CHAPTER 3.

USE DISTRICTS

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001

#001

Posted by **Eunice M. Glover** on **05/20/2024** at **6:38pm** [Comment ID: 4] - Link
Agree: 0, Disagree: 0
Interesting

DIVISION 3.1. **OPENING PROVISIONS**

DIVISION 3.2. **USE PERMISSIONS**

Sec. 3.2.1. **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 Size Restrictions

1. Size restrictions expressed as square feet (SF) in the use table refer to gross floor area per tenant.
2. Size restrictions expressed as acreage in the use table refer to the total area of the site.

Sec. 3.2.2. **Use Table**

[Use Table to be inserted here]

DIVISION 3.3. USE DEFINITIONS AND STANDARDS

Sec. 3.3.1. Use Interpretations

A. Uses are organized by use category (such as Household Living or Group Living) and then by specific use within that category (such as Single-Unit Living or Multi-Unit Living). Use categories are used to organize specific uses with similar attributes. Specific uses have permissions that determine if that use is allowed in a particular zoning district.

B. When a proposed use is not listed, 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.

E. Multiple principal uses are allowed on a lot when the uses are all allowed in the district and the standards for all uses on the lot may be met.

Sec. 3.3.2. Residential Uses

A. Household Living Use Category

Residential occupancy of a dwelling unit by one household. Tenancy is typically arranged for 30 days or more.

1. Single-Unit Living

a. Definition

One primary dwelling unit on a lot. May include a guest unit or accessory units on the same lot as the primary dwelling unit.

b. Standards

i. U1 through U5 Use Districts

A Special Use Permit is required when the lot has no existing street frontage.

2. Two-Unit Living

a. Definition

Two primary dwelling units on a lot. May include accessory units on the same lot as the primary dwelling units.

3. Multi-Unit Living

a. Definition

i. Three or more primary dwelling units on a lot.

ii. For a building with a nonresidential use, any dwelling unit located within the building is considered multi-unit living.

iii. For purposes of determining whether a use is multi-unit living, the following apply:

a) Multi-unit living may involve dwelling units be rented and maintained under common ownership or management, or cooperative or condominium uses, or units in fee simple ownership on individual sublots.

b) When an undivided lot contains more than one building, the lot is considered multi-unit living if there are three or more dwelling units, even though individual buildings may contain less than three dwelling units.

4. Live-Work

a. Definition

Nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, clients, or patrons to visit.

b. Standards

In all Use Districts, the following standards apply:

i. At least one person engaged in the live-work must reside in the dwelling unit in which the live-work business is located as their primary place of residence.

ii. A live-work unit cannot exceed 4,000 square feet in floor.

iii. The nonresidential use in the dwelling unit is limited to:

#002

Posted by **Eric Kronberg** on **07/04/2024** at **9:50am** [Comment ID: 272] - Link

Question

Agree: 0, Disagree: 0

How does two-unit living compare to duplex/zero lot line under the previous zoning? Or is ZLL considered Single Unit Living since it is technically one unit per lot?

#003

Posted by **Laura Glass-Hess** on **05/25/2024** at **2:32pm** [Comment ID: 37] - Link

Suggestion

Agree: 2, Disagree: -2

I would like to see zoning which allows for "missing middle" housing such as duplexes and basement apartments. I understand this draft to allow an ADU, which is good; and to allow a basement apartment but only if it is less than 850 sq ft. I would like to remove size restrictions on the accessory/guest unit.

#004

Posted by **Eric Kronberg** on **07/04/2024** at **9:52am** [Comment ID: 273] - Link

Question

Agree: 0, Disagree: 0

Does this definition hold true if one of the buildings is non-res? So a corner store and a two-family building on the same lot- not multifamily?

#005

Posted by **Eric Kronberg** on **07/04/2024** at **9:54am** [Comment ID: 274] - Link

Suggestion

Agree: 0, Disagree: 0

I'd recommend calibrating this to the definitions with IBC so live-work is consistent.
419.1.1Limitations.
All of the following shall apply to live/work areas:

1.The live/work unit is permitted to be not greater than 3,000 square feet (279 m2) in area.

2.The nonresidential area is permitted to be not more than 50 percent of the area of each live/work unit.

3.The nonresidential area function shall be limited to the first or main floor only of the live/work unit.

4.Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

#006

Posted by **jennifer brooks** on **07/10/2024** at **9:39pm** [Comment ID: 445] - Link

Question

Agree: 0, Disagree: 0

Can the guest unit or accessory unit be used for short term rental or are they specifically intended to increase residential density of the neighborhood by being occupied as primary residences?

> Reply by **SiteAdmin** on **07/12/2024** at **8:01am** [Comment ID: 450] - Link
>
> *Answer*
>
> *Agree: 2, Disagree: 0*
>
> Today , accessory units may be used for short-term rental if the owner lives on the property. Guest houses, like rooms in a house, may also be used for short-term rental, with or without the owner living on the property. No change from current standards was included in the "discussion draft."
>
> Short-term rentals are not regulated by zoning. They are regulated by Part 20 of the Code of Ordinances, which can be reviewed here: https://library.municode.com/ga/atlanta/codes/code_of_ordinances?nodeId=PTIIICOORANDECO_PT20SHTERE

a) General eating and drinking establishments,

b) General medical,

c) General office,

d) General personal service,

e) General retail, or

f) Artisan workshop.

5. Party House

a. Definition

A single-unit, two-unit, or multi-unit dwelling unit, including all accessory structures and the dwelling unit's premises, used for the purpose of hosting a commercial event. Commercial events includes parties, ceremonies, receptions, or similar large-scale gatherings where a fee is charged for the use of the dwelling unit, whether or not the attendees are charged entry to the event; or parties, ceremonies, receptions or similar large-scale gatherings where attendees are charged entry. However, commercial event may not include any event for the benefit of an entity organized pursuant to Title 26, Subtitle A - Income Taxes, Chapter 1 - Normal Taxes and Surtaxes, Subchapter F - Exempt Organizations, of the Internal Revenue Code of 1986.

b. Standards

In all Use Districts, the use is not allowed within a distance of 150 feet of the following:

i. A property in a U1 through U5 Use District, or

ii. A lot used for residential purposes.

B. Group Living Use Category

Residential occupancy of a structure by a group of 7 or more people not related by blood, marriage, or adoption. Tenancy is typically arranged for 30 days or more. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

1. General Unsupervised Group Living

a. Definition

Group living uses that do 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.

b. Standards

All General Unsupervised Group Living uses must meet the following standards:

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.

2. Dormitory, Fraternity, or Sorority House

a. Definition

Group living officially affiliated with an accredited college, accredited, university, accredited private school, or religious institution. The term also include 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.

b. Standards

In U21 Use District, dormitory, fraternity, or sorority houses are not allowed west of Joseph E. Lowery Boulevard.

3. General Supervised Group Living

a. Definition

Group living uses that do 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.

b. Standards

i. All Use Districts

a) 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 certificate of occupancy.

b) No supervised group living facility may be within a distance of 2,000 feet of any other supervised group living facility or emergency shelter unless expressly waived by the City Council in approving the Special Use Permit.

c) Each supervised group living facility must be within a distance of 1/2 mile of a public transportation station or stop unless expressly waived by the City Council in approving the Special Use Permit.

d) If located in a residential use district, the design and or maintenance of the structure must be residential in appearance.

ii. U21 Use District

No general supervised group living is allowed west of Joseph E. Lowery Boulevard.

