to arbitrarily - without any criteria - allow an increase in late coverage of 10%. Lot coverage is one of the most critical part software the ordinance and significantly impacts trees, planning, and financial considerations, and sustainable green infrastructure, heat island effect and air quality for the overall City.

> Reply by **SiteAdmin** on **02/19/2026** at **12:16pm** [Comment ID: 2015] - Link
> *Answer*
> *Agree: 0, Disagree: -1*
> Thank you for your comment.

You may not be aware that, under the current code, the Director has the authority to grant up to 100 percent relief from requirements in most zoning districts (except R1 through R5 and some RG locations). The proposed provision would instead limit administrative relief and apply this standard consistently citywide.

This section updates the current administrative variation criteria, which read:
(a) A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
(b) In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.

The link to the existing code is below. Whie it says SPI, the provisions have been expanded since this text was written in 1978 to apply to almost the entire city, except R1-R5, some C, and some RG, and some I districts:
https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT16ZO_CH18SPSPPUINDIGEPR_S16-18.007PRVAREAPGESPDI

Reply by **Nolan Leake** on **02/19/2026** at **7:09pm** [Comment ID: 2018] - Link
Agree: 3, Disagree: 0
This comment goes to both Administrative Modification and Administrative Variation.
As in the past code, such discretionary weaking of the zoning requirements should not be allowed in R-1 through R-5 districts. What an administrator might consider as minor may be critical to the adjoining neighbors and the neighborhood as a whole. These actions need to continue to be subject to full NPU review and recommendation after adequate notice to, and full opportunity for comment by, all potentially affected persons. When it comes to possible impacts on people's homes, there needs to be transparency, notice and time to comment. These safeguards are necessary because there could be adverse effects of the proposed modification or variation that the people living in the neighborhood will know well but the administrator, who is probably already stretched thin, will be totally unaware.
The present system that prohibits such administrative changes to the zoning code in R-1 through R-5 has served our fellow citizens well and should not be swept aside for the sake of perceived speed, convenience or expediency.

Reply by **SiteAdmin** on **02/20/2026** at **7:59am** [Comment ID: 2019] - Link

Answer

Agree: 1, Disagree: 0
Thank you for your comment.

We will take into consideration as we prepare the next version.

Reply by **Jennifer Friese 3** on **03/08/2026** at **5:30pm** [Comment ID: 2165] - Link

Suggestion
Agree: 0, Disagree: 0
I agree

#035

Posted by **Howard Katzman** on **02/18/2026** at **10:11am** [Comment ID: 1990] - Link
Question
Agree: 1, Disagree: 0
This sounds totally arbitrary without criteria. This could allow politicized abuse or an end run around the intent of the ordinance. Clauses of this type do not belong in the ordinance.

Reply by **SiteAdmin** on **02/19/2026** at **12:17pm** [Comment ID: 2016] - Link
Answer
Agree: 0, Disagree: -1
Thank you for your comment.

You may not be aware that, under the current code, the Director has the authority to grant up to 100 percent relief from requirements in most zoning districts (except R1 through R5 and some RG locations). The proposed provision would instead limit administrative relief and apply this standard consistently citywide.

This section updates the current administrative variation criteria, which read:
(a) A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
(b) In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.

The link to the existing code is below. Whie it says SPI, the provisions have been expanded since this text was written in 1978 to apply to almost the entire city, except R1-R5, some C, and some RG, and some I districts:
https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT16ZO_CH18SPSPPUINDIGEPR_S16-18.007PRVAREAPGESPDI

Reply by **Jennifer Friese 3** on **03/08/2026** at **5:29pm** [Comment ID: 2164] - Link

Suggestion

Agree: 0, Disagree: 0

Since the existing code excludes R1-R5 and some RGs etc. from allowing administrative modifications and variations then the update should allow the same protections. These are house and neighborhood scale areas where a 10% change in setbacks, and lot coverage can have a negative impact on neighboring properties. All relief should come from Variances in House and Neighborhood Scale districts.

#036

Posted by **Kim 9** on **04/05/2026** at **1:17pm** [Comment ID: 2543] - Link

Question

Agree: 0, Disagree: 0

The comments have noted that the City can issue Administrative relief at present in all areas except R1-R5 and some RG. Can you please share where that right is offered in the current code?

Reading the current code (16-25.001(b) and after), the relief is specifically articulated in relationship to antenna, park-for-hire, farmers' markets, urban gardens as principal use, and minimum building facade expansion of existing non-conforming buildings. There is a general sentence that notes where "unusual technical determinations are involved" or "in conjunction with temporary structures". In all of these cases, the Administrative Relief may only be granted if the project conforms with "construction, generally" section.

Is there another section of the current code, outside of "16-25.001(b) where grant of administrative permits are outlined?

I don't believe that a 10% setback adjustment is an "unusual technical determination". I suggest eliminating the Administrative Modification and Variances and cleaning up the existing language to more clearly articulate how one would identify that something requires an "unusual technical determination". I do suggest improving the existing language to be a little less demeaning to the capacity of residents to understand complex or technical matters.

Reply by **SiteAdmin** on **04/06/2026** at **10:56am** [Comment ID: 2557] - Link

Answer

Agree: 0, Disagree: 0

Unlimited administrative variations are available wherever an SAP is required. This includes all SPIs, MRC, MR, LW, NC, I-Mix, BLO, UWO, and MSAO districts. Collectively, when mapped, the only areas where such relief is not available are generally those zoned R1–R5 or RG.

#037

Posted by **Kathryn** on **02/18/2026** at **10:17am** [Comment ID: 1992] - Link
Suggestion
Agree: 1, Disagree: 0
Another clause that allows City staff to arbitrarily allow modifications to lot coverage and any other zoning requirements without any reason or criteria other than the whim of the staff person. This is the type of clause hidden in codes that essentially undermines the code requirements. Remove this clause.

> Reply by **SiteAdmin** on **02/19/2026** at **12:14pm** [Comment ID: 2013] - Link
> *Answer*
> *Agree: 0, Disagree: -1*
> Thank you for your comment.
>
> You may not be aware that, under the current code, the Director has the authority to grant up to 100 percent relief from requirements in most zoning districts (except R1 through R5 and some RG locations). The proposed provision would instead limit administrative relief and apply this standard consistently citywide.
>
> This section updates the current administrative variation criteria, which read:
> (a) A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
> (b) In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.
>
> The link to the existing code is below. Whie it says SPI, the provisions have been expanded since this text was written in 1978 to apply to almost the entire city, except R1-R5, some C, and some RG, and some I districts:
> https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT16ZO_CH18SPSPPUINDIGEPR_S16-18.007PRVAREAPGESPDI

#038

Posted by **Howard Katzman** on **02/18/2026** at **10:13am** [Comment ID: 1991] - Link
Question
Agree: 1, Disagree: 0
Same comment as I made on "Certif of Administrative Modification". Ridiculous.

> Reply by **SiteAdmin** on **02/19/2026** at **12:15pm** [Comment ID: 2014] - Link
> *Answer*
> *Agree: 0, Disagree: -1*
> Thank you for your comment.

B. Plans Required

All applications for an administrative relief certificate must be accompanied by electronically uploaded plans, including elevation and floor plans of the ground story, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building or buildings and accessory building existing or to be erected, the existing and intended use of each building or part of a building, the number of dwelling or lodging units the building is designed to accommodate, and such other information regarding the lot and neighboring lots as may be required by the Director to determine whether or not the administrative relief should be approved.

C. Survey Required

All dimensions on such plans relating to the location and size of the lot to be built upon must be based on an actual survey.

D. Withdrawal

An applicant may withdraw an application for administrative relief at any time prior to the Director's decision by submitting written notice of withdrawal.

Sec. 9.5.4. Application Review

039 040 041

A. Director Decision

1. The Director will examine the application and supporting materials for conformity with the requirements and stated intent of this part, and will within 30 days (unless a longer period is mutually agreed upon) of completion of the procedural requirements herein decide on the application. The Director may issue the certificate as applied for, may issue a certificate conditional upon changes from the application, set forth in writing, as necessary to assure conformity with the requirements and stated intent of the Zoning Ordinance, or may deny the application, with written reasons for such denial.

2. No administrative relief certificate may be issued before the Director certifies thereon that the plans, specifications and intended use conform to the provisions of the Zoning Ordinance. One copy of such plans will be returned to the owner when such plans have been approved by the Director.

3. Approval of the administrative relief certificate constitutes a determination by the Director that the zoning plans accompanying the certificate conform to all the requirements of the Zoning Ordinance, except as expressly approved by such Certificate of Administrative Modification or Administrative Variation. Approval of the certificate does not authorize any land disturbance of construction activity. Such activity is only authorized by a building permit issued by the Director of the Office of Buildings. So long as the approved zoning plan accompanying the certificate is included in the application for building permit and no deviation from said plan is proposed, the Director of the Office of Buildings will rely upon the certificate as conclusive proof that the application for building permit satisfies the requirements of the Zoning Ordinance.

4. No building or occupancy permit may be issued for any structure or use requiring an administrative relief certificate until such certificate has been obtained, and any such structure or use is in full accord with the requirements and limitations set forth in such certificate.

#039

Posted by **Kim 2** on **02/27/2026** at **6:47pm** [Comment ID: 2067] - Link

Suggestion

Agree: 1, Disagree: 0

The section outlining the notice to the NPU needs to be added somewhere in this section, with the explanation that the City will provide that information versus the applicant.

#040

Posted by **Nolan Leake** on **02/23/2026** at **11:42am** [Comment ID: 2040] - Link

Agree: 3, Disagree: 0

The prior Section 9.5.4(A)(1), which was removed from the previous draft, should be reinstated so that notice of administrative variations must be provided to the affected NPUs. I would also request that the NPUs have the ability to "review and recommend," not just to review and comment, as the previous draft provided. Please see my comment to Section 9.5.2(A), dated February 19, for my reasons for this comment.

> Reply by **SiteAdmin** on **02/24/2026** at **8:49am** [Comment ID: 2046] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> NPU review and comment will still be provided for certain administrative relief applications, as specified in Sec. 9.1.1 and Sec. 9.1.2. However, the applicant will not be responsible for submitting the application to the NPU. Instead, the Office of Zoning and Development will establish standard operating procedures for transmitting applications to the NPU. This approach will ensure a more consistent and reliable process than requiring applicants to transmit plans directly.

#041

Posted by **Jennifer Friese 3** on **03/08/2026** at **5:15pm** [Comment ID: 2162] - Link

Suggestion

Agree: 0, Disagree: 0

I agree, Notice to the NPUs should not be omitted.

> Reply by **SiteAdmin** on **03/08/2026** at **5:33pm** [Comment ID: 2167] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Notice will be required, per Sec. 9.1.2, but the City will send it it to be certain it is done, not the applicant.

Sec. 9.5.5. **Criteria for Review and Decision**

The Director may grant an administrative relief certificate only upon making all of the following findings:

A. Either of the following are met:

1. A plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or

2. In the particular circumstances of the case, strict application of a particular regulation or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future; and

B. That there are practical difficulties that prevent strict adherence to the requirement for which relief is requested; and 04044

C. The request for relief is the minimum amount necessary to eliminate the practical difficulty; and 042

D. Relief may not be requested for built construction. Administrative relief is not available for built construction that fails to comply with zoning standards. In such cases, retroactive relief may only be granted through a variance pursuant to Div. 9.6. Quasi-Judicial Review. This applies both to construction initiated without required building permits and to construction undertaken with building permits but not completed in accordance with approved plans.

Sec. 9.5.6. **Action After the Decision**

A. Posting of Approved Administrative Relief Certificate

Whenever an administrative relief certificate is issued by the Director, the recipient of the certificate must post a copy of same on a sign not less than 6 square feet with the words "Notice of Issuance of Zoning Administrative Certificate" in letters not less than 4 inches high in a conspicuous place on the effected property so that the sign and the permit can be easily viewed from the public street on which the property fronts. Said sign must be posted no later than 48 hours after the issuance of the certificate and will not be removed for 30 days. In the event the sign is not timely posted, the deadline to appeal an approved administrative relief certificate will commence to run starting on the actual date of sign posting.

B. Term

The administrative relief certificate will be valid for 36 months from the date of issuance. In addition, it will continue to be valid while an application for a building permit pursuant to that certificate is pending or during the term of a valid building permit issued pursuant to that certificate. The Director may amend the approval of the certificate based on the requirements of the Ordinance in effect on the date of any application for amendment to the building permit.

#042

Posted by **Jennifer Friese** on **01/19/2026** at **11:13am** [Comment ID: 1851] - Link
Question
Agree: 0, Disagree: 0
Is there a set number of Admin Modifications requests that would trigger the need for a variance?

Could a petitioner be granted two or three or four etc. Admin Modifications if the Director finds that is the minimum amount necessary to eliminate the practical difficulty?

> Reply by **SiteAdmin** on **01/20/2026** at **12:48pm** [Comment ID: 1861] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> There is not. Generally, Georgia law requires relief to be considered based on the facts of each request, not the total number of requests made.
>
> > Reply by **Jennifer Friese 3** on **03/08/2026** at **5:44pm** [Comment ID: 2168] - Link
> > *Suggestion*
> > *Agree: 1, Disagree: 0*
> > Administrative modifications and variations should be reported to the effected NPUs and they should have a chance to comment. This would ensure that the Director is well informed of potential impact before granting relief. House and Neighborhood Scale lots should remain excluded from any administrative changes, relief there should come through Variances.

#043

Posted by **Jennifer Friese** on **01/19/2026** at **11:06am** [Comment ID: 1850] - Link
Question
Agree: 1, Disagree: 0
Is a "practical difficulty" predicated on the hardship of a lot the way variances are or are other factors considered?

If the former, could there be more specific language?

> Reply by **SiteAdmin** on **01/20/2026** at **12:49pm** [Comment ID: 1862] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This is a term of art provided by our legal counsel. We will discuss if the language is sufficient with them.

#044

Posted by **Kim 2** on **02/27/2026** at **6:50pm** [Comment ID: 2068] - Link

Suggestion

Agree: 0, Disagree: 0

I agree that this terminology is problematic and needs to be limited. Like in Section 9.2.5 where there is a description of minor vs major revisions.

> Reply by **SiteAdmin** on **03/02/2026** at **10:05am** [Comment ID: 2080] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> In many cases, the limits are further defined by the specific Chapter 3 or Chapter 8 standard from which relief is being granted. For example, several provisions specify that relief is available only when certain conditions are met.

DIVISION 9.6. **QUASI-JUDICIAL REVIEW**

Sec. 9.6.1. **Applicability**

Quasi-Judicial Review is required for the following:

A. **Variance.** A request for a deviation from the provisions of the Zoning Ordinance when meeting specific criteria, unless noted as an exception below:

1. The Board of Zoning Adjustment (BZA) may grant a variance only up to 150% of the maximum vehicle parking requirements provided in *Sec. 8.3.4. Vehicle Parking*.

2. The BZA will have no power to grant a variance for the following:

   a. A use which is prohibited or otherwise not permitted within the district.

   b. An increase in the floor area ratio permitted within the district.

   c. A sign which is prohibited or otherwise not permitted within the district regulations, except as provided in *Div. XX. Nonconformities*.

B. **Appeal of Administrative Decision.** An appeal of any decision made by the Director, or their designee, in the enforcement of the Zoning Ordinance.

Sec. 9.6.2. **Application Submittal**

A. Variance

1. General

Applications for variances will be filed with the Director, and with supporting material as required by rules of the BZA and the Zoning Ordinance. No application for variance will be accepted except from the owner or designated agent of the property involved.

2. Variance from Parking Maximums

a. In addition to meeting the general variance application requirements, the applicant must submit a parking study justifying the proposed number of off-street parking spaces.

b. The parking study must include a traffic study, subject to the Director's approval as to form, which contains the following:

   i. Estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Director.

   ii. Evidence that there is no available off-site parking to satisfy the proposed increase within 800 feet of the lot. This must include all publicly available commercial parking lots or commercial parking structures, whether free or paid.

   iii. Evidence that the parking increase cannot be satisfied through a Transportation Management Plan (TMP), transit or bicycle use, shared parking, ride-share, internal capture, or similar techniques.

#045

Posted by **Kim 2** on **02/26/2026** at **4:28pm** [Comment ID: 2052] - Link

Question

Agree: 0, Disagree: 0

What happened to special exceptions? recreation visible from the street, height of fences, etc.?

> Reply by **SiteAdmin** on **02/27/2026** at **11:53am** [Comment ID: 2056] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Special exceptions were eliminated and would be processed as variances. In some cases, there are specific criteria established in of the draft code to specify that there are additional review criteria.

#046

Posted by **Kim 2** on **02/26/2026** at **4:34pm** [Comment ID: 2053] - Link

Suggestion

Agree: 0, Disagree: 0

this Zoning Ordinance vs the

iv. Evidence that the proposed maximum parking ratios do not exceed the existing parking ratios of comparable uses within 3 miles. This must include reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by FAR, total floor area, lot area, use, and location regarding bus and rail transit and multi-use trails.

v. The source of all data used to develop the recommendations.