#007

Posted by **Patrick Ford** on **06/05/2024** at **11:27am** [Comment ID: 111] - Link

Question

Agree: 0, Disagree: 0

Does "officially affiliated" with an accredited institution include privately owned and/or for-profit dormitories? Some institutions outsource residential living arrangements?

> Reply by **SiteAdmin** on **06/05/2024** at **4:39pm** [Comment ID: 118] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Yes, it is intended to. However, the term specifically excludes "student apartments" such as The Whistler in Midtown and One12 Courtland in Downtown. Those are not technically dormitories; instead, they are multi-unit housing and not subject to this definition. We will look at improving the language.

4. Emergency Shelter

a. Definition

A facility, the primary purpose of which is to provide a temporary shelter for the unhoused in general or for specific populations of the unhoused and which does not require occupants to sign leases or occupancy agreements. The term "unhoused" has the same meaning in 24 CFR 578.3.

b. Standards

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 certificate of occupancy.

ii. No emergency shelter may be within a distance of 2,000 feet of any other emergency shelter or supervised group living facility unless expressly waived by the City Council in approving the special use permit.

iii. Each emergency shelter must be within a distance of 1/2 mile of a public transportation station or stop unless expressly waived by the City Council in approving the special use permit.

5. Maternity Supportive Housing

a. Definition

A residential home holding a valid registration certificate from the State of Georgia as a maternity supportive housing residence that houses on behalf of a nonprofit organization up to six pregnant women aged 18 years or older and their minor children at any one time during the woman's pregnancy and up to 18 months after childbirth; provided, however, that no medical services may be provided. This term does not include:

i. A child welfare agency, as defined in O.C.G.A. § 49-5-12;

ii. The residential home of a relative in which a woman receives maternity care;

iii. A general or special hospital.

Occupancy requirements for use of the residence for maternity supportive housing are the same as the use of the residence for single-unit living.

Sec. 3.3.3. Public and Institutional Uses

A. Civic Use Category

Uses that provide ongoing governmental, life safety, educational, and cultural services to the general public, uses that provide meeting areas for religious practice.

1. Governmental Use

a. Definition

Any building, structure, or use owned or operated by the federal government, State of Georgia, Fulton County, DeKalb County, MARTA, the City of Atlanta, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including, but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, transit facilities, and community centers. The term specifically excludes "transit-oriented development" as specified in O.C.G.A. § 32-9-15 and another other defined civic use.

2. Place of Worship

a. Definition

A building or premises used primarily as a place of public assembly for religious worship, and which may include accessory buildings, dwellings, caretaker dwelling, and day care facilities operated directly by the place of worship. The term "place of worship" includes typical examples such as mosques, temples, churches, and synagogues.

3. Private Club or Lodge

a. Definition

A privately owned and operated facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Kiwanis and Rotary Clubs.

b. Standards

i. U12 Use District

The use may not operate between the hours of 2:00 a.m. to 6:00 a.m.

ii. U13 Use District

The use may not operate between the hours of 2:00 a.m. to 7:00 a.m.

iii. U21 Use District

The use is not allowed west of Joseph E. Lowery Boulevard.

4. Private Community Center

a. Definition

A privately owned and operated use that provides on-site social and or recreational activities, and programs. The use may also provide space to congregate for meetings, after school

programs or other services the general public. The use may provide social services but may not provide lodging and residential uses unless otherwise allowed in the use district.

5. Private Library or Museum

a. Definition

A privately owned facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

B. Private Education Use Category

Privately owned and operated uses that provide educational services to students.

1. Use Category Standards

a. U21 Use District

Any use in the Private Education category requires a Special Use Permit west of Joseph E Lowery Boulevard.

2. Private School (K-12)

a. Definition

Privately owned and operated uses that provide education to students at the pre-kindergarten, elementary, middle, or high school level.

3. Private College

a. Definition

Privately owned and operated education uses provide post-secondary education to students. Typical examples include college or university, community college, seminary, and artistic or vocational school.

C. Parks and Open Space Use Category

Uses that provide active or passive outdoor recreation. Typically, areas and facilities are publicly accessible and often contain recreational equipment or facilities.

1. General Parks and Open Space

a. Definition

Parks and open space uses that provide 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. The use specifically excludes sports arenas and private community centers unless they are allowed in the use district.

2. Cemetery

a. Definition

A 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, 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 Use Category

Uses that distribute utility services such as electricity, gas, sewer, water, cable and internet.

1. Public Utility

a. Definition

Utility service uses that generally serve the immediate area in which they are located. Basic utilities typically do not regularly have on-site employees. Services may be public or privately provided. Typical examples include on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water or wastewater pump station or lift station, gas gates, drainage well, water supply water well, and public utilities. The term does not include wireless telecommunications or data centers.

2. Commercial Wind/Solar

a. Definition

A private facility exclusively used for the generation of electricity using wind turbines or solar panels.

E. Wireless Telecommunications Use Category

A facility for the provision of radio waves or wireless service.

1. Purpose

The purpose of this Section 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. General Definitions

Terms not defined in this section or elsewhere in this Chapter have the meanings defined in federal law. Terms used in this section have the following meanings:

a. "Accessory equipment" means 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.

#008

Posted by **Timothy** on **11/12/2024** at **4:20pm** [Comment ID: 564] - Link

Suggestion

Agree: 0, Disagree: 0

I'm a cemetery owner in the City of Atlanta. Suggest changing the language to say:

"A use that provides for the interment [and entombment] of human remains."

That will help you to be clear, that human disposition can go in grown (burial) and above ground (mausoleum or columbarium).

Also, I would suggest removing "not include cremation services." We serve lots of cremation families in our cemeteries - and it is not correct to say that cemeteries don't offer cremation services; we do. Many want to be placed in a columbarium niche or for their urn to be buried in a cemetery.

#009

Posted by **Timothy** on **11/12/2024** at **4:37pm** [Comment ID: 566] - Link

Suggestion

Agree: 0, Disagree: 0

I would also suggest making it clear that funeral services are allowed to be conducted at cemeteries. The majority of perpetual care cemeteries support families in making funeral arrangements in a physical location at the cemetery. They have offices to support making these arrangements, and currently the zoning code doesn't address that majority of cemeteries de facto operate like this.

b. "Alternative design" means a new wireless support structure or wireless facility designed to resemble light standards, clock towers, bell steeples, trees, and similar alternative designs.

c. "Antenna " means 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.

d. "Antenna equipment" means 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.

e. "Antenna facility" means an antenna and associated antenna equipment.

f. "Applicant" means a person or entity that submits an application and the agents, employees, and contractors of such person or entity.

g. "Application" means a formal request submitted to the City to construct, collocate, or modify a wireless communication facility.

h. "Base station" means 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 paragraphs (i) through (ii) above 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 paragraphs (i)-(ii) above.

i. "Collocate" or "collocation" means 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.

j. "Complete application" means an application containing all documents, information, and fees specifically enumerated in or required by the City's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

k. "Deployment" means placement, construction, or modification of a personal wireless service facility.

l. "Eligible facilities requests" means 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".

m. "Eligible support structure" means any tower or base station, provided that it is existing at the time the relevant application is filed with the City.

n. "Existing" means that 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.

o. "Modification" or "modify" means the improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound.

p. "Office" means office of zoning and development.

q. "Previously authorized" means approval that the City issued under applicable law before the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

r. "Site" means, 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.

s. "Small wireless facilities" means 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 three 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).

t. "Structure " means 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).

u. "Substantial change" means 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 twenty 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).

v. "Tower" means 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.

w. "Utility" means 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.

x. "Wireless communication facilities" means wireless facilities and wireless support structures.

y. "Wireless facility" means 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.

z. "Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable 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.