B. Appeal of Administrative Decision

1. It is the intent that an aggrieved person have only one opportunity to challenge the decision of an administrative official in the enforcement of the Zoning Ordinance. The Secretary of the BZA has the authority to reject any appeal contrary to this intent.

2. Appeals may be taken by any person aggrieved by any decision of the Director in the enforcement of the Zoning Ordinance, by filing with the official from whom the appeal is taken, and with the BZA, a notice of appeal specifying the grounds thereof, within 30 days after the action appealed from was taken, unless the rules of the BZA specify a longer period generally or for a particular class of cases. Where the appellant is not the applicant that sought the decision appealed from, within 24 hours of filing the appeal, the City must notify the applicant of the filing of the appeal by e-mail and by certified mail, as such e-mail and mailing address are listed in the application.

3. Other than one with a legal or equitable interest in property that is the subject of the decision, "any person aggrieved" means one who demonstrates before the BZA that their property will suffer special damage as a result of the decision complained of rather than merely some damage which is common to all property owners similarly situated.

4. Where the appellant appeals from the approval of a permit granted to another, the permit holder or applicant may elect at their own risk to proceed as authorized in the permit subject to the outcome of the appeal.

5. Where the permit applicant or property owner for the subject property appeals the zoning official's administrative decision to the BZA, the appeal stays the decision, including any code enforcement action, during the pendency of the appeal, unless the Director certifies to the BZA - after notice of appeal has been filed - that, based on the facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such a case, the decision will not be stayed except by a restraining order issued by a court of competent jurisdiction upon application, with notice to the officer from whom the appeal is taken, and for due cause shown.

6. No appeal will stay any zoning enforcement action pending in the Atlanta Municipal Court or Superior Court.

7. An appeal of an administrative decision will toll the running of any expiration period of a building permit, certificate, or other approval authorized pursuant to this Ordinance during the pendency of the appeal before the BZA and any subsequent reviewing appellate body.

C. Withdrawal

An applicant may withdraw an application for quasi-judicial review at any time prior to the BZA's decision by submitting written notice of withdrawal.

#047

Posted by **Nolan 2** on **04/08/2026** at **11:24am** [Comment ID: 2711] - Link
Suggestion
Agree: 0, Disagree: 0
The last sentence of this subpart (1) should be deleted in its entirety. Only the full BZA should decide to reject an appeal.

> Reply by **SiteAdmin** on **04/09/2026** at **12:44pm** [Comment ID: 2795] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> We will share this with our legal team.

#048

Posted by **Kim 2** on **02/26/2026** at **5:01pm** [Comment ID: 2054] - Link
Suggestion
Agree: 0, Disagree: 0
Sec. 16-30.010. - Appeals from decisions of administrative official from the current zoning ordinance is much clearer than this section. I suggest starting from the existing.

Seems OK to note that you can only appeal once per decision. I am curious about the background behind the Secretary being able to reject an appeal. It sounds like this would be limited to just those appeals that were not applicable for a very specific reason.

> Reply by **SiteAdmin** on **03/02/2026** at **4:19pm** [Comment ID: 2125] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This means an aggrieved person must appeal the original decision (e.g. administrative modification), not subsequent decisions on which the original decision was predicated (e.g. building permit).

#049

Posted by **Kim 2** on **02/27/2026** at **7:03pm** [Comment ID: 2069] - Link
Question
Agree: 0, Disagree: 0
Does this mean that the Zoning Secretary could determine if someone was aggrieved? Or is it that is more than one attempt? Or that the action was part of zoning enforcement? Or all of that?

> Reply by **SiteAdmin** on **03/02/2026** at **4:20pm** [Comment ID: 2126] - Link
> *Answer*

Agree: 0, Disagree: 0

The BZA determines if one has standing/aggrieved to appeal.

#050

Posted by **GLORIA** on **03/27/2026** at **7:33am** [Comment ID: 2343] - Link

Suggestion

Agree: 0, Disagree: 0

There is an entire section in the Municipal Code devoted to the power and procedures of the BZA. To avoid confusion, this provision should reference those provisions. If you are trying to change the BZA procedures, we would urge that it be done via amendment to section 6 of the Municipal Code, not here.

Reply by **SiteAdmin** on **03/27/2026** at **12:36pm** [Comment ID: 2353] - Link

Agree: 1, Disagree: 0

Thank you for your suggestion. We will review and consider changes as warranted.

#051

Posted by **Kim 2** on **02/27/2026** at **7:04pm** [Comment ID: 2070] - Link

Question

Agree: 0, Disagree: 0

Could this be made by an owner adjacent to an administrative modification or administration variation approved by the Director?

Reply by **SiteAdmin** on **03/02/2026** at **9:51am** [Comment ID: 2079] - Link

Answer

Agree: 0, Disagree: 0

This section has been updated to reflect current Georgia laws.

Being an adjacent owner does not automatically make somebody a "person aggrieved."

#052

Posted by **Nolan 2** on **04/08/2026** at **11:20am** [Comment ID: 2710] - Link

Suggestion

Agree: 0, Disagree: 0

The word "challenge" is subject to many varying interpretations, including merely sending a letter of complaint. Specifying that the challenge means filing a formal legal challenge removes all possibility of ambiguity.

Reply by **SiteAdmin** on **04/09/2026** at **12:45pm** [Comment ID: 2796] - Link

Answer

Agree: 0, Disagree: 0

Thank you for your comment.

We will share this with our legal team.

#053

Posted by **GLORIA** on **03/27/2026** at **7:19am** [Comment ID: 2342] - Link

Suggestion

Agree: 0, Disagree: 0

This section suffers from multiple legal flaws:

- It gives no clue as to the meaning of “challenge” or what kind of “challenge” would be sufficient to warrant the extraordinary remedy of foreclosure of a BZA appeal.
- It vests unfettered—and more importantly, unreviewable—discretion in the secretary of the BZA to determine whether an otherwise appealable administrative decision can be heard by the BZA.
- It is totally inconsistent with the jurisdictional grant of authority to the BZA in Municipal Code section 6-4029.
- It arbitrarily compromises the ability of persons “aggrieved” by City administrative decisions to seek review under state law.

We would suggest that this provision be deleted from the new Zoning Code and that any changes to the power and jurisdiction of the BZA be in the form of clearly and carefully worded amendments to the grant of authority set out in Municipal Code section 6-4029.

> Reply by **SiteAdmin** on **03/27/2026** at **12:35pm** [Comment ID: 2352] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion. We will review and consider changes as warranted.

#054

Posted by **GLORIA** on **03/27/2026** at **8:38am** [Comment ID: 2344] - Link

Suggestion

Agree: 0, Disagree: 0

This provision appears to dictate who has standing to appeal a BZA decision and who does not. But standing is a legal concept under Georgia common law, and neither the City nor the BZA has the power to limit or expand it.

More to the point, the site administrator's statement in the comments that this provision has been "updated to comply with Georgia law" is incorrect. In its blockbuster case on standing last year, the Georgia Supreme Court abolished "community stakeholder" standing ONLY with respect to persons who “challenge actions by the STATE.” The Court distinguished those from challenges to actions by local governments and expressly affirmed that “community stakeholder” standing is still alive and well in Georgia in actions challenging decisions by cities and counties:
"Georgia law has long provided that when a local government owes a legal duty to

community stakeholders (i.e., citizens, voters, residents, or taxpayers), those stakeholders have a legal right for the local government to fulfill that duty. The violation of that legal right gives standing to a stakeholder, even if the stakeholder in the case neither faces nor has suffered any individualized injury distinct from that to the community at large. " Republican National Committee v. Eternal Vigilance Action, Inc., No. S25A0362, S25A0490, 2025 WL 1633792 (Ga. 2025) (slip opinion at p. 25) (affirming Cobb County v. Floam, 319 Ga. 89 (901 SE2d 512) (2024)).

As previously indicated, we believe any additions or changes to the BZA's jurisdiction or authority should be done in the context of amendments to section 6 of the Municipal Code. But regardless where a provision on standing before the BZA is put, it must be correctly stated to provide that "aggrieved" parties with standing to challenge City decisions include i) persons with a legal or equitable interest in the property that is subject to the administrative decision at issue; ii) persons who assert individualized injury as a result of the City’s decision" and iii) community stakeholders (i.e., Atlanta citizens, voters, residents, or taxpayers) who assert a violation of their interest in having the City follow the law or fulfil some other public duty, regardless whether they assert individualized injury as a result of the City’s decision.

> Reply by **SiteAdmin** on **03/27/2026** at **9:12am** [Comment ID: 2347] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will review and consider changes as warranted.

Sec. 9.6.3. **Application Review**

A. Director Review

The Director will review the facts of each variance application and will submit written findings of fact and recommendations to the BZA at or before the time each application is heard. The Secretary may recommend that the BZA impose one or more conditions of approval, whether proffered by the applicant or not, relating to the variance application that it believes may be necessary in the particular case to protect the public interest should the variance be approved.

B. Notice

1. Published Notice

At least 15 but not more than 45 days before the date of the hearing, the Director must cause to be published within a newspaper of general circulation within the territorial boundaries of the City a notice of the hearing. The notice must state the date, time, place, and purpose of the hearing. The notice must include the location of the property and the proposed variance on the property.

2. Posted Notice

A sign containing information set forth in *subsection B.1* must be placed in a conspicuous location on the property at least but not more than 45 days before the date of the hearing. For variances, the applicant is responsible for posting the property. For appeals, the Director is responsible for posting the property. One such sign will be placed adjacent to each street the property abuts, as described in the application or appeal, for each 600 feet for which the property abuts such street, provided that not less than 1 sign will be erected, that where there are intersections with another street or streets at least 1 sign will be placed between such intersections, and that if there is a remainder from multiples of 600 feet, an additional sign will be erected. Notwithstanding the above requirements, if the property under consideration does not abut a street and is not a part or parts of property abutting a street, no posting is required.

3. Mailed Notice

The Director must also cause notice of the date, time, and place of the hearing and the nature of the proposed action to be sent by regular mail, with mailing postmarked at least 15 but not more than 45 days before the hearing. Such mail will be addressed to the applicant and to the owner of the property involved in the proposed action and to property owners (as ownership and address appears on the tax records of Fulton or DeKalb County) of all property within 300 feet of the property involved in the proposed action.

C. Board of Zoning Adjustment (BZA) Decision

1. Procedure

a. Before taking action resulting in a decision, as described by state law (currently OCGA § 36-66-4(g)), the BZA will conduct a hearing on the proposed action. Where the proposed action includes more than one variance for the same property, only one hearing will be required under this Section.

#055

Posted by **Kim 2** on **02/27/2026** at **9:27am** [Comment ID: 2055] - Link
Question
Agree: 0, Disagree: 0
Does the applicant have to defer if the sign is not conspicuous for at least 15 days? I think there should be a consequence for intentionally placing so obscured by shrubs/trees.

Should add consecutive days and consequence for failure.

> Reply by **SiteAdmin** on **03/02/2026** at **4:13pm** [Comment ID: 2121] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you.
>
> This language mirrors state law as currently drafted.
>
> City staff can require re-posting and if needed delay of the public hearing if the posting is defective, as to time or location (e.g. not conspicuous).

b. The BZA may adopt policies and procedures not inconsistent with state law or this Zoning Ordinance governing the conducting of the public hearing including the matter presented, order of presentation, time limits for each speaker, number of speakers, decorum and order.

c. An equal amount of time for the presentation of data, evidence, and opinion will be afforded to proponents and opponents of each zoning decision. The minimum amount of time will be no less than 10 minutes per side for the presentation of data, evidence, and opinion of each zoning decision.

d. Printed copies of these policies and procedures will be available for distribution to the general public. Printed copies of these policies and procedures will be available at each hearing.

2. Action on Variance

a. The BZA will make separate findings of fact and conclusions on each proposed variance to the Zoning Ordinance. The BZA may adopt in whole or in part the findings of fact and conclusions contained in the administrative staff report, or it may make its own findings of fact and conclusions.

b. The BZA may, by majority vote of the members present, approve, approve with conditions, withdraw, defer action to the next regular meeting or to a date certain, or deny the proposed variance.

c. The BZA may impose one or more conditions of approval, whether or not proffered by the applicant, the secretary or another, relating to the variance application that it finds, based on actual evidence, that may be necessary in the particular case to protect the public interest.

d. The Director must provide a written decision to the applicant within a reasonable time after the final decision.

3. Action on Appeal of Administrative Decision

a. The BZA will fix a reasonable time for the hearings of the appeal and give notice thereof as well as due notice to the parties in interest. Upon the hearing, any party may appear in person or by agent or by an attorney.

b. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end will have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by the applicable laws other than these are met. The board will decide the appeal within a reasonable time.

Sec. 9.6.4. **Criteria for Review and Decision**

A. Variance

1. General

Variances may be granted by the BZA only upon making all of the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

b. Such conditions are peculiar to the particular piece of property involved;

c. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

2. Hardship

Each zoning case must be evaluated on its own facts, no single rule can determine what constitutes a hardship sufficient to justify a variance. However, the following factors must be considered:

a. **Land-Based Hardship.** The hardship must relate to the physical characteristics of the land itself, not to the personal circumstances or actions of the property owner.

b. **Impact on Property, Not Person.** A variance may only be granted when the regulation imposes a hardship on the property, rather than on the individual seeking relief.

c. **Unnecessary Hardship.** Consider the extent to which the regulation deprives the owner of a permitted use, or of the reasonable enjoyment of a permitted use, in a way that most would consider unnecessary under the circumstances. "Unnecessary" means that preserving the spirit and intent of the zoning ordinance does not depend on denying the variance.

d. **Balance of Interests.** The decision must balance the community's interests with the property owner's right to reasonable use of their land.

e. **Denial of All Permitted Uses.** Consider whether denying the variance would effectively deprive the owner of all permitted uses of the property, including whether a permitted use could reasonably be constructed without the requested relief.

3. Variance from Parking Minimums

In lieu of the general criteria in subsection *A.1.* and *A.2.* above, the BZA must find that all the following have been met:

a. A parking study demonstrating that the variance is justified.

b. The additional parking will not cause undue negative impacts on pedestrian spaces, transit ridership or service, bicycle movement, or overall traffic flow on adjacent streets.

c. Accommodating the excess parking will not degrade the overall urban design quality of the proposal.

d. All aboveground parking is screened and lined with active uses according to the standards of *Sec. 8.3.5. Vehicle Parking Design* and the applicant is not requesting any relief requiring such standards.

e. Excess parking does not diminish the quality and viability of existing or planned streetscape enhancements adjacent to the site.

f. Parking is not accessed from any Storefront Street or Primary Street.

#056

Posted by **GLORIA** on **03/27/2026** at **8:54am** [Comment ID: 2345] - Link

Suggestion

Agree: 0, Disagree: 0

This section is different from the definition of hardship in the grant of authority to the BZA in section 6-4209 of the Municipal Code. To avoid confusion we would urge that this section simply reference that definition, and we would further urge that, if the City wants to change the definition of "hardship," it do so as a proposed amendment to section 6-4209, rather than as part of the rewrite of the zoning code.

> Reply by **SiteAdmin** on **03/27/2026** at **9:11am** [Comment ID: 2346] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your suggestion. We will review and consider changes as warranted.
>
>> Reply by **GLORIA** on **04/08/2026** at **4:42am** [Comment ID: 2650] - Link
>>
>> *Suggestion*
>>
>> *Agree: 0, Disagree: 0*
>>
>> I see now that the current definition of "hardship" that appears in section 6-4809 of the code is paraphrased in the "general" provision at sec. 9.6.4.A.1 above. On consideration, I believe the combination of the "general" and "hardship" provisions may provide better guidance than currently exists. We would ask, however that the interests of adjacent property owners with respect to privacy, noise, access to light and air, the ability to grow trees and other vegetation, and the ability to continue all reasonable uses of their own property be specifically recognized as part of the "Balance of interests" proposed in 9.6.4.A.2.d.
>>
>>> Reply by **SiteAdmin** on **04/08/2026** at **8:47am** [Comment ID: 2665] - Link
>>>
>>> *Answer*
>>>
>>> *Agree: 0, Disagree: 0*
>>>
>>> Thank you for your comment.
>>>
>>> We will share this with our legal team.

#057

Posted by **Kim 2** on **02/27/2026** at **7:23pm** [Comment ID: 2071] - Link

Question

Agree: 0, Disagree: 0

These evaluations seem to be new (i.e., I could not find them in the Zoning Code). I think some additional considerations should be added:

f. Not General to the Neighborhood - The issue cannot be shared among other properties on the street or similarly situated properties. (example all corner lots)

g. Minimal Impact - The variance must not be harmful to the surrounding neighbors, neighborhood, or the public good.