3. Types of Applications

There are five types of applications to construct, collocate, or modify a wireless support structure or a wireless facility:

a. 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. Type I applications take the form of an application for building or electrical permit as determined by the Office of Buildings. 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 set forth herein and for building or electrical permits generally. Type II: Small Wireless Collocation

b. 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. Type II applications take the form of an application for building or electrical permit as determined by the Office of Buildings. 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 set forth herein and for building or electrical permits generally.

c. 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. Type III applications take the form of an application for certificate of endorsement. 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 set forth herein and for certificates of endorsement generally.

d. Type IV: Small Wireless Structure

A request to deploy a small wireless facility using a new structure. Type IV applications take the form of an application for a certificate of endorsement. 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 set forth herein and for certificates of endorsements generally.

e. Type V: Non-Small Wireless Structure

A request to deploy a non-small wireless facility using a new structure. Type V applications take the form of an application for special use permit. 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 set forth herein and for special use permits generally.

4. Procedures

a. Type I: Modification

i. Time Frame for Review

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.

ii. Tolling of the Time Frame for Review

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.

a) 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 paragraph (E)(1) of this section.

b) The time frame for review begins running again when the applicant makes a supplemental submission in response to the office's notice of incompleteness.

c) 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 paragraph (1)(b). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

iii. Failure to Act

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. 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.

ii. If said 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.

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 60-day decision period.

iv. If said 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.

v. 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. 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.

ii. 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.

iii. 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 subsection (F). The NPU will have 30 days from receipt to complete this review.

iv. 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 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 subsection (F) 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. 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.

ii. 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.

iii. 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 subsection (F). The NPU will have 30 days from receipt to remit any written comment to the office.

iv. 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 subsection (F) 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. 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.

ii. 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.

iii. 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 subsection (F). The NPU will have 60 days to remit any written comment to the office.

iv. 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 of zoning and development, the City Council must:

a) Make its final decision to approve or disapprove the application based on the criteria set for in subsection (F) 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.

5. Application Components

The following are required components of applications:

a. All Types

i. Applicant must pay the application fee(s) as provided in City Code.

ii. The section of state or federal statute or regulation under which applicant seeks review and approval.

iii. Information requested to complete any Type application may only include the documents, information, and fees adopted by city council, as well as forms promulgated by the office or the Office of Buildings, pertaining to the location, construction, collocation, modification, or operation of such wireless facilities.

b. Type I

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:

i. An as-built site plan with elevation(s) depicting and providing the measurements of the current deployment of antenna and previously approved eligible support structure on the site;

ii. A proposed site plan with elevation(s) 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;

iii. 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 (a) through (f) contained within the definition of "substantial change"; and

iv. Those items set forth in (E)(4) below.

c. Type II or Type 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:

i. An as-built site plan with elevation(s) depicting and providing the measurements of the current deployment of wireless facilities and wireless support structure on the site;

ii. 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;

iii. 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

iv. Those items set forth in (E)(4) below.

d. Type IV or Type V

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:

i. A proposed site plan with elevation(s) 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

ii. A written evaluation of the technical, business, or service characteristics of such proposed wireless facility;

iii. An inventory of its existing structure(s) 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.

iv. 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

v. A letter from a radio frequency engineer certifying the applicant's proposed wireless facilities will not interfere with public safety emergency communications; and

vi. Those items set forth in (E)(4) below and also those items required to show compliance with (F) below.

6. Criteria

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 not 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 for any residentially zoned area will be permitted only upon a showing by the applicant that said wireless support structure and wireless facility cannot be located upon nonresidentially zoned property 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 nonresidentially zoned properties 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 reason(s) that the wireless facility cannot be located upon nonresidentially zoned properties identified. 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 subsection. The affidavit must further include all contractual and financial information specifically relating to the subject site and the lease to be entered into thereon.

b. Conditions of Approval

i. 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:

a) 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;

b) 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

c) 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. 3.3.4. Commercial Uses

A. Adult Establishments Use Category

[Use definition and standards forthcoming]

B. Agriculture Use Category

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.

1. Farmers Market

a. Definition

A market whereby vending activity is conducted outdoors in an open-air environment and accessible to the general public.

b. Standards

In all Use Districts, the following standards apply:

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; and

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; and

iii. If a booth sells farm products or value-added farm products that are not produced by the vendor, said 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.

iv. As used herein the following terms have the following meanings:

a) Producer means

1) A person or entity that raises or farm products on land that the person or entity farms and owns, rents or leases; or

2) 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.

b) Farm Products means 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.

c) Value-added farm product means 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.

d) Vending structure means a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers' market.

e) Vendor means any person who sells any goods, wares, merchandise, food or drink at a farmers' market.

v. Farmers markets may vend on vacant land in all use districts, except U1 through U10.

2. Indoor Growing System

a. Definition

Systems for cultivation of plants (excluding marijuana, which is otherwise regulated), fish, seafood, or insects. These systems may include, but are not limited to: aquaculture; aquaponics; hydroponics; entomoculture (insects); and vertical farming.

3. Market Garden

a. Definition

A lot, or any portion thereof, 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 community supported agriculture or on-site sales. All products sold on-site must be grown on-site.

b. Standards

i. All Use Districts

a) Market gardens must comply with all requirements of the Atlanta City Code, except when otherwise specified in these use standards.

b) Hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the market garden for the purposes in section 16-29.001(83)(b) are allowed, even if otherwise not allowed by other zoning regulations.

c) Machinery and equipment used by the market garden for the purposes in section 16-29.001(83)(b) are allowed, even if otherwise not allowed by other zoning regulations. When not in use, all such machinery and equipment must be stored so as not to be visible from any public street, sidewalk, or right-of-way, unless:

1) The machinery or equipment is intended for ordinary household use; or

2) The machinery or equipment borrowed or rented for a not more than 7 days; or

3) The market garden is located in the U38 through U44 use districts.

d) Where there is no parking requirement, no parking is required. In all other locations, market gardens must provide at least 3 parking during the hours of operation in any one or combination of the following means:

1) Using existing on-site parking;

2) Using off-site parking within a walking distance of 500 feet; and

3) Using adjacent legal on-street parking.

e) Market garden sales hours may only occur between 7:00 a.m. to 9:00 p.m. Set up of sales operations may begin no earlier than 6:00 a.m. and take-down and clean-up must end no later than 10:00 p.m. Community supported agriculture (CSA) pickups are allowed at any time during the sales hours.

ii. U1 through U6 Use Districts

A market garden is only permitted as an accessory use on civic lots.