This should be careful considered as it appears to create a new measurement stick.

Reply by **SiteAdmin** on **03/02/2026** at **9:40am** [Comment ID: 2078] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your suggestion.

#058

Posted by **GLORIA** on **04/08/2026** at **4:43am** [Comment ID: 2651] - Link
Suggestion
Agree: 0, Disagree: 0
I see now that the current definition of "hardship" that appears in section 6-4809 of the code is paraphrased in the "general" provision at sec. 9.6.4.A.1 above. On consideration, I believe the combination of the "general" and "hardship" provisions may provide better guidance than currently exists. We would ask, however that the interests of adjacent property owners with respect to privacy, noise, access to light and air, the ability to grow trees and other vegetation, and the ability to continue all reasonable uses of their own property be specifically recognized as part of the "Balance of interests" proposed in 9.6.4.A.2.d.

reply

#059

Posted by **Kim 2** on **02/27/2026** at **7:24pm** [Comment ID: 2072] - Link
Question
Agree: 0, Disagree: 0
Are there variances from parking minimums?

Reply by **SiteAdmin** on **03/02/2026** at **9:37am** [Comment ID: 2077] - Link
Answer
Agree: 0, Disagree: 0
Yes. Please see page 8-34 for relief from parking minimum standards.

Reply by **Kim 8** on **03/27/2026** at **12:23pm** [Comment ID: 2349] - Link
Suggestion
Agree: 0, Disagree: 0
should this then just say Parking Variances? instead of specifying maximums?

Reply by **SiteAdmin** on **03/27/2026** at **12:29pm** [Comment ID: 2350] - Link
Answer

Agree: 0, Disagree: 0

No, this is correct. The City currently has no criteria for reviewing variances to increase the amount of parking in areas where parking caps apply. This provision addresses that gap, as the generally applicable variance criteria are not well suited to such requests because there is no hardship, per se.

Variances to provide less parking will rely on the standard criteria, as is the case in most other cities in Georgia.

#060

Posted by **Nolan 2** on **04/08/2026** at **11:38am** [Comment ID: 2713] - Link

Suggestion

Agree: 0, Disagree: 0

I would suggest adding a sentence to say that the decision should in no way adversely affect or interfere with the ability of adjoining landowners to enjoy their property to the fullest extent that they had prior to the decision.

> Reply by **SiteAdmin** on **04/09/2026** at **12:41pm** [Comment ID: 2793] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> We will share this with our legal team.

#061

Posted by **Nolan 1** on **04/05/2026** at **3:52pm** [Comment ID: 2547] - Link

Suggestion

Agree: 0, Disagree: 0

This new list of hardship factors is different from those in section 6-4209 of the present city code and appears to weaken factors (a) and (d) of the present city code. Variances from the zoning code, which is applicable to everyone, should be granted only in "extraordinary and exceptional" circumstances. Otherwise, variance requests will become more and more common, to the detriment of the code's integrity and enforceability.

The factors in the present code should be incorporated into the new code, rather than substituting a new, weaker hardship section.

> Reply by **SiteAdmin** on **04/06/2026** at **10:37am** [Comment ID: 2555] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment.
>
> These criteria have been updated based on best practices and ongoing

changes in state law relative to the meaning of "hardship."

Sec. 9.6.5. **Action After the Decision**

A. Appeal of Decision

Any person aggrieved by a decision of the BZA may seek review of such decision in the manner prescribed in O.C.G.A. § 36-66-5.1. The Director or the Secretary to the BZA will have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(1) and the City of Atlanta Department of Law will have the authority prescribed in O.C.G.A. § 36-66-5.1(c)(2).

DIVISION 9.7. **NONCONFORMITIES**

Sec. 9.7.1. **Intent**

062

A. Within the districts established by the Zoning Ordinance, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of the Zoning Ordinance or future amendment. These are called nonconforming lots, nonconforming structures, nonconforming uses, and nonconforming characteristics of use as the case may be. These nonconformities are declared by the Zoning Ordinance to be incompatible with permitted uses in the districts involved. Based on that incompatibility, the following intents are stated:

1. It is the intent of the Zoning Ordinance to require removal or cessation of certain of these nonconformities, and to permit others to continue until they are otherwise removed or ceased. Nonconformities run with the land and benefit a subsequent purchaser. The burden belongs to the one who seeks to use land in a way that would be prohibited by this part to establish legal nonconforming status under the terms of this Division. They must show that the use or structure was lawful from inception based on the Zoning Ordinance in effect at the time and that the use remains legally nonconforming as provided herein.

2. It is the intent of the Zoning Ordinance that nonconformities will not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, or enlarged upon, extended, or expanded except as provided in this Division.

3. It is the intent of the Zoning Ordinance that nonconforming use of land, structures, or land and structures in combination will not be extended or enlarged after passage of the Zoning Ordinance by attachment on a building or premises of signs intended to be seen from off the premises, or by addition of other uses, of a nature generally prohibited in the district involved.

4. It is not the intent of this Division to affect rights which accrued before the adoption of this part or to impair or eliminate vested rights acquired under existing laws for future use of land or to create a new obligation.

Sec. 9.7.2. **Nonconforming Lots of Record**

A. Existing lots platted and recorded in Fulton County or DeKalb County plat books at the effective date of adoption or amendment of the Zoning Ordinance may not meet the minimum regulations or requirements of the districts in the Zoning Ordinance. Where existing lots of record are below the minimum dimensions established by the Zoning Ordinance, the following requirements apply:

1. To be acknowledged as a lot of record for development purposes, the lot must satisfy the requirements of *City of Atlanta Code of Ordinances, Sec. 15-07.006* or be shown on a recorded plat bearing a City stamped subdivision approval.

2. An existing lot of record in any district that is below the required lot area or lot width for the district may be used for any use permitted by the district, provi063 all other standards of the district are met.

#062

Posted by **Jennifer Friese 3** on **03/09/2026** at **10:46am** [Comment ID: 2187] - Link
Suggestion
Agree: 0, Disagree: 0
Thank you for recognizing the nonconformities that exist in many of Atlanta's 100+ year old neighborhoods!

> Reply by **SiteAdmin** on **03/09/2026** at **4:36pm** [Comment ID: 2198] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> You're welcomed.

#063

Posted by **GLORIA** on **04/01/2026** at **11:10am** [Comment ID: 2448] - Link
Question
Agree: 0, Disagree: 0
Does this mean that what it says? That development of nonconforming lots is required to meet all district standards, including setback provisions?

> Reply by **SiteAdmin** on **04/01/2026** at **1:31pm** [Comment ID: 2449] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. This is current law, unless a variance.

3. Where relief is necessary to make an existing lot of record buildable, a variance may be considered by the Board of Zoning Adjustments, according to *Sec. XX. Variance*.

Sec. 9.7.3. Nonconforming Structures

A. Where a lawful structure exists at the effective date of adoption or amendment of the Zoning Ordinance that could not be built under the terms of the Zoning Ordinance by reasons of restriction on area, lot coverage, height, setbacks, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:

1. All Districts

a. Enlargement or Alteration

i. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

ii. Where a structure is used for a permitted use, any structure, or portion thereof, may be enlarged or altered if the degree of its nonconformity remains the same or is decreased.

b. Reconstruction After Destruction

i. One- and Two-Dwelling Unit Structures

Should a nonconforming one- or two-dwelling unit structure, or nonconforming portion of structure, be destroyed by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided the reconstruction does not increase the previously existing degree of nonconformity and the reconstructed structure is used for a permitted use.

ii. All Other Primary Structures

a) Should any other nonconforming structure, or nonconforming portion of structure, be destroyed by accidental casualty, as distinguished from intentional casualty or ordinary wear and tear, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided the reconstruction does not increase the previously existing degree of nonconformity and the reconstructed structure is used for a permitted use.

b) Should any other nonconforming structure, or nonconforming portion of structure, be destroyed by any means other than accidental casualty to an extent of more than 60% of its replacement cost at the time of destruction, it is not permitted to be reconstructed except in conformity with the provisions of the Zoning Ordinance.

iii. Accessory Structures

Where there is a nonconforming accessory structure, reconstruction after destruction is subject to the same provisions governing the primary structure to which they are an accessory. See *subsection 3.A.1.b.* above.

#064

Posted by **Kim 2** on **03/02/2026** at **11:16am** [Comment ID: 2087] - Link
Suggestion
Agree: 0, Disagree: 0
of a legally constructed

see question/comment above

#065

Posted by **Kim 2** on **03/02/2026** at **11:12am** [Comment ID: 2086] - Link
Question
Agree: 0, Disagree: 0
I am assuming if there is no record of the structure being permitted, then it is not lawful and therefore if removed cannot be replaced? We see this with garages and accessory structures a good bit.

> Reply by **SiteAdmin** on **03/02/2026** at **4:05pm** [Comment ID: 2119] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Generally, this is true but may depend on the facts of each case. Nonconformity law is very fact specific.

#066

Posted by **Kim 2** on **03/02/2026** at **11:08am** [Comment ID: 2085] - Link
Suggestion
Agree: 0, Disagree: 0
I think the existing language (slightly modified) is better. "Variance of yard requirements shall be obtained only through variance action of the Board of Zoning Adjustment."

c. Moving

i. A nonconforming structure may be moved on its own lot only if the Director determines that such movement reduces the degree of nonconformity to the maximum extent reasonably feasible, or eliminates such nonconformity, but must in no case be moved on its own lot in such a manner as to increase the degree of nonconformity.

ii. Where a nonconforming structure is moved off its previous lot, it must thereafter conform to the regulations for the district in which it is located after it is moved.

d. Strengthening

Nothing contained in this Division prevents the strengthening or restoring to safe condition of any structure, or part thereof, declared unsafe by any public official charged with protecting the public safety, upon order of such official.

e. Reducing of Building Setbacks

In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce building setbacks previously provided in relation to a portion of a structure below setbacks requirements generally applicable within the district, the portion of the structure involved will be considered nonconforming.

2. House-Scale Form Districts

In House-Scale (H-) districts, where an existing lot does not have access to a street, a Special Use Permit is required for the development of a single-unit 067 ched dwelling. All other permitted principal and accessory uses and structures are allowed by right on such lots.

3. Neighborhood-Scale Form Districts

a. In the Neighborhood-Scale Form Districts, vertical additions and renovations to existing one- and two-dwelling unit structures and accessory structures with nonconforming side setbacks are authorized within such nonconforming side yards provided the following standards are met:

i. Such additions and renovations do not exceed the existing degree of horizontal setback nonconformity along the length of the nonconforming structure; and

ii. Such additions and renovations within the nonconforming area must not exceed the maximum building height allowed in the applicable zoning district minus the distance of the existing setback nonconformity. For example, if an existing one-dwelling unit structure encroaches into the required side setback by 4 feet, any vertical addition or renovation will be limited to a maximum height of 31 feet, which is the allowed maximum height (35 feet) minus the existing nonconformity (4 feet).

b. This provision will be applied only to additions and renovations to existing nonconforming one-dwelling unit structures and accessory structures within Neighborhood-Scale Form Districts. New structures must comply with the side setbacks required in the applicable zoning district.

#067

Posted by **Kim 2** on **03/02/2026** at **11:19am** [Comment ID: 2088] - Link

Suggestion

Agree: 0, Disagree: 0

add "provided that the standards of the district are met"

> Reply by **SiteAdmin** on **03/02/2026** at **4:00pm** [Comment ID: 2118] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> It is not necessary to state that, because EVERY activity must meet districts regulations. By specifying that for one thing, it could be argued that they don't always apply. The intent is that districts standards always apply.

Sec. 9.7.4. **Nonconforming Uses**

A. If characteristics of use, such as off-street parking and loading, lighting, or other matters pertaining to the use of land, structures, or premises are made nonconforming by the Zoning Ordinance, as passed or amended, no change is allowed that increases the degree of nonconformity by more than 120 square feet or 10% of the total floor area, whichever is more; but changes may be made which result in the same or a lesser degree of nonconformity. In cases where land is taken for public purposes in such a manner as to reduce off-street parking or loading space below that previously existing and required by the regulations for the district, the deficiency created will be considered a nonconforming characteristic of the use.

B. The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine, or distilled spirits, must not be based on the continuation of nonconforming off-street parking arrangements for any Food and Beverage Use (*Div. XX. Use Definitions*) that has previously operated at that location unless there has been a valid license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous 12 months.

C. Except as otherwise permitted in this Division, any use in lawful existence which by passage of the Zoning Ordinance, or amendment thereafter, would require a Special Use Permit will without further action be considered a conforming use. So long as such use remains the same, structural alterations within the general limits of the regulations of the Zoning Ordinance will be permitted on the premises of such use; but any enlargement, extension, movement or replacement of such use, with respect to land or structures, will require a Special Use Permit, as appropriate to the case, as though it were a new use.

Sec. 9.7.5. **Nonconforming Signs**

A. For requirements, see *Div. 8.6. Signs*.

Sec. 9.7.6. **Combination of Nonconformities**

A. If lawful use involving individual structures, or of structures and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of the Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by the Zoning Ordinance in the district in which it is located is allowed to be enlarged, extended or moved, except in changing the use of a structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any ordinances of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use is allowed to be extended to occupy any land outside such building.

3. Changes in nonconforming uses of major structures or a combination of major structures and uses are permitted as follows:

   a. To any use conforming to the regulations of the district in which located; or

#068

Posted by **Kim 2** on **03/02/2026** at **11:24am** [Comment ID: 2089] - Link
Question
Agree: 0, Disagree: 0
I don't understand this. Can you please clarify?

> Reply by **SiteAdmin** on **03/02/2026** at **3:54pm** [Comment ID: 2116] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This means that certain new establishments selling alcohol will only be deemed legal nonconforming (i.e.., "grandfathered) with regard to parking if the property was previously used in the past 12 months by another similar establishment that was legally permitted to sell; if they were not, then all requirements must be met.

#069

Posted by **Kim 2** on **03/02/2026** at **11:27am** [Comment ID: 2091] - Link
Question
Agree: 0, Disagree: 0
and in compliance with the requirements of that District???

> Reply by **SiteAdmin** on **03/02/2026** at **3:56pm** [Comment ID: 2117] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> No. No change whatsoever is allowed for a nonconforming use.

> > Reply by **Kim 9** on **04/05/2026** at **12:11pm** [Comment ID: 2520] - Link
> > *Question*
> > *Agree: 0, Disagree: 0*
> > My comment might not have been clear. If a use is not permitted, it cannot be made bigger. Great. If the structure use is able to change to a permitted use, does not the structure still need to comply with the requirements of the district? This might be a grandfathered eating establishment in an H district that is converting to a house - does not that house have to comply with the requirements of the district (height, setbacks, etc) or request variances for non-conformities?

> > > Reply by **SiteAdmin** on **04/05/2026** at **12:51pm** [Comment ID: 2524] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > There are two distinct types of nonconformity: nonconforming uses and nonconforming structures. They are not related.
> > >
> > > A nonconforming structure may be used for any use allowed

within the district and is not required to be brought into conformance. This is current law. However, any structural modifications (beyond normal repair) must conform to current standards.

For example, many parts of the city do not allow buildings with front parking lots, yet the uses within these nonconforming structures may still change to any permitted use. However, any modifications must comply with current regulations. This includes additions, façade changes, and similar improvements. The applicability tables at the beginning of Chapters 3, 5, and 8 indicate which standards apply.

A nonconforming use may not be changed to another nonconforming use, regardless of whether the structure itself is conforming or nonconforming. For example, in many districts, both pawn shops and adult businesses are prohibited. In such cases, a pawn shop may not be converted to an adult business, regardless of the structure in which it is located.

#070

Posted by **Kim 2** on **03/02/2026** at **11:28am** [Comment ID: 2092] - Link
Question
Agree: 0, Disagree: 0
Please clarify this statement.

> Reply by **Kim 9** on **04/05/2026** at **12:12pm** [Comment ID: 2521] - Link
> *Question*
> *Agree: 0, Disagree: 0*
> I think I am specifically confused by the "throughout any ordinances of a building" phrase, which may just be a typo.
>
> > Reply by **SiteAdmin** on **04/05/2026** at **1:14pm** [Comment ID: 2542] - Link
> > *Answer*
> > *Agree: 0, Disagree: 0*
> > Thank you. We will look into this with our legal counsel.
> >
> > Reply by **SiteAdmin** on **04/06/2026** at **10:33am** [Comment ID: 2552] - Link
> > *Answer*
> > *Agree: 0, Disagree: 0*
> > This should say, "throughout any parts of a building..."

b. To any use permitted in the most restrictive district in which such original nonconforming use is first permitted by the Zoning Ordinance, subject to the requirements and regulations concerning such use in the district; provided however, that no nonconforming nonresidential use is changed to a residential use in any district in which similar residential uses are not permitted.