4. Urban Garden

a. Definition

A lot, or any portion thereof, 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. The term does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots.

b. Standards

i. All Use Districts

a) Urban gardens must comply with all requirements of the Atlanta City Code, except when otherwise specified in these use standards.

b) Hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structure used by the urban garden for the purposes set forth section 16-29.001(83)(a) are allowed, even if otherwise not allowed by other zoning regulations.

c) Machinery and equipment used by the market garden for the purposes in section 16-29.001(83)(a) are allowed, even if otherwise not allowed by other zoning regulations. When not in use, all such machinery and equipment must be stored so as not to be visible from any public street, sidewalk, or right-of-way, unless:

1) The machinery or equipment is intended for ordinary household use; or

2) The machinery or equipment borrowed or rented for a not more than 7 days; or

3) The market garden is located in the U38 through U44 use districts.

ii. U1 through U7 Use Districts

Urban gardens are only allowed as a principal use on undeveloped lots.

C. Day Care Use Category

A use that regularly provides care services to 7 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, and drop-in center. The term excludes public and private schools and all group living.

1. Use Category Standards

a. U21 Use District

Day care uses are not allowed west of Joseph E. Lowery Boulevard.

D. Eating and Drinking Use Category

A facility that prepares and sells food and drink for on- or off-premises consumption.

1. Use Category Standards

a. U12 District

i. Uses may not 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 and 011rday.

b. U21 District

Eating and drinking uses larger than 4,000 square feet in floor are not allowed west of Joseph E. Lowery Boulevard.

2. General Eating and Drinking Establishment

a. Definition

010

Eating and drinking use that prepares and sells food or beverage and may only serve alcohol for on-premise consumption as an accessory use. Typical examples include bakery, cafe, coffee and tea shop, fast food establishment, ice cream or yogurt shop, juice or smoothie b[illegible], and restaurant. 013

b. Standards

i. U34, U35, and U36 Use Districts

A special use permit is required as follows:

Location	**Floor Area** Requiring a Special Use Permit
East side of Peachtree St.	10,000 SF or larger
Both fronting along the west side of Juniper St. & south of 10th St.	5,000 SF or larger
Both east of Juniper St. & north of 10th St.	5,000 SF or larger

012

#010

Posted by **Corliss Claire** on **07/14/2024** at **3:09pm** [Comment ID: 452] - Link
Agree: 0, Disagree: 0
Your General Eating and Drinking Establishment definition is merging two different types of establishments in one definition with no distinction. A drinking establishment (using NAICS as a guide) - like bars and nightclubs - is primarily engaged in preparing and serving alcoholic beverages. While eating establishment do cover the range your definition describes such as juice bars and fast food restaurants, they are not 'eating and drinking establishments' without the alcohol involved. It's confusing and you guys are doing such a great job in unconfusing Atlanta's zoning! We appreciate that!

#011

Posted by **Patrick Ford** on **06/05/2024** at **11:50am** [Comment ID: 112] - Link
Suggestion
Agree: 0, Disagree: 0
shouldn't this read Friday through Sunday?

> Reply by **SiteAdmin** on **06/05/2024** at **4:32pm** [Comment ID: 117] - Link
> *Answer*
> *Agree: 0, Disagree: -1*
> Thanks for your pointing this out. The current NC-6 (U12) reads, "Eating and drinking establishments: shall not operate between the hours of 2:00 a.m. to 6:30 a.m., Monday through Thursday. There shall be no limit to hours of operation Friday and Saturday." Given the first clause, the second may not be needed.
>
> > Reply by **C. Claire** on **06/13/2024** at **6:29pm** [Comment ID: 146] - Link
> > *Agree: 0, Disagree: 0*
> > The NC 6 was updated in February of this year regarding certain hours of operation. Ordinance No. 2024-07 (23-O-1490)
> >
> > > Reply by **SiteAdmin** on **06/14/2024** at **8:48am** [Comment ID: 148] - Link
> > > *Answer*
> > > *Agree: 0, Disagree: 0*
> > > Thank you, but the final legislation appears to only address fences:
> > > https://aimewebapp.blob.core.windows.net/finalactions/23o1490.pdf

#012

Posted by **Corliss Claire** on **05/22/2024** at **4:47pm** [Comment ID: 12] - Link
Agree: 0, Disagree: 0
There MUST be a definition for an Eating & Drinking Establishment (Restaurant) with

Live Entertainment. Entertainment meaning: DJ, hookah, customer dancing, karaoke, comedy acts, etc. This 'blended restaurant model' is a trend.

> Reply by **SiteAdmin** on **05/24/2024** at **3:55pm** [Comment ID: 34] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> The proposed code addresses combination uses like you describe in Sec. 3.3.1.E. (pg. 3-4). Multiple principal uses on a lot are only allowed if ALL the uses are permitted. The next draft will add similar language to the introduction to Accessory Uses that outlines the same rules but for multiple accessory uses instead of multiple principal uses.
>
> This means that a restaurant that included an event facility and a hookah lounge would only be allowed if the district allowed all three.
>
> > Reply by **C. Claire** on **06/13/2024** at **7:33pm** [Comment ID: 147] - Link
> > *Agree: 0, Disagree: 0*
> > That's good to hear. However, there does need to be a definition of 'entertainment' because this is what contributes to 'restaurants' engaging in nightclub- like behavior when entertainment is part of the business model. Currently (which you already know), under the alcohol ordinance as long as a restaurant meets the distance requirements it can have entertainment. If the alcohol ord entertainment definition is sufficiently clear, that can serve as a reference.
> >
> > > Reply by **SiteAdmin** on **06/14/2024** at **4:18pm** [Comment ID: 150] - Link
> > > *Agree: 0, Disagree: 0*
> > > Thank you for the suggestion. We will explore better aligning the two.

#013

Posted by **Corliss Claire** on **06/09/2024** at **3:49pm** [Comment ID: 121] - Link
Question
Agree: 0, Disagree: 0
Is this definition of General Eating and Drinking Establishment suggesting that fast food restaurants, smoothie bars, ice cream shops, juice and smoothie bars may serve alcohol for on premise consumption as an accessory use?

> Reply by **SiteAdmin** on **06/10/2024** at **9:20am** [Comment ID: 122] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Zoning does not regulate whether businesses may or may not hold an alcohol license - that is determined by Chapter 10 of the City Code. Today, any eating and drinking establishment may apply for an alcohol license. Nothing in the proposed zoning changes would change that.

Both east of Juniper St. & south **of 10th St.**	**2,000 SF or larger**

3. Bar

a. Definition

The definition in City of Atlanta Code Section 10-1.

b. Standards

i. U34, U35, and U36 Use Districts

A special use permit is required as follows:

Location	**Floor Area** Requiring a Special Use Permit
East side of Peachtree St.	10,000 SF or larger
Both fronting along the west side of Juniper St. & south of 10th St.	5,000 SF or larger
Both east of Juniper St. & north of 10th St.	5,000 SF or larger
Both east of Juniper St. & south of 10th St.	2,000 SF or larger

4. Delivery-Based Commercial Kitchen

a. Definition

Eating and drinking 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.

5. Drive-In

a. Definition

Any otherwise allowed eating and drinking use where customers park their vehicles and then remain in their vehicles while they continuously receive service by an employee working at the establishment. Such definition does not include a facility that provides dedicated parking spots for customers to receive a single pick-up order which does not involve continual service.

E. Entertainment and Recreation Use Category

Uses that provide continuous or periodic assembly, entertainment, or recreational activity.

1. Use Category Standards

a. U12 Use District

The uses may not operate between the hours of 2:00 a.m. to 6:00 a.m.

b. U13 Use District

i. All activity must be conducted within an enclosed building.

ii. The uses may not operate between the hours of 2:00 a.m. to 7:00 a.m.

2. Indoor Entertainment and Recreation

a. Definition

Entertainment and recreation uses that operate 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.

3. Outdoor Entertainment and Recreation

a. Definition

Entertainment and recreation uses that operate 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.

4. ATV Park

a. Definition

Entertainment and creation uses where motorcycles and other motor vehicles drive directly upon dirt, water, rocks, sand, snow, ice, marsh, swampland, and similar unpaved surfaces.

b. Standards

In all Use Districts, the following standards apply:

i. The use must be at least 10 acres in size.

ii. No ATV park may be within a distance of 3,000 feet of any residential uses.

5. Convention Hall, Event Facility

a. Definition

A use operated exclusively for the purpose of providing accommodations for temporary conventions, trade shows and other similar activities, as well as some social events such as wedding receptions, bar mitzvahs, banquets, birthday parties, and meetings.

6. Golf Course

a. Definition

A use that provides for a large landscaped area for playing golf including support facilities and buildings. The term does not include a facility used exclusively as a golf driving range.

7. Lounge, Nightclub

a. Definition

The definitions in City of Atlanta Code Section 10-1.

8. Sports Arena, Stadium, or Field

a. Definition

A use intended to be used 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.

b. Standards

i. U1 through U5 Use Districts

a) The use must be accessory to or affiliated with a private education use.

b) Entertainment and other public gathering purposes, such as conventions, circuses, or concerts, are not allowed.

F. Lodging Use Category

Uses with individual sleeping or living units that provide overnight accommodations to guests for short-term stays of less than 30 days.

1. Bed and Breakfast

a. Definition

A living unit that provides lodging in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.

b. Standards

In all Use Districts, the following standards apply:

i. The structure containing the bed and breakfast:

a) Must be at least 1,200 square feet in floor area; and

b) Must be individually listed on the National Register of Historic Places; or

c) Must be contributing to a district listed on the National Register of Historic Places; or

d) 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 must substantially maintain its original or historic exterior appearance based on physical descriptions and or architectural information available in the official National Register of Historic Places Nomination as determined by the Executive Director of the Urban Design Commission. This characteristic only applies to structure(s) qualifying under either subparagraph (a) (ii) or (iii) above;

iii. A property owner or manager must reside on the property by taking a majority of their overnight lodging on-site. Up to two additional on-site employed staff may also reside on

the property, for a total of three unrelated (by blood, marriage, or adoption) individuals to manage and maintain the inn

iv. No fewer than three and no more than eight rooms may be available for transient guest stays;

v. A minimum of one overnight stay and maximum length of 30 consecutive days; and

vi. Sleeping accommodations and breakfast provided for guests and included in the daily charge; and rooms may not contain independent kitchen facilities unless the property is located within a use district that allows multi-unit living.

vii. This definition does not exclude similar lawfully permitted uses existing at the time of the adoption of this definition or render them non-conforming.

2. Hotel

a. Definition

i. A building containing one or more guest rooms offering transient lodging accommodations, available at daily rental rates, to the general public. For purposes of this definition, "transient lodging accommodations" means temporary sleeping accommodations, with or without independent kitchen facilities, offered to persons traveling from one place to another, stopping overnight, or otherwise in need of a temporary place to stay. This definition excludes the limited lodging permitted under the definition of "households".

ii. Accessory uses, such as eating and drinking establishments, and convention halls, event facilities may be provided, except where such accessory uses are prohibited in the particular use district. All accessory uses must obtain any applicable special use permits.

b. Standards

i. U11 through U15 Use Districts

a) Accessory convention halls, event facilities may not exceed 500 square feet.

b) No hotel may be within a distance of 500 feet of any public or private elementary or secondary school.

ii. U21 Use District

a) Hotels with up to 30 guest room are not allowed west of Joseph E. Lowery Boulevard.

b) Hotels with 31 or more guest rooms require a special use permit west of Joseph E Lowery Boulevard.

3. Short-Term Rental

a. Definition

An accommodation where, in exchange for compensation, a dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

b. Standards

In all Use Districts, the following standards apply:

i. An accessory structure may be used for short-term rental, provided that the property owner resides on site.

ii. The facility is subject to the regulations in Atlanta City Code section 20-1001.

G. Medical Use Category

Uses that provide medical, surgical or dental care to patients such as the diagnosis, treatment, mitigation, cure or prevention of disease.

1. General Medical

a. Definition

Medical uses that administer 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. Definition

A use that administers primarily in-patient, intensive, human medical or surgical care, including stand-alone emergency care services.

3. Medical Laboratory

a. Definition

A 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.

H. Office Use Category

Uses characterized by activities conducted in a private or co-working setting and generally focusing on business, professional or financial services.

1. General Office

a. Definition

Office uses that provide 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. Commercial School

a. Definition

A school that teaches industrial, clerical, managerial, commercial, artistic, or other select skills; conducts a commercial enterprise, such as a driving school; or a privately operated school that does not offer a complete educational curriculum.

b. Standards

i. U21 Use District

Commercial schools are not allowed west of Joseph E. Lowery Boulevard.

3. Recording Studio

a. Definition

A facility maintained and equipped for sound recording and mixing for the purposes of producing a product for commercial consumption.

I. Parking Use Category

Uses that provide parking as a principal use.

1. Use Category Standards

All facilities with 30 or more parking or storage spaces must meet the following:

a. A parking attendant must be present during all hours of operation at any parking facility with 200 or more parking spaces. An attendant is required if a card operated security gate is provided or if less than 50% of the lot is being utilized.

b. When parking rates are temporarily instituted or increased in connection with a special event, an attendant must be present during a period beginning one hour before and ending one hour after said event.

c. Lighting must be provided throughout all parking facilities to equal a minimum of one-half footcandle 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, the parking facility must independently provide these required levels of illumination.

d. 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.

e. Identifying signage must be located at the primary entrance to all facilities. Such signage must consist of one 24-inch by 24-inch upper sign which must be located directly above one 12-inch-high by 24-inch-wide lower sign. Such signage must be located at least 7 feet above ground level and must be displayed such that both sign faces are visible from the street. The upper sign must display a capital "P" which must be at least 18 inches high. The lower sign must display the address of the parking facility with lettering at least 6 inches high. The upper and lower signs may be constructed as one sign that must be 36 inches high and 24 inches

wide. Sign faces must be dark blue with white letters in a helvetica medium type face. All lettering must be clearly legible from the street.

f. Parking facilities operating before the effective date of this section will have 24 months to comply with the standards of the Code.

2. Commercial Parking Lot

a. Definition

A 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 for such excess parking by the Board of Zoning Appeals.