4. Any major structure, or combination of major structure and land, in or on which a nonconforming use is superseded by another use, lawful or otherwise, will thereafter conform to the regulations for the district in which it located; and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a major structure or combination of major structure and premises is discontinued for a continuous period of 1 year, regardless of the intent of the owner or tenant to not abandon the use, the structure, or structure and premises in combination, will not thereafter be used except in conformity with the regulations of the district in which it is located. Such restriction will not apply if such cessation is as a direct result of governmental action impeding access to the premises.

6. Where nonconforming use status applies to a combination of structure and premises, removal or destruction of the structure will eliminate the nonconforming status of the land.

   a. "Destruction," for the purpose of this subsection, is defined as damage to an extent of more than 60% of the replacement cost at the time of destruction.

   b. Where damage is to an extent 60% or less of replacement cost, such structures may be restored to the same or lesser size in the same location; provided however, that restoration begins within 12 months of damage and be diligently carried to completion; and nonconforming use may be resumed and continued as before, or on a lesser scale, but is not permitted to be enlarged or intensified. Unless restoration is timely initiated and completed, the use must terminate and not be resumed without regard to intent to continue the use. Remodeling will not be deemed removal or destruction. Destruction made necessary by repairs, maintenance or remodeling will not be construed to be removal or destruction.

#071

Posted by **Kim 2** on **03/02/2026** at **11:30am** [Comment ID: 2093] - Link
Agree: 0, Disagree: 0
I think this should be district not districting

> Reply by **SiteAdmin** on **03/02/2026** at **3:47pm** [Comment ID: 2115] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thanks. We will fix it!

DIVISION 9.8. **ENFORCEMENT**

Sec. 9.8.1. **General Standards**

A. The Office of Zoning and Development will administer and enforce the Zoning Ordinance except as otherwise provided therein. It will also be the duty of all officers and employees of the City, and especially of all members of the police department, to assist the Director, Office of Zoning and Development, by reporting to the Director any seeming violation in construction, reconstruction or land use.

B. The Director must promptly investigate complaints of violations, reporting their findings and actions to complainants, and must use their best endeavors to prevent violations or to detect and secure the correction of violations. If they find that any of the provisions of the Zoning Ordinance are being violated, they will in writing notify the person responsible for such violation, indicating the nature of the offense and ordering the action necessary to correct it.

C. They will order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or will take or cause to be taken any other action authorized by the Zoning Ordinance or the laws of the City or State to ensure compliance with, and prevent violations of the provisions of the Zoning Ordinance.

D. If a violation of the Zoning Ordinance exists or is proposed, the law department may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

Sec. 9.8.2. **Penalties**

A. Any person, firm or corporation violating any of the provisions of the Zoning Ordinance will be deemed guilty of an offense and upon conviction thereof will be punished as provided in *the City of Atlanta Code of Ordinances, Sec. 1-8*. Each day's continuance of a violation will be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this part exists, and any architect, builder, contractor or agent of the owner, or any tenant, who commits or assists in the commission of any violation, will be guilty of a separate offense.

CHAPTER 10.

GENERAL RULES & DEFINITIONS

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DIVISION 10.1. **GENERAL RULES**

Sec. 10.1.1. **General Interpretations**

A. Computation of Time

References to days are calendar days, unless noted otherwise. The time in which an act is to be done is computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action is the next business day that is not a Saturday, Sunday, or holiday observed by the City.

B. Conjunctions

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:

1. The term "and" indicates that all connected terms, conditions, provisions, or events apply; and
2. The term "or" indicates that one or more of the connected terms, conditions, provisions, or events apply.

C. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of the Zoning Ordinance and any heading, caption, figure, illustration, table, or map, the text will control.

D. Lists and Examples

Unless otherwise specified, lists of terms or examples that use terms like "for example," "including," and "such as," or similar language, are intended to provide examples and are not exhaustive lists of all possibilities.

E. Mandatory and Discretionary Terms

The words "will," "can," and "must" are mandatory terms. The words "may" and "should" are advisory and discretionary terms.

F. References to Public Officials and Agencies

References to public officials and agencies are those of the City, unless otherwise indicated.

G. References to Other Regulations or Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it will be interpreted as a reference to the most recent edition of the regulation, ordinance, statute, regulation, or document, unless otherwise noted.

H. Technical and Nontechnical Terms

Words and phrases will be interpreted according to the definition in the latest edition of Merriam-Webster's Dictionary, but technical words and phrases that may have acquired a particular and appropriate meaning in law will be interpreted and understood according to such meaning.

I. Tenses and Plurals

Words that are used in one tense, being past, present, or future, include all other tenses, unless the context clearly indicates otherwise. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

Sec. 10.1.2. **Average Grade**

The average of the highest and lowest point of elevation of existing grade around the perimeter of the building or building module.

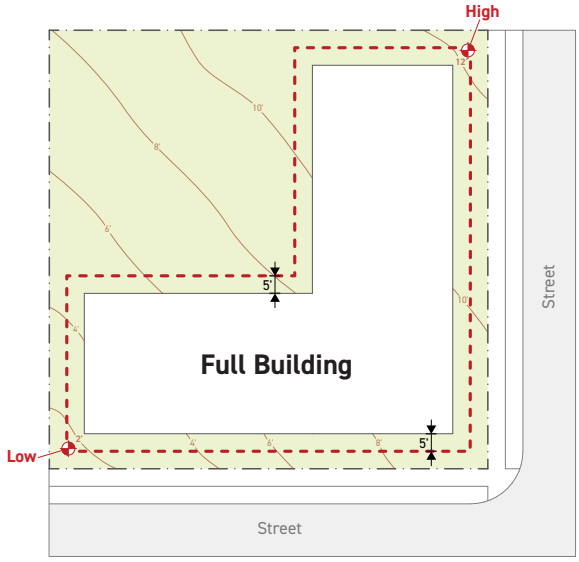
A. Standards

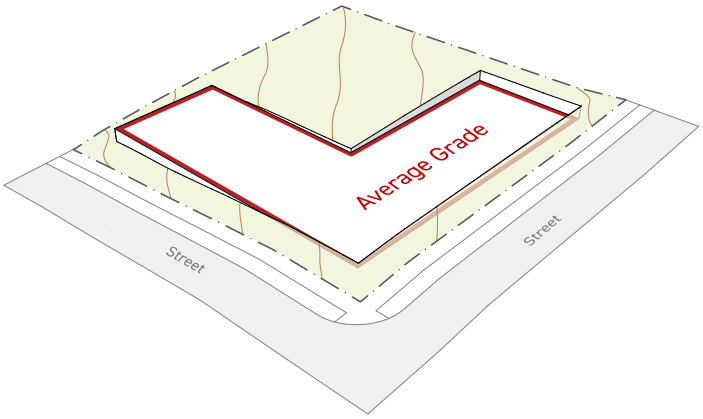
1. Average grade must be established using existin001ade.002
2. Average grade must be calculated using one of the following methods. The project may choose which method to use:
   a. Full building method, using the average grade for a full building; or
   b. Building module method, using the average grade for each building module.

B. Measurement

1. Full Building Method

For the full building method, average grade is calculated by averaging the highest and lowest point of elevation of existing grade within 5 feet of the building perimeter.





#001

Posted by **J Winer** on **04/08/2026** at **1:39pm** [Comment ID: 2724] - Link
Agree: 0, Disagree: 0
consider inserting the word, "natural"

> Reply by **SiteAdmin** on **04/09/2026** at **12:25pm** [Comment ID: 2787] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment.
>
> Please see page10-26 for the definition. We intentionally did not use the term “natural,” as most land within the city limits has been cleared or modified at some point over the past 150 years.

#002

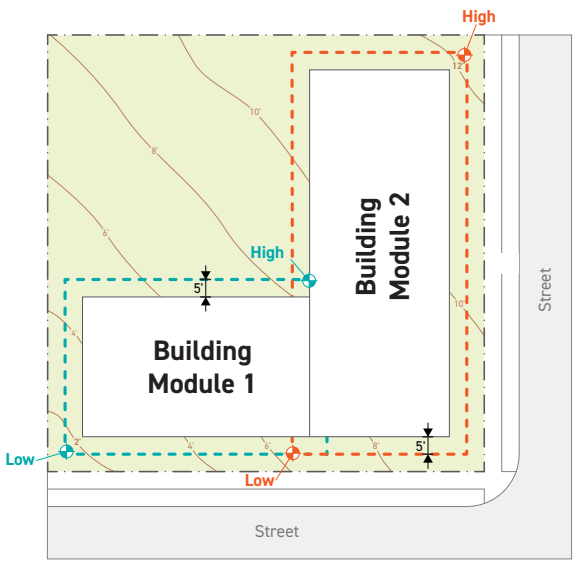
Posted by **J Winer** on **04/08/2026** at **1:39pm** [Comment ID: 2723] - Link
Question
Agree: 0, Disagree: 0
Excellent start using the "existing grade". There is at least one example in the COA of a house built more than 10 feet higher than the allowed 35 feet. The proposed solution was to set a new grade by wrapping the house with a wood planter just a few feet off the facades and calling the top of the planted grade. If this is approved, which it might be, it seems to be a clear violation of the current ordinance, but would that establish the "existing grade". What is a good way to prevent gaming the ordinance in this manner?

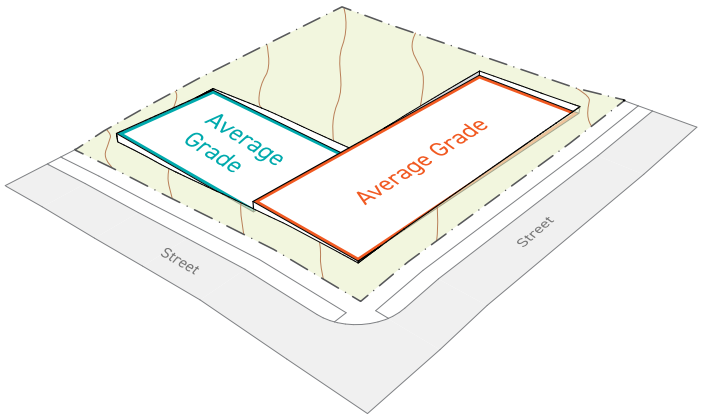
> Reply by **SiteAdmin** on **04/09/2026** at **12:26pm** [Comment ID: 2788] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Please see Section 10-26 for the definition of existing grade. We believe this will answer your question.
>
> The intention is to not allow taller structures through berming and creative grading.

2. Building Module Method

a. For the building module method, average grade is calculated independently for each building module. Building modules are defined by the ground story, see *Sec. XX. Ground Story* to determine how to identify each building module.

b. Once the building modules are identified, the average grade is determined by averaging the highest and lowest point of elevation of existing grade within 5 feet of the building perimeter at each building module.





Sec. 10.1.3. **Coverage**

The measurement of how open an occupiable space is to the sky.

A. Standards

1. Covered

A space is considered covered when it has a horizontal projection over the occupiable space that is less than 50% open to the sky.

2. Uncovered

A space is considered uncovered when it does not have a horizontal projection over the occupiable space or the horizontal projection is at least 50% open to the sky.

B. Measurement

Covered area is a percentage, measured as the total area that is open to the sky divided by the total area of the occupiable space.

#003

Posted by **Kim 2** on **03/02/2026** at **11:43am** [Comment ID: 2094] - Link

Question

Agree: 0, Disagree: 0

If there is a dense tree, like a large magnolia in the yard, would that count toward "coverage"? Are trees and shrubs considered less than 50% open to the sky by default? Does this replace lot coverage?

> Reply by **SiteAdmin** on **03/02/2026** at **3:46pm** [Comment ID: 2114] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> No, vegetation does not establish coverage.
>
> > Reply by **Kim 3** on **03/10/2026** at **7:13pm** [Comment ID: 2230] - Link
> >
> > *Suggestion*
> >
> > *Agree: 0, Disagree: 0*
> >
> > I feel like a better definition is needed. A magnolia tree probably covers more than 50% of the sunlight from coming through. I understand that is not the intent but think the definition could be improved.
> >
> > > Reply by **SiteAdmin** on **03/11/2026** at **8:17am** [Comment ID: 2232] - Link
> > >
> > > *Answer*
> > >
> > > *Agree: 0, Disagree: 0*
> > >
> > > Thank you for your suggestion.
> > >
> > > As a side note, the term "open to the sky" is found in the existing zoning code and certain building does.

Sec. 10.1.4. **Enclosure**

The measurement of how enclosed an occupiable space is to its surroundings.

A. Standards

1. Enclosed

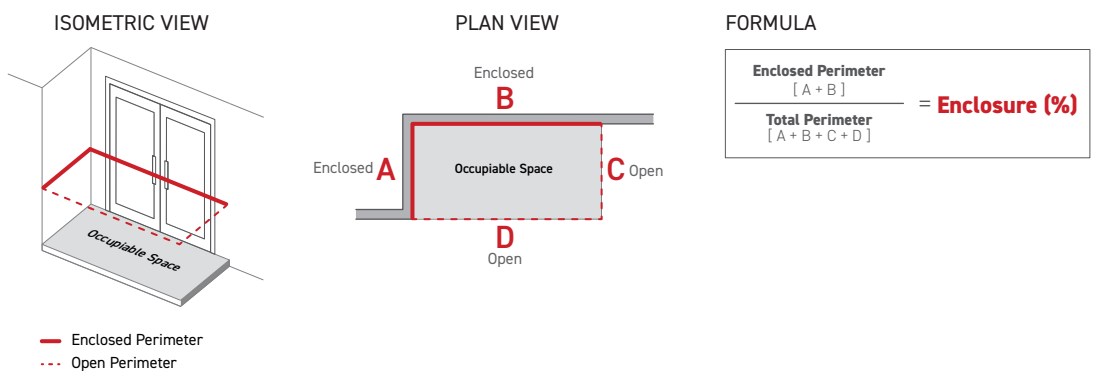
A space is considered enclosed when the perimeter of the space has an enclosure of at least 50%.

2. Unenclosed

A space is considered unenclosed when the perimeter of the space has an enclosure of less than 50%.

B. Measurement

Enclosure is measured as a percentage calculated by measuring the linear distance around the occupiable space, and dividing the enclosed portions of the perimeter by the total perimeter of the space.



Sec. 10.1.5. **Encroachments**

Any structure or assembly that projects horizontally or vertically into a space where such structures or assemblies are not permitted.

A. Standards

1. General

Modifications to existing structures or assemblies may encroach beyond the zoning district limitations only when those limitations prevent compliance with ADA Standards or the Fire Code. Any required encroachment must extend only the minimum amount necessary to achieve compliance with these standards.

2. Architectural Details

Building elements not intended for human occupation that are attached to or integrated into a building, including elements located on the facade or at the top of the structure. These elements may provide architectural detail, functional benefits, or environmental performance.

a. **Examples.** Belt courses, chimneys, cornices, lintels, pediments, pilasters, and sills.

3. Roof Projections

Roof elements that overhang or cantilever beyond the building footprint and do not include posts or columns.

a. **Examples.** Awnings, canopies, eaves, gutters, and roof overhangs.

4. Unenclosed Structures (Ground Story)

Unenclosed structures with all finished floors and ground surfaces at or below the maximum finished floor elevation of the ground story specified for the zoning district, and with a total height of less than 15 feet measured from finished grade.

a. **Examples.** Decks, landing platforms, pergolas, porches (screened and unscreened), stoops, and trellises. Does not include carports or any other vehicle use areas.

5. Unenclosed Structures (Upper Story)

Unenclosed structures with finished floors or ground surfaces above the maximum finished floor elevation of the ground story specified for the zoning district, or with a total height of 15 feet or more measured from finished grade.

a. **Examples.** Balconies, exterior stairways, and light shelves.

6. Enclosed Structures

Enclosed structures that overhang or cantilever beyond the building footprint and have a cumulative length of less than 25% of the width of the building facade.

a. **Examples.** Bay windows, overhanging volumes, sleeping porches, and sunrooms. Does not include garages or any other vehicle use areas.

7. Mechanical Equipment

Equipment associated with publicly or privately owned or operated systems, whether supported by the ground, attached to a wall, or supported by a roof, that are 44 inches or less in height.

a. **Examples.** Cisterns, gas and electrical meters, HVAC equipment, pool equipment, solar panels, and water heaters.

8. Waste Receptacle Enclosure

See *Sec. XX. Site Element Screens.*

9. Signs

See *Div. XX. Signs.*

Sec. 10.1.6. **Floor Area**

The cumulative amount of enclosed and covered floor space on a lot.

A. Measurement

1. Floor area is calculated as the sum of floor space measured from the outside face of exterior walls.
2. The following areas are included in the calculation of floor area:
   a. All area within the outside face of exterior walls of a building;
   b. Any structure that is both enclosed and covered;
   c. Vertical circulation including stairways and elevator shafts;
   d. Spaces with ceiling heights of 7 feet or more in attics and basements; and
   e. Any area in an attached garage exceeding 200 square feet.
3. The following areas are not included in the calculation of floor area:
   a. Bicycle parking spaces;
   b. Parking structures;
   c. Spaces with ceiling heights less than 7 feet in attics and basements; and
   d. Garages up to 400 square feet.

Sec. 10.1.7. **Frequency**

The rate at which an element occurs or is repeated over a given distance.

A. Measurement

1. Spacing frequency is a ratio measured as the number of required occurrences of an object within the specified distance.
   a. Occurrences of an object are measured as the total quantity of a required object located within the specified distance.
   b. Specified distance is measured horizontally.
2. To calculate the number of required objects over a provided distance, first divide the required occurrences of an object by the specified distance, then multiply by the applicable distance.
3. When calculating the number of required option results in a fraction, any fraction 0.5 or greater will be rounded up to the nearest whole number and any fraction less than 0.5 will be rounded down to the nearest whole number, so long as at least one occurrence of an object is provided.
4. Frequency standards allow for irregular spacing of the required objects.

#004

Posted by **J Winer** on **04/08/2026** at **8:18am** [Comment ID: 2660] - Link
Agree: 0, Disagree: 0
This would absolutely be abused. Particulkarly since there are no area limits. I recommend striking it and leaving Garage, or allowing a total square footage for Garages and Bike Storage of 400 SF. Like most people, we keep our bikes in the garage.

> Reply by **SiteAdmin** on **04/08/2026** at **9:10am** [Comment ID: 2674] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

#005

Posted by **Michael Barnett** on **04/07/2026** at **7:55pm** [Comment ID: 2626] - Link
Question
Agree: 0, Disagree: 0
What would prevent labeling a large room in a single family home as bicycle parking to avoid having to include it in the FAR? I could imagine a large room in the basement being labeled as bicycle parking, and then later finished for other purposes.

> Reply by **SiteAdmin** on **04/08/2026** at **10:02am** [Comment ID: 2695] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment. We will recommend updating this.

#006

Posted by **Kim 2** on **03/02/2026** at **11:50am** [Comment ID: 2095] - Link
Question
Agree: 0, Disagree: 0
Do carports fall under this rule as well?

> Reply by **SiteAdmin** on **03/02/2026** at **3:44pm** [Comment ID: 2113] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> No. Carports are not included in floor area, but they are included in lot coverage.

#007

Posted by **J Winer** on **04/08/2026** at **9:28am** [Comment ID: 2679] - Link
Suggestion
Agree: 0, Disagree: 0

This contradicts A.2.e. Also, lot coverage currently limits the garage size, and the front garage setback requirement addresses the aesthetic dominance of a front facing garage. Is the intent that any garage area above than 400 square feet counts toward the FAR and the lot coverage? Many 2 car garages are over 400 sq ft. On intown lots, a house that currently conforms may become non-conforming and have their current ability to do an additon forclosed because of this garage change. 500 SF might be a more reaonable number for 2 cars, some sto.

#008

Posted by **Kim 3** on **03/10/2026** at **6:52pm** [Comment ID: 2228] - Link
Question
Agree: 0, Disagree: 0
Are stairways counted as FAR on both the lower and upper floors?

> Reply by **SiteAdmin** on **03/11/2026** at **8:44am** [Comment ID: 2235] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Yes, they count on each story they serve.

#009

Posted by **Kim 6** on **03/23/2026** at **4:16pm** [Comment ID: 2290] - Link
Question
Agree: 0, Disagree: 0
How are basements defined in this Ordinance?

> Reply by **SiteAdmin** on **03/23/2026** at **5:25pm** [Comment ID: 2291] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Please see page 10-23 and the definition of "ground story" on page 10-15.
>
> In a nutshell, the existing standard that defines a basement based on how much of the entire story is above grade has been replaced with an approach that is more useful in communities with sloped topography, like Atlanta. The standard for ground story will apply based on the appearance of the building from the street. Anything below that is the basement.

#010

Posted by **Jim 1** on **03/11/2026** at **8:52pm** [Comment ID: 2238] - Link
Suggestion
Agree: 0, Disagree: 0
Shouldn’t this be area over 400 square feet to be consistent with 3d.

> Reply by **SiteAdmin** on **03/12/2026** at **5:33pm** [Comment ID: 2242] - Link
> *Answer*

Agree: 0, Disagree: 0
Thank you. We are aware of this and have corrected it.

#011

Posted by **apstillman** on **12/30/2025** at **1:28pm** [Comment ID: 1796] - Link
Question
Agree: 0, Disagree: 0
Are exterior, unenclosed stairs included in floor area calculations?
Example: a stair accessing a bonus room over a detached garage

Reply by **SiteAdmin** on **12/31/2025** at **8:00am** [Comment ID: 1800] - Link
Answer
Agree: 0, Disagree: 0
If the stairs are truly exterior and not within the exterior walls, then they would NOT be included in floor area.

#012

Posted by **Owen Brock** on **03/21/2026** at **9:02am** [Comment ID: 2283] - Link
Suggestion
Agree: 0, Disagree: 0
Previously basements that were 50% below grade, were not counted toward Floor Area Ratio.

The new rule states that anything with a ceiling height greater than 7' will count towards Floor Area Ratio

If this new rule is put into place, it will make it almost impossible to build basements in new construction. Houses that were previously built with a basement will become sought after and more expensive. Land values will also decrease because builders/developers will not be able to build houses with basements.

The rule needs to stay unchanged for basements.

The new rule will also make it difficult to build drive under garage houses. This where the garage is located on the side underneath the home or front drive underneath the home. The entrance way, stairs, and foyer in the basement area would count towards floor area ratio. In some cases this can be upwards of 500sf just to get from the garage door (Basement) and up to the main level.

Even though garages (400 sf) do not count towards floor area ratio, there is still an additional 300-500 sf required to get from the garage to the main level of a home. This is for drive under garages.

In conclusion the rule should remain unchanged and basements 50% or more below the average grade should not count towards FAR.

Reply by **SiteAdmin** on **03/23/2026** at **9:12am** [Comment ID: 2284] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.

We will take it into considerations as we update the code.

#013

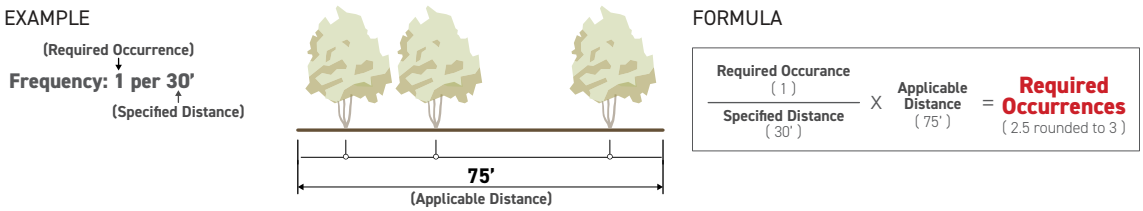
Posted by **apstillman** on **12/30/2025** at **1:20pm** [Comment ID: 1795] - Link
Question
Agree: 0, Disagree: 0
A.2.e and A.3.d conflict. Which is correct?

Reply by **SiteAdmin** on **12/31/2025** at **8:03am** [Comment ID: 1802] - Link
Agree: 0, Disagree: 0
Thank you for pointing this out. Up to 400 SF of garage floor area is exempt.

#014

Posted by **J Winer** on **04/08/2026** at **8:14am** [Comment ID: 2657] - Link
Agree: 0, Disagree: 0
I concur with Owen Brock. He is absolutely correct.

Reply by **SiteAdmin** on **04/08/2026** at **9:12am** [Comment ID: 2675] - Link
Answer
Agree: 0, Disagree: 0
Thank you for your comment.



Sec. 10.1.8. **Lot Line**

A line bounding a lot that divides one lot from another lot, street, or any other public or private space.

A. Lot Line Designations

1. General Standards

a. Lot lines are designated for lots only, not for sublots.

b. Each lot line can have only one designation and must be designated as one of the following:

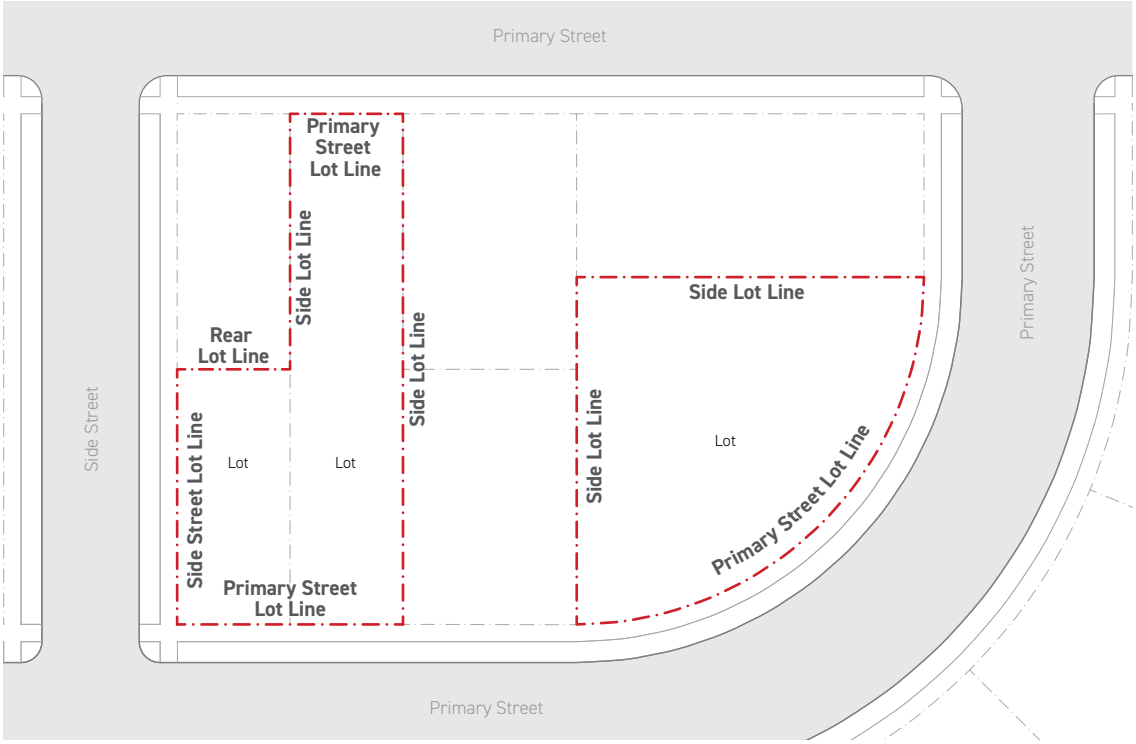
i. Primary street lot line;

ii. Side street lot line;

iii. Rear lot line;

iv. Side lot line; or

v. Alleys.



#015

Posted by **Kim 2** on **03/02/2026** at **11:59am** [Comment ID: 2096] - Link

Question

Agree: 0, Disagree: 0

Where is this defined? I could not find the difference between a primary and side street. It is hard to evaluate without the definition.

> Reply by **SiteAdmin** on **03/02/2026** at **3:43pm** [Comment ID: 2112] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Immediately below, under "2".

2. Primary Street Lot Line

a. A lot line meeting any of the following criteria will be designated as a primary street lot line:

i. A lot line abutting a primary street or storefront street. See *Sec. XX. Street Designation* to determine how to identify streets designated as primary or storefront streets; or

ii. A lot line abutting the Beltline Corridor or facing the Stitch.

b. The Director may designate a lot line abutting a public park, open space, or multi-use path as a primary street lot line.

c. Each lot must have at least one primary street lot line. A lot may have more than one primary street lot line.

d. Once designated for a lot, a primary street lot line may not be changed to another designation during subsequent development on the lot unless all the standards of the applicable zoning district are met based on the proposed change in street lot line designation.

3. Side Street Lot Line

Side street lot lines include any lot line abutting a side street. Any street lot line that is not a primary street lot line is considered a side street lot line. See *Sec. XX. Street Designation* to determine how to identify streets designated as side streets.

4. Rear Lot Line

a. Rear lot lines include any lot line that does not abut a street, and is opposite and most distant from a primary street lot line.

b. A lot may have no more than one rear lot line.

c. In the case of the lot that fronts two streets on opposite sides, a lot may have no rear lot line.

d. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

e. A rear lot line abutting an alley can be considered a rear lot line.

5. Side Lot Line

a. Side lot lines include any lot line not designated as a primary street lot line, side street lot line, or rear lot line.

b. A side lot line abutting an alley can be considered a side lot line.

6. Through Lots in House-Scale and Neighborhood-Scale Form Districts

Where a lot is designated as a through lot in a House-Scale and Neighborhood-Scale Form District, the Director may allow a lot line that would otherwise be designated a street lot line to be designated as a rear lot line. In making this determination, the Director may consider, but is not limited to, the following:

#016

Posted by **Kim 2** on **03/02/2026** at **12:05pm** [Comment ID: 2099] - Link
Question
Agree: 0, Disagree: 0
A through lot is like the "long lot" shown in the graphic above, where there are 2 primary street setbacks. If I understand, the Director can allow one of the 2 primary street setbacks to be the rear setback and the other will be the primary "front-yard" setback. Can you please confirm?

> Reply by **SiteAdmin** on **03/02/2026** at **3:39pm** [Comment ID: 2110] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes, they could, although it is more typical to require both street frontages to be treated as “fronts.” However, there are some blocks composed of through lots where one street clearly functions as the front (e.g., houses have porches and addresses oriented toward it) and the other clearly functions as the rear (e.g., garages are oriented toward it).

#017

Posted by **Kim 2** on **03/02/2026** at **12:00pm** [Comment ID: 2098] - Link
Suggestion
Agree: 0, Disagree: 0
suggest referencing where these boundaries exist.

> Reply by **SiteAdmin** on **03/02/2026** at **3:40pm** [Comment ID: 2111] - Link
> *Question*
> *Agree: 0, Disagree: 0*
> That is what the "See Sec. XX. Street Designation" will link to.

#018

Posted by **Kim 2** on **03/02/2026** at **11:59am** [Comment ID: 2097] - Link
Question
Agree: 0, Disagree: 0
What is the definition of a storefront street?

#019

Posted by **J Winer** on **04/08/2026** at **9:33am** [Comment ID: 2682] - Link
Suggestion
Agree: 0, Disagree: 0
Please add that the setback is measured from the alley centerline.

#020

Posted by **Jennifer Friese** on **01/19/2026** at **12:35pm** [Comment ID: 1853] - Link

Question

Agree: 0, Disagree: 0

Can you confirm that the build-to line in the rear is still measured from the centerline of an existing alley?

> Reply by **SiteAdmin** on **01/20/2026** at **11:38am** [Comment ID: 1856] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes. Setbacks from existing alleys (e.g., "legacy alleys") are measured from the centerline.

a. The proposed number, placement, and orientation of buildings on the lot, including whether applying the build-to width requirement to both street frontages is practical; and

b. The prevailing development pattern on surrounding parcels, including which frontage typically functions as the primary or secondary street orientation.

B. Lot Line Categories

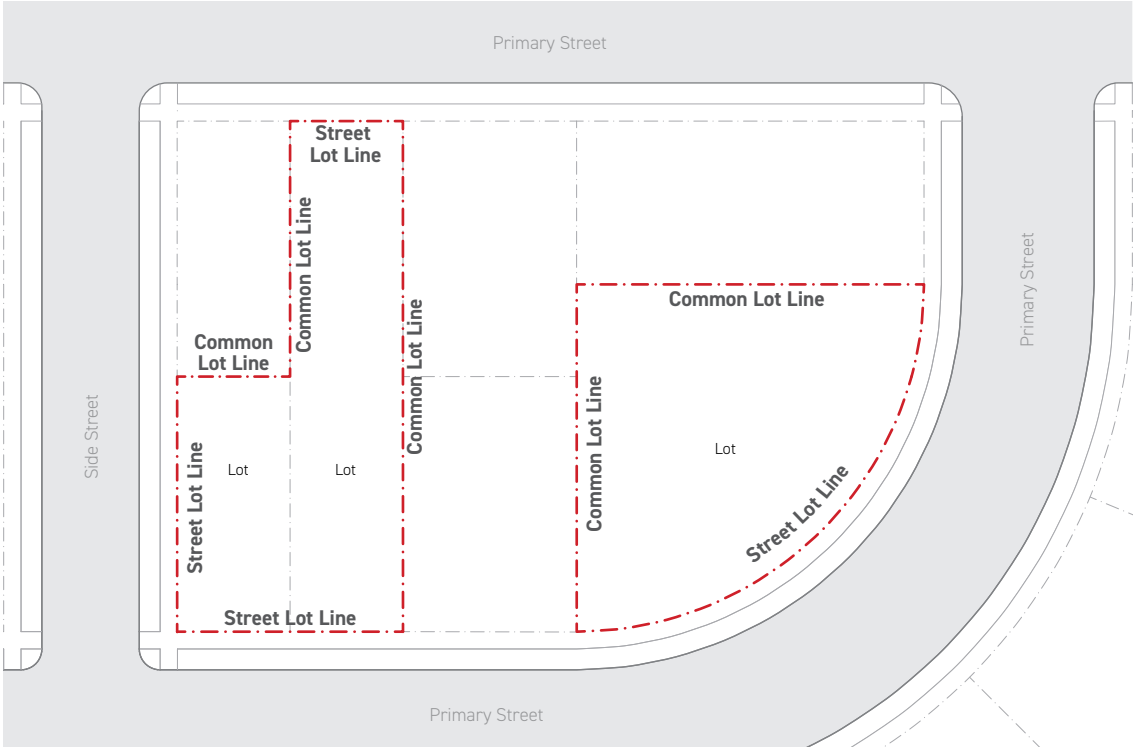
1. General Standards

a. Lot line designations are also grouped into categories. When a requirement of the Zoning Ordinance references a lot line category, the requirement applies to all lot line designations in that category.

b. Lot line categories include the following:

i. Street lot lines; or

ii. Common lot lines.