3. Commercial Parking Structure

a. Definition

A 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 for such excess parking by the Board of Zoning Appeals.

4. Remote Parking

a. Definition

A use that provides vehicle storage and parking as a principal use that serves as off-site parking for another nearby use

b. Standards

In all Use Districts, the following standards apply:

i. Remote parking must be within the walking distance of the principal use specified in the use table.

ii. Remote parking is only allowed when both the use utilizing the parking and the remote parking facility are within a use district that allows remote parking.

J. Personal Service Use Category

Uses involved in providing personal care or repair services.

1. General Personal Service

a. Definition

Personal service uses that provide 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

a. Definition

A facility providing care and boarding of domesticated animals for compensation including animal hospital, doggy day care, kennel, pet boarding, pet grooming, pet training facility, veterinary office, and horse stables. Animal care is consolidated into the following.

i. Animal Care, Restricted

A completely enclosed soundproof indoor facility designed or arranged for the care of animals without any outdoor activity or overnight boarding. The prohibition of overnight boarding does not apply to animals undergoing veterinary care.

ii. Animal Care, Limited

A completely enclosed soundproof indoor facility designed or arranged for the care of animals without any outdoor activity but that may provide overnight boarding.

iii. Animal Care, General

A facility designed or arranged for the care of animals that may include outdoor activity and overnight boarding.

b. Standards

In all Use Districts, buildings housing animals must be completely soundproof.

3. Beauty, Hair, Nail Salon

a. Definition

Barber shops, beauty shops, manicure shops and similar personal service establishments.

b. Standards

i. U11 through 15 Use Districts

No beauty, hair, nail salon may be within a distance of 500 feet of any other beauty, hair, nail salon stores. This does not apply to multiple establishments on the same property.

4. Body Art Studio

a. Definition

A use providing a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

b. Standards

i. U11 through 15 Use Districts

No body art studio may be within a distance of 1,500 feet of another body art studio.

5. Catering Establishment

a. Definition

A facility 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. Catering establishments do not include the on-site sale of individual meals or individual beverages, unless within a use district that allows general eating and drinking establishments.

6. Funeral Home

a. Definition

An use engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes mortuaries, but does not include crematoriums.

b. Standards

i. U34 Use District

Funeral homes are only allowed west of West Peachtree Street.

7. Laundry Service

a. Definition

A self-service laundromat, laundry drop-off facility, or dry-cleaning that does not involve hazardous chemicals.

b. Standards

i. U11 through 15 Use Districts

No laundry service may be within a distance of 1,500 feet of another laundry service.

K. Retail Use Category

Uses involved in the sale, lease, or rent of new or used products to end consumers.

1. General Retail

a. Definition

Retail uses that sell, lease, or rent 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, art gallery; landscape or plant nursery; jewelry store; vehicle showroom.

2. Alternative Financial Service

a. Definition

A retail use offering 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 as it exists nor or as it may be amended. Typical examples include check cashing, pawnshop, payday lending, precious metal and gem dealers, and title loan centers.

3. Artisan Workshop

a. Definition

A retail use that provides a workspace for artists or artisans that may include the production of handcrafted 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. Definition

A retail establishment primarily engaged 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.

b. Standards

i. U11 through 15 Use Districts

No grocery stores may be located within 2,000 feet of another grocery stores (measured in a straight line from property line to property line).

5. Package store

a. Definition

An retail establishment engaged in the sale of packaged alcoholic beverages, such as ale, beer, wine, and whiskey for consumption off the premises and at which on-premises consumption is specifically prohibited, as distinct from a bar, restaurant or similar establishment which is licensed for the retail sale of alcoholic beverages of any type by the drink or for consumption on the premises. The term "package store" is considered synonymous with the term "liquor store". A package store includes any premises 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.

b. Standards

ii. U29 Use District

No package stores are allowed other than one wine specialty shop and one brewpub as

defined in City of Atlanta Code Section 10-1 are allowed.

6. Retail Bank

a. Definition

A bank, savings and loan association, or similar financial institution that provides on-site services to customers. The terms includes all ATMs.

b. Standards

i. U11 through 15 Use Districts

ATMs are not allowed.

7. Small Discount Variety Store

a. Definition

A retail establishment less than 12,000 square feet in floor area that offers a variety of consumer products including household goods, personal care products, entertainment products, electronics, and other consumer products, including food or beverages for off-premise consumption, and that sells these consumer products at a discounted rate. The definition does not include

i. Any other defined retail use;

ii. Retail uses that include fuel sales; and

iii. 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.

b. Standards

i. All Use Districts

No small discount variety store may be within a distance of 5,280 feet of another small discount variety store.

ii. U11 through 15 Use Districts

No small discount variety store may be within a distance of 2,000 feet of another retail use larger than 8,000 square feet in floor area.

8. Hookah and Vapor Shop

a. Definition

Any retail use where 25 percent or more of the floor area is devoted to the sale of alternative nicotine products, vape juice, or both. This definition does not include storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public.

i. Alternative nicotine products.

Any products or devices that employ an electronic heating element, electronic circuit,

power source, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic pipes, electronic bongs, and electronic hookahs and, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe.

ii. Vape juice.

Any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product.

b. Standards

No hookah or vapor shop may be within a distance of 1,500 feet of any other hookah or vapor shop. This does not apply to multiple establishments on the same property.

L. Transportation Use Category

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.

1. Passenger Terminal

a. Definition

A private use 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. Definition

A use for the landing and take-off of a helicopter.

3. Truck Stop

a. Definition

A facility for tractor-trailer trucks which meets one or more of the following characteristics: fuel and other petroleum products are sold, overnight parking for tractor trailer trucks is provided, a retail store is provided, or a restaurant or other dormitory space is utilized as a rest area for truck drivers, as distinguished from a truck terminal.

b. Standards

In all Use Districts, no truck stop may be within a distance of 1,000 feet of another truck stop, a public or private school, a place or worship, any park and open space, a hospital, a cemetery, day care, or a residential district. This does not apply to multiple uses on the same property

M. Vehicle Sales and Service Use Category

Uses that sell, rent, lease, service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, and heavy equipment.

1. Car Wash

a. Definition

A vehicle service and repair use that washes and cleans cars and other types of vehicles.

b. Standards

i. All Use Districts

No car wash may be within a distance of 1,500 feet of another car wash or a vehicular service or repair use or fuel sales. This does not apply to multiple uses on the same property.

ii. U21 Use District

Car washes are not allowed west of Joseph E. Lowery Boulevard.

iii. U34 Use District

Car washes are allowed everywhere west of West Peachtree Street and only along Ponce de Leon Avenue east of West Peachtree Street.

iv. U36 Use District

Car washes are only allowed along Ponce de Leon Avenue.

2. Fuel Sales

a. Definition

A use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels, whether a principal or accessory use. The term does not include accessory EV Charging Stations.

b. Standards

i. All Use Districts

a) Properties used for fuel sales may not include any other retail use, except when the other retail use is otherwise allowed in the use district.

b) No fuel sales may be located within 1,500 feet of another fuel sales, car wash, or vehicle service and repair use (measured in a straight line from property line to property line). This does not apply to multiple uses on the same property.

ii. U27 Use District 014

Fueling sales are only allowed west of Pryor Street.

iii. U34 Use District

Fuel sales are allowed everywhere west of West Peachtree Street and only along Ponce de Leon Avenue east of West Peachtree Street.