2. Street Lot Line

Street lot lines include any lot line with one of the following designations:

a. Primary street lot line; or

b. Side street lot line.

3. Common Lot Line

Common lot lines include any lot line with one of the following designations:

#021

Posted by **Kim 2** on **03/02/2026** at **12:07pm** [Comment ID: 2100] - Link

Suggestion

Agree: 0, Disagree: 0

what is build-to-width? Wouldn't this be the front yard setback? May need a definition for build-to-width.

> Reply by **SiteAdmin** on **03/02/2026** at **3:29pm** [Comment ID: 2109] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The term is defined on page 3-32.

a. Side lot line; or

b. Rear lot line.

Sec. 10.1.9. **Net and Gross Lot Area**

A. Measurement

1. Unless noted otherwise, the requirements of the Zoning Ordinance are based on lot area, see *Sec. XX. Lot Area*.

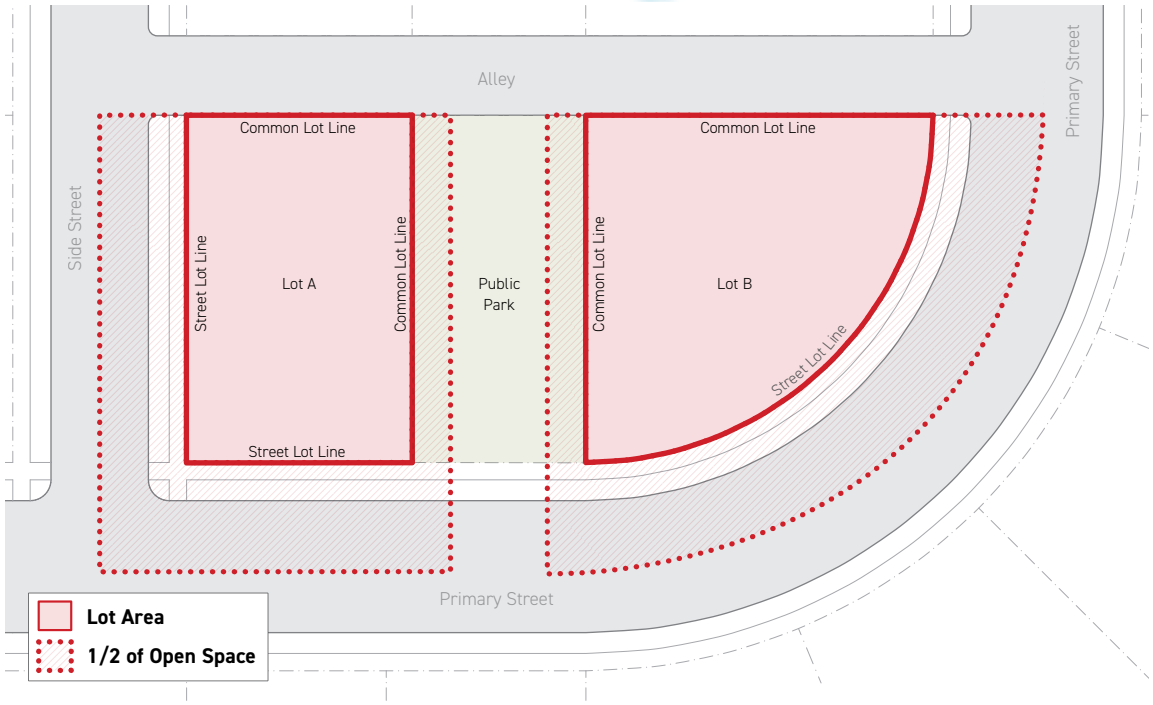
2. For requirements that specify net lot area (NLA) or gross lot area (GLA), the following standards apply:

a. Net Lot Area (NLA)

Net lot area is equivalent to lot area, see *Sec. XX. Lot Area*.

b. Gross Lot Area (GLA)

Gross lot area includes the net lot area, plus half of any adjoining permanent open space such as streets, legacy alleys, public parks, and rail rights-of-way up to 50 feet.



Sec. 10.1.10. **Project Activity**

Any activity on a lot that is controlled by the Zoning Ordinance.

A. New Construction

Any activity that includes the construction of a new building or structure, including the demolition and reconstruction of 50% or more of an existing building or structure.

#022

Posted by **J Winer** on **04/08/2026** at **9:43am** [Comment ID: 2684] - Link
Question
Agree: 0, Disagree: 0
Lot area does not seem to be defined. In all cases properties adjacent to an alley own to the centerline of the alley. Other properties sharing the alley have an access eaement. For properties with an alley, this suggests that lot area is always to the centerline of an alley. Where is this clarified? It may be in front of me.

#023

Posted by **jessicahilltroutman** on **03/03/2026** at **1:54pm** [Comment ID: 2138] - Link
Agree: 0, Disagree: 0
Confirm whether the BeltLine is included.

> Reply by **SiteAdmin** on **03/03/2026** at **5:17pm** [Comment ID: 2142] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes. The Beltline is permanent open space.

#024

Posted by **Redowan Kaushik** on **02/10/2026** at **1:04pm** [Comment ID: 1949] - Link
Question
Agree: 0, Disagree: 0
Can we add that interstate highways are excluded from this?

> Reply by **SiteAdmin** on **02/11/2026** at **10:02am** [Comment ID: 1952] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

B. Addition

1. Any expansion of an existing building or structure, including activity that increases the floor area or the height of an enclosed space within an existing building or structure, up to the following thresholds:

    a. Additions that adds up to 100% of the existing floor area; or

    b. Additions that adds up to 25,000 square feet of floor area.

2. Any addition that exceeds the thresholds above is considered new construction.

C. Site Modification

1. Any modification of an existing site, including activity that impacts trees, fences and walls, lighting, land disturbance, and repaving parking lots, up to the following thresholds:

    a. Modifications affecting up to 50% of the existing site area; or

    b. Modifications affecting up to 25,000 square feet of site area.

2. Any site modification that exceeds the threshold above is considered new construction.

D. Facade Modification

Any change to the exterior envelope of a building that goes beyond the definition of maintenance and repair. Facade modification includes the following:

1. Modification to the facade of the building;

2. Modification to the amount of exterior foundation wall exposed above finished grade; or

3. Modification to an architectural element such as a balcony, porch, storefront, windows, or deck.

E. Change of Use

Any change in use or a modification of an area designed and intended for a specific use that is different from the previously approved use. Change of use includes the following:

1. Change in the principal use of any portion of a building or lot from one of the uses specified in *Chapter 4. Use Districts* to another use.

2. Expansion of floor area or site area dedicated to a use or an increase in the intensity of a use, such as increase in seating capacity or the number of persons in care.

F. Renovation

1. Any modification to an existing building or structure that does not expand the building or structure up to the following thresholds:

    a. Removal of up to 50% of the perimeter wall framing;

    b. Removal of up to 50% of the roof framing; or

    c. Removal of up to 50% of any other structural members.

#025

Posted by **Kim 2** on **03/02/2026** at **12:30pm** [Comment ID: 2102] - Link
Question
Agree: 0, Disagree: 0
Facade modifications would not increase lot coverage, right?

> Reply by **SiteAdmin** on **03/02/2026** at **3:20pm** [Comment ID: 2107] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Correct. This is only a change to windows, doors, materials, etc. A change in the building footprint is not a facade modification.

#026

Posted by **Kim 2** on **03/02/2026** at **12:29pm** [Comment ID: 2101] - Link
Question
Agree: 0, Disagree: 0
please define existing site area

> Reply by **SiteAdmin** on **03/02/2026** at **3:22pm** [Comment ID: 2108] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion. We will make sure this is clear.

2. Any modification that exceeds the thresholds above is considered new construction.

G. Maintenance and Repair

Any activity done to correct the deterioration, decay of, or damage to any part of a building, structure, or site that does not involve a change or modification to the existing design, outward appearance, or applicable zoning requirements. Maintenance and repair includes the following:

1. In-kind replacement of deteriorated or damaged parts of a building;
2. Repair of site components such as fences and walls or landscaping; or
3. Modifications to meet fire, life safety, and ADA requirements.

Sec. 10.1.11. Site, Lot, and Sublot Designation

A. General

1. Each project must identify the lot where project activity will occur, and may identify the site or sublots. The requirements of the Zoning Ordinance generally apply to lots, not sites or sublots, unless otherwise specified by a specific requirement.
2. For information on the subdivision process, see *City of Atlanta Code of Ordinances, Part 15 - Land Subdivision Ordinance*.
3. Zero lot line developments, as outlined in *City of Atlanta Code of Ordinances, Part 15 - Land Subdivision Ordinance*, are considered sublots in the Zoning Ordinance.

B. Site

1. A site is a single lot or group of lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.
2. Where a project only has one lot, the site and the lot are equivalent.

C. Lot

1. A lot is a parcel, tract, or area of land established by a plat, or other means as permitted by law, to be used, developed, or built upon.
2. A lot created after the effective date of the Zoning Ordinance must abut a primary street.
3. A lot may fall within one of the following designations:
   a. **Corner lot.** A lot with more than one street lot line situated at the intersection of two or more streets.
   b. **Interior lot.** A lot other than a corner lot, with only one street lot line
   c. **Through lot.** A lot other than a corner lot, with more than one street lot line.

#027

Posted by **Kim 2** on **03/03/2026** at **12:32pm** [Comment ID: 2129] - Link

Question

Agree: 0, Disagree: 0

Is this only for maintenance and repair of conforming fences and walls? The non-conforming section focuses on cessation of non-conformities outside of natural damage.

> Reply by **SiteAdmin** on **03/03/2026** at **6:13pm** [Comment ID: 2151] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> All maintenance and repair would have to comply with nonconformity provisions and would not be allowed if it constituted "replacement." The code today allows repair of both conforming and nonconforming fences and walls.

#028

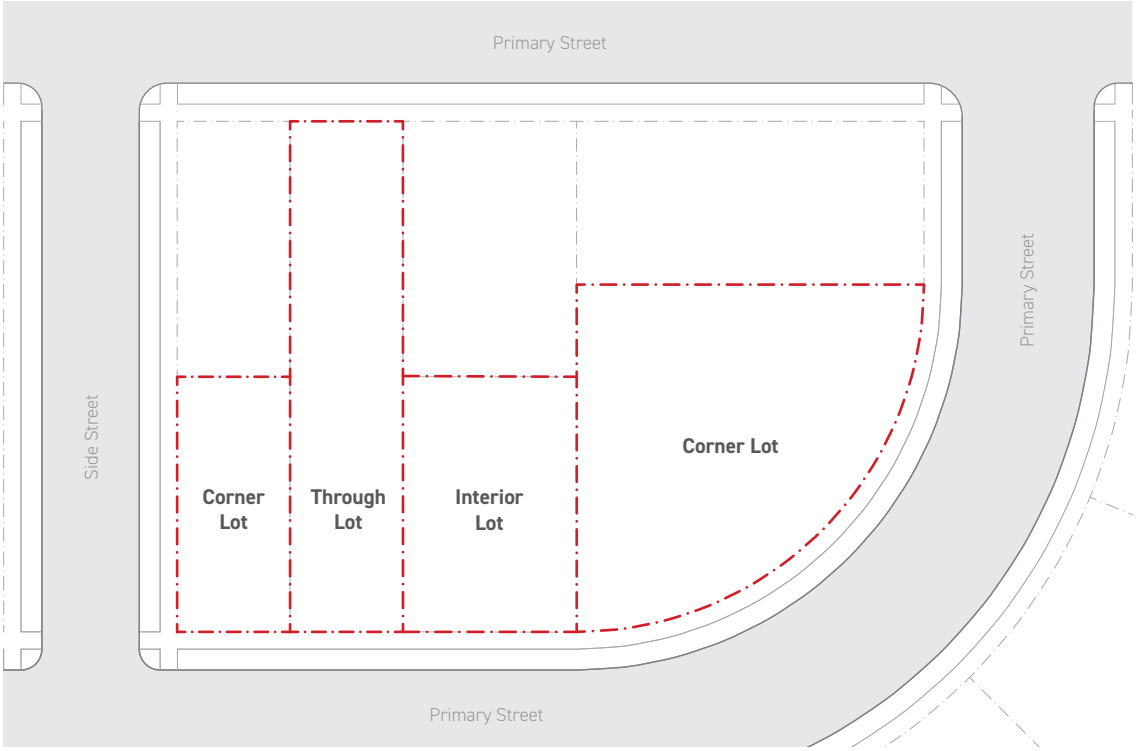
Posted by **Christian** on **02/16/2026** at **3:09pm** [Comment ID: 1979] - Link

Suggestion

Agree: 0, Disagree: 0

The Zero Lot Line developments are outlined in Part 16 - Zoning Ordinance

> Reply by **SiteAdmin** on **02/17/2026** at **12:45pm** [Comment ID: 1986] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your input. We will address this.



D. Sublot

1. General

a. A sublot is a parcel of land, existing with other sublots on a lot, intended for the purpose of the transfer of ownership or for development.

b. Sublots are only permitted in Form Districts that allow more than one primary dwelling unit per lot.

2. In N2B Form Districts

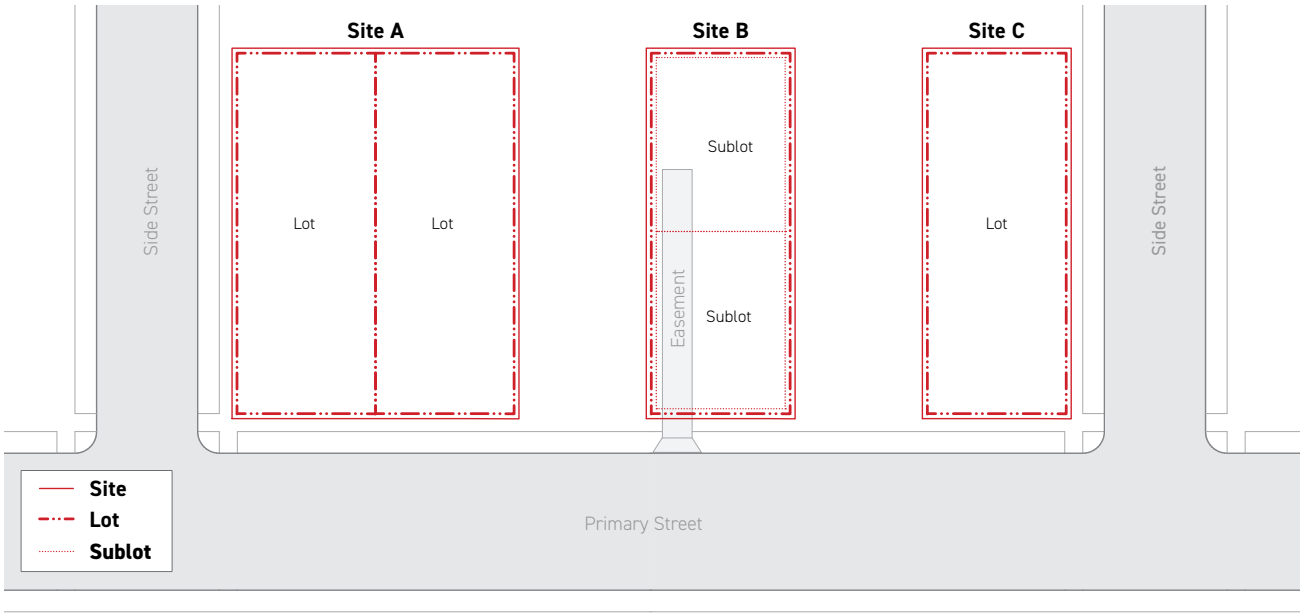
A sublot is required to abut a street for at least 6 feet and all primary dwelling units must be attached.

3. In All Other Zoning Districts

A sublot is not required to abut a primary street, side street, or alley but must abut a permanent access easement that meets one of the following standards:

a. Vehicle access easement of at least 10 feet in width for a maximum length of 150', or further if approved by the Fire Marshall; or

b. Pedestrian access easement of at least 6 feet in width.



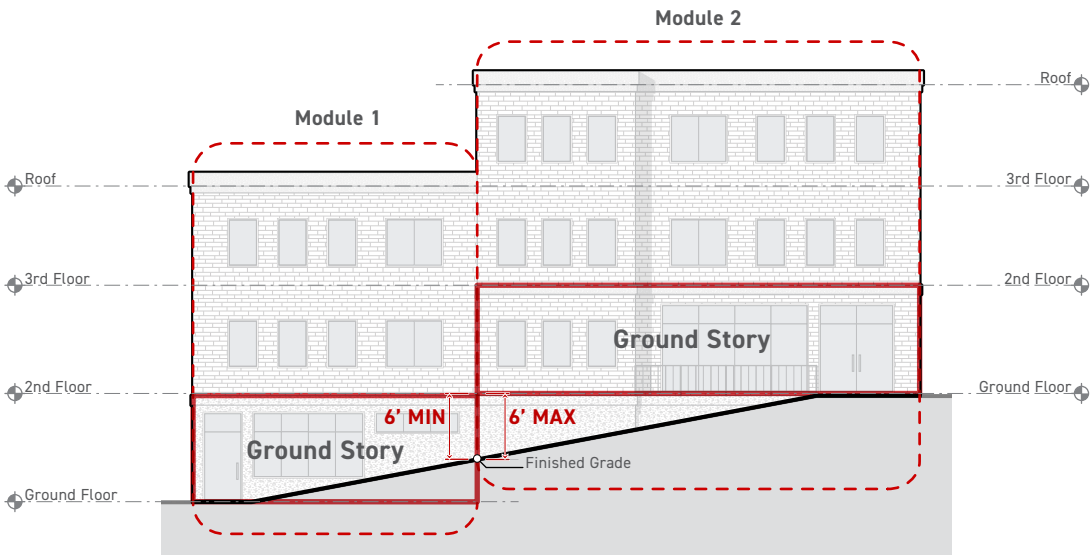
Sec. 10.1.12. **Story**

The part of a building between the finished floor of one floor and the finished floor of the next floor above, or if there are no floors above, the bottom of the structure for the roof.

A. Ground Story

1. The ground story must be designated for all portions of a building footprint.
2. The ground story of a building is the lowest story, or the first floor of a building, measured along street-facing facades that meet the following criteria:
   a. The ground story facade must be exposed a minimum of 6 feet above the abutting finished grade along the full width of a street-facing facade.
   b. The finished floor elevation of the ground story must be no higher than 6 feet above the abutting finished grade along the full width of a street-facing facade.

3. Based on the criteria for a ground story, the elevation of the ground story may change within the same building, creating building modules. The building modules may be used for measuring average grade (*Sec. XX. Average Grade*) and building height (*Sec. XX. Building Height*).



B. Upper Story

Any story of a building located above the ground story will be considered an upper story.

Sec. 10.1.13. **Street Designation**

A. General Standards

1. All streets abutting a lot must be designated as either a primary street or side street.
2. When a lot abuts only one street, the street is to be designated as a primary street.

B. Storefront Streets

1. Some streets are also designated as a storefront street.
2. Any street identified as a storefront street on the Storefront Street Map (*See Appendix X*) will be designated as a storefront street.
3. The Director may determine that a street abutting a lot that meets the following criteria will be designated as a storefront street:
   a. A lot with a pre-1946 commercial use building; or
   b. A lot that is within 50' of other lots with pre-1946 commercial buildings on the same block face.
4. Where the zoning district has different standards for storefront streets, the portion of the lot abutting the storefront street must meet the standards for storefront street029

#029

Posted by **Redowan Kaushik** on **02/16/2026** at **9:52am** [Comment ID: 1976] - Link
Suggestion
Agree: 0, Disagree: 0
Is it possible to rewrite this sentence to,

Portion of the lot abutting a storefront street must meet the standards for storefront streets regardless of varying zoning districts.

> Reply by **SiteAdmin** on **02/17/2026** at **10:57am** [Comment ID: 1984] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for the suggestion!

C. Lots Abutting Multiple Streets

1. A lot abutting multiple streets must 032gnate at least one as a primary street.
2. A lot may abut more than one primary street if multiple streets meet the criteria of a primary street.
3. Where a lot abuts both a public and a private street, the public street 034st be designated as the primary street.
4. Where a lot abuts multip030reets, the Director will use the following criteria to determine primary streets, listed in order of importance:
   a. Any street classified as a storef031t street on the Storefront Street Map (*See Appendix X*);
   b. Streets with the highest classifications according to the Steet Type Map (*See Appendix X*);035
   c. Streets with the highest classifications according to 033DOT;
   d. The established orientation of the block; and
   e. The street that abuts the longest face of the block.
5. Any street not designated as a primary street is designated as a side street.

Sec. 10.1.14. **Street-Facing Facade**

Portions of a building facade, when projected approximately parallel to a street lot line, with no permanent structure located between the building facade and the street lot line.

A. Standards

1. Street-facing facades includes any building facades facing a primary or side street lot line.
2. Building facades located more than 50 feet from the primary or side street lot line are exempt from any street-facing facade requirement, provided the cumulative width of the exempt facade is no wider than 25% of the total building width.

#030

Posted by **Kim 2** on **03/02/2026** at **12:46pm** [Comment ID: 2104] - Link
Question
Agree: 0, Disagree: 0
this includes through lots too, right?

> Reply by **SiteAdmin** on **03/02/2026** at **3:18pm** [Comment ID: 2105] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Yes

#031

Posted by **Kim 3** on **03/10/2026** at **5:52am** [Comment ID: 2212] - Link
Suggestion
Agree: 0, Disagree: 0
Currently, the Code says "On regular corner lots: On regular corner lots, the front shall be construed as the shortest boundary adjacent to a street. If the lot has equal frontage on two (2) or more streets, frontage shall be construed in accordance with the prevailing building pattern, or the prevailing lotting pattern if a building pattern has not been established."

This list does not appear to include similar language. I think that a is a good addition for storefront streets; however, the others seem frought with lack of clarity and need for interpretation. Length is very easy to calculate and provides historical consistency.

I am concerned that corner lots will try to "flip" their historical frontage and then have 2 "half depth front yards". This would also change cul-de-sac streets in a way that is not good for the cul-de-sac community or the adjacent street.

I suggest translating more closely if I am reading this correctly. If I am not reading correctly, please help me to understand (and thank you).

> Reply by **SiteAdmin** on **03/11/2026** at **8:34am** [Comment ID: 2233] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.
>
> We understand your comment and will consider whether the standard can be clarified, particularly with respect to house lots. Because the standard applies to all lot types, including larger mixed-use developments, simply using the “shortest frontage” does not always work in those cases.

#032

Posted by **Kim 2** on **03/02/2026** at **12:45pm** [Comment ID: 2103] - Link
Suggestion
Agree: 0, Disagree: 0
Does the owner of the lot assign this or is it the Director (#4). Each lot abutting multiple streets must have at least one designated primary street.

> Reply by **SiteAdmin** on **03/02/2026** at **3:19pm** [Comment ID: 2106] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> The Director designates them. This is current practice for certain lots with multiple frontages.
>
> > Reply by **Kim 2** on **03/03/2026** at **1:01pm** [Comment ID: 2131] - Link
> > *Suggestion*
> > *Agree: 0, Disagree: 0*
> > I suggest rewording to clarify. Then #4 appears to have the criteria the Director will use to determine.
> >
> > Currently, the frontage is determined by the shortest length for corner lots on 2 streets - the primary and secondary street designations are new. I'm trying to understand how it will be applied. Anything that can be done to clarify is appreciated!
> >
> > > Reply by **SiteAdmin** on **03/03/2026** at **6:05pm** [Comment ID: 2150] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you for your suggestion.

#033

Posted by **Kim 4** on **03/13/2026** at **6:49pm** [Comment ID: 2251] - Link
Question
Agree: 0, Disagree: 0
Where can these be found?

> Reply by **SiteAdmin** on **03/14/2026** at **9:53am** [Comment ID: 2256] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> This map reflects the State of Georgia Functional Classifications found below: https://itos.maps.arcgis.com/apps/webappviewer/index.html?id=962a2591f91a4303aeafe016ba8db96b

#034

Posted by **Kim 3** on **03/10/2026** at **12:32pm** [Comment ID: 2225] - Link
Question

Agree: 0, Disagree: 0

If you had a private cul-de-sac off a public street, would the corner lots at the intersection of the public street and private cul-de-sac face the public street? That would be awkward for the cul-de-sac, especially if it was a smaller cul-de-sac.

> Reply by **SiteAdmin** on **03/11/2026** at **8:43am** [Comment ID: 2234] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> There is nothing in the code that prohibits buildings from being oriented to both streets. This standard, which requires a quality treatment of public streets, is particularly important in commercial and mixed-use areas to avoid situations where developers face the public street with blank walls while orienting all activity toward the interior of the site. The design of public streets ultimately establishes the character of the city.
>
> With regard to houses, it would be relatively easy to design a house that orients to both streets.

#035

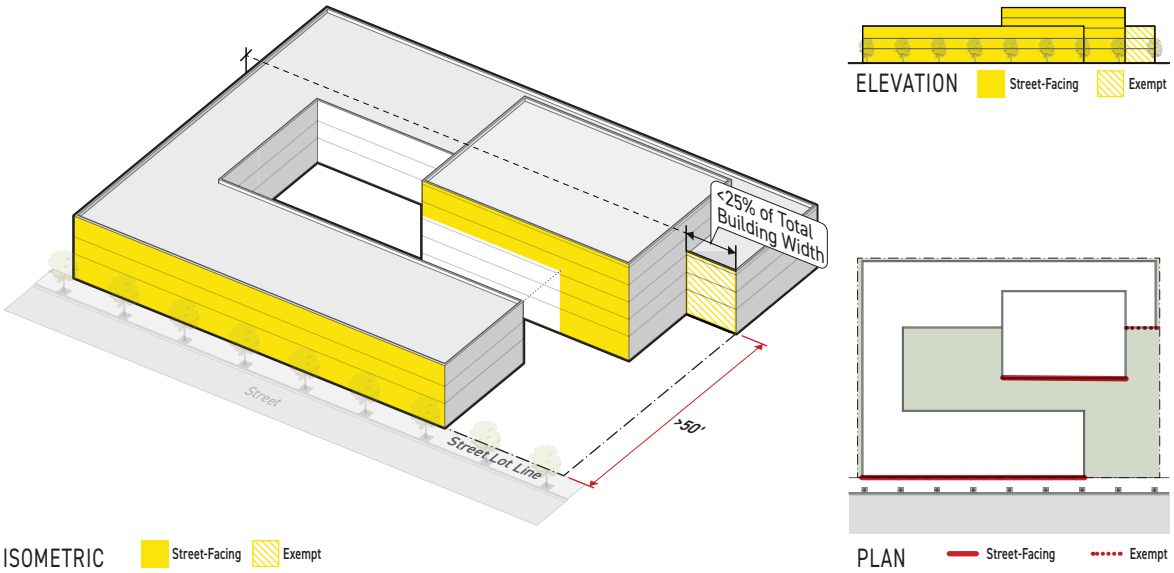
Posted by **Kim 4** on **03/13/2026** at **6:32pm** [Comment ID: 2250] - Link

Question

Agree: 0, Disagree: 0

Can you please help me find this?

> Reply by **SiteAdmin** on **03/14/2026** at **9:17am** [Comment ID: 2254] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> This and other maps constitute the Official Zoning Map. They can be found on the main page below:
> https://atlzoning.konveio.com



Sec. 10.1.15. **Walking Distance**

Distance measured as the most direct path of travel for a pedestrian.

A. Measurement

Walking distance is measured horizontally along the most direct route of travel on the ground in the following manner:

1. Starting at the nearest street-facing entry accessible to the majority of tenants or residents on the lot;
2. In a straight line to the nearest public sidewalk, walkway, multi-use path, or street;
3. Along a sidewalk, walkway, multi-use path, or street; and
4. In a straight line ending at the nearest pedestrian access point to the destination use.

Sec. 10.1.16. **Yard**

All portions of a lot between the building facade and a lot line.

A. General

1. Yards are designated for lots only, not for sublots.
2. All portions of a lot between the building facade and a lot line must fall within one of the following yard designations: front yard; side street yard; rear yard; or side yard.
3. No portion of a lot may have more than one yard designation.
4. Yard designations are determined in the following order: (1) front yard; (2) s036street yard, if any; (3) rear yard, if any; and (4) side yards, if any.

#036

Posted by **Kim 2** on **03/03/2026** at **1:03pm** [Comment ID: 2132] - Link

Question

Agree: 0, Disagree: 0

Is this what is currently referred to as a half-depth front yard? The picture shows a primary street and a side street. If there are 2 primary streets (the section above says that there must be AT LEASE one), is one the front yard and one the side street yard.

> Reply by **SiteAdmin** on **03/03/2026** at **5:36pm** [Comment ID: 2147] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Correct. "Half-depth front yard" is replaced with "side street yard."

B. Front Yard

1. All portions of a lot between a primary street lot line and a primary structure facing a primary street lot line will be designated as a front yard for the full width of the lot.

2. A front yard does not include a building facade set back more than 15 feet from the street-facing facade of the primary building.

3. Any portion of a lot that is designated as a front yard may not be designated as any other yard.

C. Side Street Yard

1. All portions of a lot between a side street lot line and a primary structure facing a side street lot line will be designated as a side street yard for the full depth of the lot.

2. A side street yard does not include any portion of a lot that may be designated as a front yard.

#037

Posted by **Kim 2** on **03/03/2026** at **1:06pm** [Comment ID: 2133] - Link

Suggestion

Agree: 0, Disagree: 0

There are a number of properties where the house doesn't face the primary street or the frontage. I think new properties should face the appropriate frontage, but where side facing houses exist, I don't think it is helpful to change the frontage.

I suggest removing "facing".

> Reply by **SiteAdmin** on **03/03/2026** at **5:43pm** [Comment ID: 2148] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> In the situation you describe, the existing developed lot could establish the house that the lot faces as the primary street based on the "established orientation" as specified on page 10-17.

3. Any portion of a lot that is designated as a side street yard may not be designated as a rear yard or side yard.
4. A side street yard does not include any building facades set back more than 15 feet from the street-facing facade of the primary building.
5. For portions of a lot where no primary structure abuts the side street yard, the side street yard includes only portions of the lot included in the side street setback, see *Sec. XX. Building Setbacks*.

D. Rear Yard

1. All portions of a lot between a rear lot line and a primary structure facing the rear lot line will be designated as a rear yard for the full width of the lot.
2. A rear yard does not include any portion of a lot that may be designated as a front yard or side street yard.
3. Any portion of a lot that is designated as a rear yard may not be designated as a side yard.

E. Side Yard

1. All portions of a lot between a side lot line and a primary structure will be designated as a side yard.
2. Any portion of a lot that does not meet the criteria for any other yard will be designated as a side yard.

DIVISION 10.2. **GENERAL TERMINOLOGY**

Sec. 10.2.1. **Acronyms and Abbreviations**

ADA. Americans with Disabilities Act

ADID. Atlanta Downtown Improvement District

A&E. Arts and Entertainment

AMI. Area Median Income

ANSI. American National Standards Institute

ATM. Automated Teller Machine

BFE. Base Flood Elevation

BZA. Board of Zoning Adjustment

CM. Campus

CRC. Concept Review Committee

CSA. Community Supported Agriculture

CRI. Color Rendering Index

DCFC. Direct Current Fast Charging

DBH. Diameter Breast Height

DRC. Development Review Committee

FAR. Floor Area Ratio

FEMA. Federal Emergency Management Agency

GLA. Gross Lot Area

H. House-Scale

HBS. Historic Building or Site

HD. Historic District

HUD. U.S. Department of Housing and Urban Development

I. Industrial

ITE. Institute of Traffic Engineers

IX. Industrial Flex

LBS. Landmark Building or Site

LD. Landmark District

LID. Low Impact Development

LSVD. Large Screen Video Display

MX. Mixed Use

N. Neighborhood-Scale

NLA. Net Lot Area

NPU. Neighborhood Planning Unit

NX. Neighborhood Mix

PED. Public Entertainment District

PK. Park

PZ1. Parking Zone 1

PZ2. Parking Zone 2

PZ3. Parking Zone 3

PZ4. Parking Zone 4

RF. Radio Frequency

RM. Residential Mix

R. Residential

SF. Square Feet

SFHA. Special Flood Hazard Area

SIC. Standard Industrial Classification

SRO. Single Room Occupancy

TDR. Transfer of Development Rights

THP. Transitional Height Plane

TMP. Transportation Management Plan

TPO. Tree Protection Ordinance

UC. Urban Core

UDP. Unified Development Plan

UG. Urban General

W. Workplace

WX. Workplace Flex

ZRB. Zoning Review Board

Sec. 10.2.2. **Definitions**

For the purposes of this Ordinance, the words, terms, and phrases defined listed below have the meanings assigned to them in this Section, except where the context plainly requires a different interpretation.