#014

Posted by **Jonathan Futrell** on **09/24/2024** at **2:02pm** [Comment ID: 549] - Link

Agree: 0, Disagree: 0

The draft use table currently shows that Fuel Sales are not permitted in U 27. Just flagging this so the two provisions can be reconciled.

iv. U36 Use District

Fuel sales are only along Ponce de Leon Avenue.

Fuel sales are only allowed west of Ted Turner Drive/Spring Street.

3. Vehicle Sales and Rental

a. Definition

Uses that sell, rent, or lease operable motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, boats, 18-wheelers, and heavy equipment. Vehicle sales and rental is consolidated into the following:

i. Vehicle Sales and Rental, Light

A vehicle sales and rental use that sells, rents, or leases motorcycles, scooters, or passenger vehicles, and may include repair of vehicles sold.

ii. Vehicle Sales and Rental, Heavy

A vehicle sales and rental use that sells, rents, or leases recreational vehicles, boats, 18-wheelers, and heavy equipment.

4. Vehicle Service and Repair

a. Definition

Uses that service or repair motorcycles, scooters, passenger vehicles, commercial vehicles, recreational vehicles, boats, 18-wheelers, and heavy equipment. Vehicle service and repair is consolidated into the following:

i. Vehicle Service, Light

A vehicle service and repair use where limited repair is conducted on vehicles weighing up to 10,000 pounds – work is typically done that day and vehicles are not left overnight. Typical examples include heating and air condition repair, alignment, auto detailing, audio and alarm installation, brakes and exhaust services, batteries, new tires, emissions testing, oil and lube, minor scratch and dent repair, bed-liner installation, glass/windshield repair or replacement, suspensions, vehicle tinting, and vehicle inspections.

ii. Vehicle Repair, Heavy

A vehicle service and repair use where substantial repair is conducted on vehicles. Work is typically done over a several day period and vehicles are often left overnight. Typical examples including transmission and engine repair, and body repair and paint shops. Also includes used tire repair and installation. Vehicle repair is broken down into the following.

a) Service and repair is conducted on vehicles weighing up to 10,000 pounds.

b) Service and repair is conducted on vehicles weighing more than 10,000 pounds.

b. Standards

i. All Use Districts

No vehicular service and repair use may be within a distance of 1,500 feet of another vehicle service or repair, car wash, or fuel sale. This does not apply to multiple uses on the same property.

ii. U34 Use District

Vehicle service and repair uses are allowed everywhere west of West Peachtree Street and only along Ponce de Leon Avenue east of West Peachtree Street.

iii. U36 Use District

Vehicle service and repair uses are only along Ponce de Leon Avenue.

iv. U37 Use District

Vehicle service and repair uses are only allowed west of Ted Turner Drive/Spring Street.

N. Wholesale Trade Use Category

Uses primarily engaged in selling products to retailers, to business representatives for resale, rather than to end consumers for direct consumption.

1. General Wholesale

a. Definition

Wholesale trade use where products are sold and the removal of products by business representatives is allowed.

2. Showroom

a. Definition

Wholesale trade use where sample products are displayed for sale and all products sold are shipped or delivered to the business representative. No removal of products by business representatives is allowed. This term excludes vehicle showrooms.

3. Wholesale Trade Mart

a. Definition

Whole trade use operated exclusively for the purpose of providing accommodations for multiple showrooms or general wholesale trade uses.

Sec. 3.3.5. Industrial Uses

A. Industrial and Manufacturing Use Category

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.

1. Use Category Standards

In use districts that do not others allow office, retail, or eating and drinking uses, industrial and manufacturing uses may include accessory offices, retail, or eating and drinking uses when:

a. The accessory uses are located in the same tenant space and the total floor of when all such accessory uses does not exceed 50% of the tenant space floor area.

b. The accessory uses must be integrated into the permitted principal use and structure of which they are accessory and may not be physically separated from said use and structure except by interior walls or partitions.

2. Bakery, Wholesale

a. Definition

Industrial and manufacturing use that provides for the preparation of baked goods for wholesale or institutional distribution.

3. Commercial Food Preparation

a. Definition

Industrial and manufacturing where food is prepared, processed, canned, or packaged, for off-site consumption or sales and where character of operations results in no significant heat, noise, sounds, vibrations, odors, or particulates detectable off premises. These facilities may be shared among various food preparers, processors, or producers.

4. Crematorium

a. Definition

An industrial use where the bodies of dead humans and pets are cremated.

5. Low-Impact Industrial and Manufacturing

a. Definition

Industrial and manufacturing use where some or all of the following characteristics are present or anticipated:

i. Majority of manufacturing or industrial activity takes place indoors;

ii. No significant heat, noise, sounds, vibrations, odors, or particulates detectable off premises;

iii. No significant use of dangerous or harmful chemicals;

#015

Posted by **Timothy** on **11/12/2024** at **4:24pm** [Comment ID: 565] - Link
Suggestion
Agree: 0, Disagree: 0
Can you make it clear where crematoriums will be permitted in the City? They should be allowed in cemeteries.

> Reply by **SiteAdmin** on **11/13/2024** at **3:36pm** [Comment ID: 567] - Link
> *Answer*
> *Agree: 0, Disagree: 0*
> Please see the Use Table.
>
> They are currently only allowed in industrial zoning districts. This is proposed to continue as of the 11/12/24 draft.

iv. No significant use of highly combustible or flammable materials, liquids, or gases;

v. No use of hazardous or explosive materials; and

vi. 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; and exterminators.

6. Microbrewery, Microdistillery, Winery

a. Definition

The definitions in City of Atlanta Code Section 10-1, including any biergartens accessory to the uses.

b. Standards

i. U12 Use District

a) No sound, amplified or otherwise, may be audible from off of the lot.

b) If the person who is the licensee for the City of Atlanta Alcoholic Beverage License ceases to be the licensee, then this 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.

c) Doors and loading bays facing any street must be closed at all times, except during the ingress/egress of individuals, the movement of raw materials, other supplies and finished products into and out of the building.

d) The permittee must present a unloading and loading plan for all materials, which must be attached to this permit. 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:

1) Where vehicles involved in loading/unloading will be located during the process;

2) The amount of time the vehicles will be parked during the process;

3) The amount of time required for loading/unloading;

4) The times of day that loading/unloading will take place;

5) The volume of material being moved;

6) The path of travel for loading/unloading materials, and;

7) Any lanes of travel that will be blocked during the process and the proposed arrangements to handle any blockage.

e) The duration of a special use permit for this use is two years. If a special use permit is being renewed, then unless otherwise stated, the first renewal will be for a period of five years, the second and any subsequent renewals will be for a period of ten years.

f) No outdoor storage is allowed.

7. High-Impact Industrial and Manufacturing

a. Definition

Industrial and manufacturing use where some or all of the following characteristics are present or anticipated:

i. The majority of manufacturing or industrial activity takes place outdoors.

ii. Significant heat, noise, sounds, vibrations, odors or particulates may be detectable by neighboring properties.

iii. Significant use of dangerous or harmful chemicals.

iv. Significant use of highly combustible or flammable materials, liquids, or gases.

v. 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, 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, or its products, refining of; and smelting of tin, copper, zinc, or iron ores.