A

Active depth. See *Sec. XX. Activation.*

Adjacent. To touch or have a common boundary with, without an intervening right-of-way.

Alley. A vehicular way that provides secondary access to the side or rear of adjoining properties. Alleys may also accommodate pedestrian traffic along part or all of their width and serve to support access for parking, loading, and related uses. Alleys may be classified as:

1. Legacy Alleys, which are formally platted and shown on official cadastral maps; or
2. New Alleys, which may be created through recorded easements or other legal instruments, and are often used on smaller development sites.

Amenity zone. See *Sec. XX. Amenity Zone*.

Architectural detail. Building element not intended for human occupation attached to or integrated into the structure of a building, including elements designed for environmental benefits. Examples include cornices, belt courses, sills, lintels, pilasters, pediments, chimneys, and solar shades.

As-built survey. A surveyed drawing prepared by a licensed land surveyor that accurately depicts all constructed features, structures, and site improvements as they exist in the field after completion of development. The survey must show dimensions, elevations, utilities, drainage facilities, and other elements necessary to verify compliance with the approved site plan and applicable development standards.

038

B

Basement. An occupiable space located 040w a ground story.

Bay window. A window projection that extends outward from an exterior wall and is designed as a decorative architectural feature rather than additional livable or habitable floor area.

Beltline corridor. Property located inside the Beltline Overlay District that meets one of the following:

039 Owned by or subject to easements owned by, leased, or otherwise in favor of the Georgia Department of Transportation or a railroad subject to the jurisdiction of the *Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10101, et seq.* and used for transit-related purposes;

4. Shown as railroad right-of-way on the City of Atlanta 200 foot scale cadastral maps as maintained by the Department of City Planning as of November 20, 2006; or

#038

Posted by **Kim 2** on **03/03/2026** at **1:12pm** [Comment ID: 2135] - Link
Question
Agree: 0, Disagree: 0
Attic - Is this defined somewhere? It is a large document and I apologize if I missed it.

> Reply by **SiteAdmin** on **03/03/2026** at **5:33pm** [Comment ID: 2145] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> It is not.
>
> Per page 10-2, "Words and phrases will be interpreted according to the definition in the latest edition of Merriam-Webster's Dictionary, but technical words and phrases that may have acquired a particular and appropriate meaning in law will be interpreted and understood according to such meaning."

#039

Posted by **Ben Valente** on **03/31/2026** at **10:50pm** [Comment ID: 2429] - Link
Suggestion
Agree: 0, Disagree: 0
Numbering starts at 3

> Reply by **SiteAdmin** on **04/01/2026** at **2:16pm** [Comment ID: 2465] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thanks

#040

Posted by **Kim 2** on **03/03/2026** at **1:11pm** [Comment ID: 2134] - Link
Suggestion
Agree: 0, Disagree: 0
This presents a big change in how a basement is currently defined for SFR use for both FAR calculations and Accessory Structure Size. I suggest using the current code with improvements for clarity.

> Reply by **SiteAdmin** on **03/03/2026** at **5:35pm** [Comment ID: 2146] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your suggestion.

5. Shown as part of the transit corridor by the Beltline Redevelopment Plan adopted by the City of Atlanta in November 2005, as amended.

Block. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroads, centerlines of waterways, or corporate boundary lines of the City.

Block face. All lots abutting both sides of a street between two intersecting street.

Build-to zone. The area between the minimum and maximum setback required by the zoning district.

Building. A covered and enclosed structure intended for human occupation or shelter of animals or property of any kind.

Building, primary. The building occupied or designated for the primary use.

Building, accessory. A building or structure subordinate to the principal structure on a lot and used or purposes incidental to the principal building or structure located on the same lot.

Buildable area. The portion of the lot remaining after required minimum building setbacks have been provided.

Building Coverage. See *Sec. XX. Building Coverage.*

C

Caliper. The diameter measurement of the stem or trunk of a plant. See ANSI Nursery Stock Standards for caliper measurement.

Carport. A semi-open structure consisting of a roof supported by posts and open on at least two sides, used for the shelter of vehicles. Carports must remain open on a minimum of two sides and may not be enclosed or converted into a fully enclosed structure without obtaining the appropriate permits.

City. The City of Atlanta, Georgia.

Co-living. A residential living arrangement in which individual dwelling units consist of separate, private sleeping rooms that share common kitchens, bathrooms, living areas, or other communal spaces within a single building. Co-living may include shared amenities or services for the benefit of residents.

Comprehensive development plan. The City's comprehensive plan prepared and adopted to guide the physical development of the land within the City.

Covered. See *Sec. XX. Covered Area.*

D

Diameter breast height. A measurement of tree size, determined by measuring the outside bark diameter at 4.5 feet above grade on the uphill side of a tree.

Distance. The shortest horizontal dimension between two points.

#041

Posted by **Ben Valente** on **03/31/2026** at **10:13pm** [Comment ID: 2427] - Link
Question
Agree: 0, Disagree: 0
Should this definition acknowledge that it is defined as a subtype of 'Garage'?

> Reply by **SiteAdmin** on **04/01/2026** at **2:23pm** [Comment ID: 2467] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Thank you for your comment, but this is not entirely accurate. Carports are actually subject to different standards than garages in certain cases.

#042

Posted by **Forrest** on **12/30/2025** at **11:22am** [Comment ID: 1768] - Link
Suggestion
Agree: 1, Disagree: 0
ABI provided revised definition to OZD in 2025 with OZD concurrence:
Please add "Shown as part of the Mainline Trail Corridor Map, as designed and constructed by the Atlanta Beltline, Inc."

#043

Posted by **Kim 2** on **03/03/2026** at **1:13pm** [Comment ID: 2136] - Link
Question
Agree: 0, Disagree: 0
Would a chicken wire chicken coop be a building? No solid roof, just chicken wire?

> Reply by **SiteAdmin** on **03/03/2026** at **5:28pm** [Comment ID: 2144] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> That would be an accessory structure, not an accessory building.

Distance, walking. See *Sec. XX. Walking Distance.*

Dwelling unit. A building or portion of a building that provides complete and permanent living facilities, including bathrooms, a kitchen, living rooms, and bedrooms.

Dwelling units per lot. See *Sec. XX. Density.*

E

Easement. A right given to a person or entity to access, cross, or use land owned by another person or entity.

Enclosed. See *Sec. XX. Enclosure.*

Encroachment. A building, structure, or object that extends into a required yard, setback, easement, or public right-of-way beyond the limits permitted by this Ordinance. Encroachments may include projections such as porches, balconies, fences, signs, or utility equipment when they extend into areas reserved for public use or where development is otherwise restricted.

Encroachment, horizontal. A building, structure, or object that extends horizontally into an area where it is typically not allowed.

Encroachment, vertical. A building, structure, or object that extends vertically into an area where it is typically not allowed.

F

Facade. The above-grade, non-roof portions of the exterior building envelope.

Fence. A lightweight structure, typically wood, vinyl, or metal, with at least 50% openness, used to enclose or screen areas without providing structural support

Flatwork. A constructed object 2.5 feet in height or less, such as concrete slabs, sidewalks, patios, parking areas, pool coping, and driveways.

Floor area ratio. See *Sec. XX. Density.*

Flood zone. A flood hazard area as identified on the FEMA Flood Insurance Rate Map as a Special Flood Hazard Area.

Footcandle. A unit of illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

G

Garage. A covered structure used for vehicle parking and containing fewer than 10 parking spaces, including carports. Covered structures containing 10 or more parking spaces are considered parking structures.

#044

Posted by **Kim 2** on **03/03/2026** at **1:16pm** [Comment ID: 2137] - Link

Question

Agree: 0, Disagree: 0

Is kitchen defined somewhere? Currently an oven is the delination between a kitchen and a wet bar/ snack area.

> Reply by **SiteAdmin** on **03/03/2026** at **5:25pm** [Comment ID: 2143] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The existing provision, which comes from outside the zoning ordinance, will remain.
>
> Furthermore, in those districts that do not allow ADUS (e.g. R1-R3 today) we have specified that no accessory residential structure may contain a kitchen or cooking facilities. See page 4-87.

Grade. The elevation or contour of the ground surface.

Grade, average. See *Sec. XX. Average Grade.*

Grade, existing. Grade as established before any site modification. Fill material or soil retention that has been in place at least 20 years at the time of application for a permit under the Zoning Ordinance can be considered existing grade.

Grade, finished. Grade as established after any site modification.

Group. See *Sec. 4.3.1.B. Group Living Uses*.

Ground story elevation. See *Sec. XX. Ground Story Elevation.*

H

Habitable space. Any occupiable space in a building designed and intended for residential or non-residential use, including areas for living, working, learning, recreation, business, or similar activities. Restrooms, toilet rooms, closets, halls, storage areas, utility spaces, and other similar non-occupiable areas are not considered habitable spaces.

Height. A vertical measurement of an element or space.

Height, building. See *Sec. XX. Building Height.*

Height, clear. The vertical dimension of the occupiable portion of an architectural feature at the shortest point.

Height, ground story. See *Sec. XX. Ground Story.*

Height, side wall. See *Sec. XX. Side Wall Height.*

High capacity transit stop. A local or regional public transportation facility that uses rail, a fixed overhead system, or in the cases of bus rapid transit, using and occupying an exclusive right-of-way for at least 75% of the route's length. High capacity transit includes, but is not limited to, heavy rail, light rail, streetcars, commuter rail, and bus rapid transit. Long distance passenger facilities providing service beyond the State of Georgia are not considered high capacity transit.

Household. See *Sec. 4.3.1.A. Household Living Uses*.

I

Independent cooking facility. An independent cooking facility is a space intended for the preparation of meals, including at least a cooking appliance, such as a stove, oven, or hotplate, and permanent connections to utilities, including gas or electric. It typically functions independently of the primary kitchen within a dwelling unit or structure. Examples include a second full kitchen, kitchenette, or other area equipped to prepare food without relying on another household's facilities.

Interior. All enclosed or covered areas included within surrounding exterior walls if a building or structure.

J

Reserved

K

Reserved

L

Lodging use. Sleeping or living units that provide overnight accommodations to guests for fewer than 30 consecutive nights.

Lot. See *Sec. XX. Site, Lot, and Sublot Designation.*

Lot area. See *Sec. XX. Lot Area.*

Net lot area. See *Sec. XX. Net and Gross Lot Area.*

Gross lot area. See *Sec. XX. Net and Gross Lot Area.*

Lot coverage. See *Sec. XX. Lot Coverage.*

Lot width. See *Sec. 3.2.2. Lot Width.*

Lot of record. A parcel of land that has been legally created and recorded in the Office of the Fulton County Clerk of Superior and Magistrate Courts or in the Office of the DeKalb County Clerk of Superior Court in accordance with state and local laws prior to the effective date of this Ordinance or any subsequent amendment that renders the lot nonconforming. A Lot of Record is legally recognized for the purposes of developing, selling, or transferring land.

M

Mechanical equipment. Any building mechanical services equipment including heating, cooling, and ventilation equipment; electrical or data systems; plumbing or piping; or any sustainable energy systems. Examples include transformers, gas meters, water softeners, generators, pool equipment, HVAC equipment, water utility devices, gas tanks, cisterns, wind turbines, and solar panels.

Mezzanine. An intermediate level within a story of a building.

N

Non-transient lodging accommodations. Long-term or permanent places for people to live and sleep that serve as their regular home.

#045

Posted by **Christian** on **02/16/2026** at **3:02pm** [Comment ID: 1978] - Link

Question

Agree: 0, Disagree: 0

Currently, the city recognizes as 'legal lots of record', whether conforming or nonconforming, lots that are shown on the city 'lot boundary maps/cadastral maps'. Will this definition require for each and every nonconforming lot shown on the cadastral maps to provide documentation that they have been 'legally created ... in accordance with ... local laws prior to ..."? Currently, on the cadastral maps, there are many nonconforming lots, shown on cadastral maps at various dates, some of them in the '70s, for which there may not be documentation as required in the definition. Could you please detail?

> Reply by **SiteAdmin** on **02/17/2026** at **12:43pm** [Comment ID: 1985] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Thank you for your comment. Our legal team is reviewing this definition and the relevant subdivision ordinance provisions based on your input to ensure they align.

O

Occupancy. See *Sec. 4.3.1. Residential Uses*.

Occupiable space. Any area designated and intended for human occupancy with a minimum clear height of 7.5 feet.

Outdoor amenity space. See *Sec. XX. Outdoor Amenity Space.*

P

Pedestrian zone. See *Sec. XX. Pedestrian Zone.*

Project. Any activity, including subdivisions, new construction, additions, site modifications, facade modifications, changes of use, renovations, and maintenance and repair, on a parcel that is controlled by this Zoning Ordinance.

Q

R

Right-of-way. A strip of land dedicated or reserved for public use, typically for transportation, utilities, or access purposes, including streets, alleys, bike paths, pedestrian and amenity zones, and public infrastructure. The right-of-way may be publicly or privately owned but is reserved for the movement of people, vehicles, or utilities, and includes all associated improvements such as pavement, curbs, gutters, planting strips, and drainage facilities.

Roof projection. Roof element that overhangs or cantilevers beyond the footprint of a building and do not include posts or columns. Examples include eaves, roof overhangs, gutters, awnings, and canopies.

S

Safety barrier. Vertical barrier used for safety and protection.

Screening. A permanent structure or arrangement of objects intended to block or obscure views into a lt or structure.

Setbacks. See *Div. XX. Building Setbacks*.

Setbacks, primary street. See *Div. XX. Building Setbacks*.

Setbacks, storefront street. See *Div. XX. Building Setbacks*.

Setbacks, side street. See *Div. XX. Building Setbacks*.

Setbacks, side. See *Div. XX. Building Setbacks*.

Setbacks, rear. See *Div. XX. Building Setbacks*.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Site plan. A scaled drawing that illustrates the proposed development or modification of a site, including the location of buildings, parking areas, access drives, landscaping, utilities, stormwater management, and other required improvements.

Sign. See *Sec. XX. Sign Definitions.*

Street. A public or private way that is publicly accessible and serves as the principal means of access to abutting lots. Streets generally consist of roadways and streetscapes.

Street, primary. *Sec. XX. Street Designation.*

Street, side. *Sec. XX. Street Designation.*

Street, storefront. *Sec. XX. Street Designation.*

Streetscape. The portion of the street generally between the roadway and a street lot line, consisting of an amenity zone and pedestrian zone.

Structure. Any constructed object more than 30 inches in height affixed to the ground.

Structure projections. Enclosed structures that overhang or cantilever beyond the footprint of a building that has a cumulative length of less than 25% of the width of a building facade.

T

Tenant. One who resides at the subject building or lot other than the property owner.

Townhouse. A row of 3 or more attached dwelling units with no dwelling unit located above or below another dwelling unit.

Transition. See *Div. XX. Transition.*

U

Uncovered. See *Sec. XX. Covered Area.*

Unenclosed. See *Sec. XX. Enclosure.*

Unified Development Plan. One or more parcels of land under common control, as approved by the Director, used to establish conformance with certain zoning standards utilizing the entire area under common control.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or building is, or may be, occupied and maintained.

Use, accessory. Any use of land or building serving a purpose customarily incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use or an adjacent lot under the same ownership. See *Sec. XX, Accessory Uses.*

Use, nonresidential. Any use listed in a use group other than the residential use group in *Div. XX. Use District Provisions*.

Use, principal. The main use or uses to which a premises is devoted.

Use, residential. Any use listed in the residential use group in *Div. XX. Use District Provisions*.

Use, temporary. Any use not meant to be permanent in nature. Typically "temporary" means for a few days to a single season. See *Sec. XX, Temporary Uses.*

Use category. A group of use groups, as outlined in *Div. XX. General Provisions*.

Use group. A group of specific uses, as outlined in *Div. XX. General Provisions*

V

Vegetation. Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients.

Vertical circulation. Floor area only used for building circulation and rooftop access.

W

Wall. A solid, load-bearing or masonry structure, such as brick, stone, or concrete, designed to retain earth, support structures, or serve as a permanent barrier.

Wall, retaining. A structure designed and constructed to resist the pressure of soil or other fill materials, supporting a difference in elevation between grades. A retaining wall is intended to stabilize slopes, prevent erosion, or create level areas, and does not include freestanding walls that are not used to retain soil.

Waste enclosure. Waste areas and their required screening structures, as specified in *Sec. XX. Site Element Screens.*

Window. An operable or inoperable opening constructed in a wall that admits lights or air into an enclosure and is often framed and spanned with glass or other translucent material.

X

Reserved

Y

Reserved

Z

Zoning category. A group of similar zoning districts, as outlined in *Sec. XX. Zoning Districts Established*.