8. Research and Development

a. Definition

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. Standards

In all Use Districts, no significant heat, noise, sounds, vibrations, odors or particulates may be detectable by neighboring properties.

B. Resource Extraction Use Category

Use involved in the extraction minerals or solid materials from the ground and where the material extracted may be stored on site or transported off site. Typical examples include sand, gravel clay, topsoil, or dirt extraction; and quarry.

C. Warehouse and Distribution Use Category

Uses involved in the storage or movement of goods for themselves or other entities. Goods are generally delivered to other firms or the final consumer. There is little or no on-site sales activity with customers present.

1. General Warehouse and Distribution

a. Definition

Warehouse and distribution uses 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. Definition

A 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.

b. Standards

In all Use Districts except for U44, the following standards apply:

i. At least 50% of the total floor area of the site must be used for one or more non-data center and non-self-storage permitted uses specified in the applicable use district.

ii. No occupancy permit may be issued for a data center use before one or more occupancy permits have been issued for non-date center or non-self-storage 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 and self-storage uses.

iii. The use must have an active depth of at least 60 feet along a public street and an active depth of at least 30 feet along a public park, the BeltLine, or any other multi-use trail. This active depth requirement applies for the full height of the use.

iv. In Use Districts that allow data centers up to 8,000 sf in floor area, the maximum square footage is measured as the total combined floor area of all data centers on the property.

3. Freight Terminal

a. Definition

A 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. Self- Storage Use Grou016

a. Use Group Definition

A warehouse and distribution use that offers secure self-storage for household goods in individual rooms, compartments, lockers, or containers, to which clients bring goods for storage and retrieve them at any time during normal business hours. Self-storage facility is consolidated into the following.

b. Use Group Standards

In all Use Districts, the following standards apply:

i. With the exception of vault storage, self-storage facilities are not allowed within a distance of 500 feet of the BeltLine corridor, as defined in City Code section 16-36.007.

ii. An existing self-storage facility within the 500 feet area specified in "a" above may be redeveloped at its existing floor area ratio and consistent with the requirements of this part.

c. General Self-Storage

i. Definition

An enclosed structure(s) providing separate and individually accessible compartments/ units each no greater than 800 square feet in floor area and leased or rented to the general public for the purposes of storing non-hazardous personal property of household goods and effects and not utilized for general commercial inventory.

d. Mixed-Use Storage Facility

i. Definition

An enclosed structure providing separate and individually accessible compartments/units each no greater than 400 square feet in floor area and leased or rented to the general public for the purposes of storing non-hazardous personal property of household goods and effects and not utilized for commercial inventory.

ii. Standards

In all Use Districts, the following standards apply:

a) The use may not exceed 100,000 square feet in floor area.

b) At least 50% of the total floor area of the site must be used for one or more non-self-storage or non-data center permitted uses specified in the applicable use district.

c) No occupancy permit may be issued for a self-storage use before one or more occupancy permits have been issued for non-self-storage or 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 self-storage and data center uses.

#016

Posted by **GCheatham** on **07/09/2024** at **7:34pm** [Comment ID: 406] - Link

Question

Agree: 0, Disagree: 0

The current zoning code has a separate category for "secured storage." Has that type of storage facility been subsumed into the more general definitions here?

d) The use must have an active depth of at least 60 feet along a public street and an active depth of at least 30 feet along a public park, the BeltLine, or any other multi-use trail. This active depth requirement applies for the full height of the use.

e) Each compartment/unit must be exclusively accessible from the interior of the structure.

f) The use must be climate-controlled.

g) There must be secured- access to the structure (other than front desk).

e. Vault-Storage Facility

i. Definition

A business for the rental of vaults, each no larger than 6 cubic feet in size with the exception that up to 5% of the total amount of vaults may be up to 10 cubic feet in size, for the storage of valuable possessions, including but not limited to silver, jewelry, objects of art, microfilm records, computer tapes and similar items normally stored in bank safety deposit boxes.

ii. Standards

In all Use Districts, the use may not exceed 7,500 square feet in floor area

5. Storage Yard

a. Definition

A use involved in 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, taxicab/bus charter/ limousine/truck storage lot, school bus lot and impound lot, and wholesale greenhouse or nursery. The use may involve the sale or rental of items stored.

b. Standards

Outdoor storage 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 five feet high may be installed when allowed by the Form and Frontage District.

D. Waste-Related

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.

1. General Waste-Related

a. Definition

Waste-related uses that receive solid or liquid wastes from others for storage on site, disposal on the site, or for transfer to another location. Typical examples include incinerator, rendering plant, animal waste, solid waste, junkyard, landfill, and transfer station.

2. Green Waste

a. Definition

Waste-related 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 Facility, Indoor

a. Definition

Waste-related 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.

4. Recycling Facility, Outdoor

a. Definition

Waste-related use with a salvage, recycling, or recovery operation that is not an indoor recycling facility.

5. Vehicle-Related Waste

a. Definition

Waste-related uses involved in the storage, sale, dismantling or processing of used or waste vehicle parts or materials. Typical examples include used vehicle parts dealer, vehicle scrap metal processor, vehicle salvage pool, automotive recycler, and scrap tire processing/storage.

DIVISION 3.4. SPECIFIC USE DISTRICT STANDARDS

Sec. 3.4.1. U1 through U5 Use Districts

A. Any Commercial Use

Where commercial uses are allowed, the following standards apply:

1. The use must be located directly adjacent to the primary or side street sidewalk; and
2. The Corner Store alternate form may be used.

B. Pre-1945 Commercial Buildings

1. In buildings built before 1945 for a commercial purpose, the building and following uses are considered confirming and may be re-established at any time:
    a. Artisan workshop;
    b. Daycare;
    c. General personal service;
    d. Beauty, hair, nail salon;
    e. General retail;
    f. Grocery store; and
    g. Office.
2. In buildings built before 1945 for a commercial purpose, the building and following uses are considered confirming and may be re-established after obtaining a Special Use Permit:
    a. General eating and drinking establishment; and
    b. Bar.

C. Pre-1945 Two-Unit or Multi-Unit Buildings

In buildings built before 1945 for two-unit or multi-unit living, the building and use are considered confirming, and may be re-established at any time.

Sec. 3.4.2. U7 through U10 Use Districts

Commercial uses must meet the following standards:

A. Commercial uses are restricted to the ground story;

B. The total residential floor area must exceed the total commercial floor area; and

C. Commercial uses must be located directly adjacent to the primary or side street sidewalk.

#017

Posted by **Eric Kronberg** on **07/04/2024** at **10:01am** [Comment ID: 275] - Link

Question

Agree: 0, Disagree: 0

How do you differentiate a building being 'purpose built' for a commercial use versus a building that was previously used as a commercial use within a reasonable time frame? For example, lots of buildings were built as houses 100 years ago, but have been used as commercial uses for decades. But they were not 'built' specifically for commercial uses.

Sec. 3.4.3. U12 and U13 Use Districts

A. Monday through Thursday, except January 1st, no commercial use, except grocery stores and eating and drinking uses, may operate between the hours of 12:00 a.m. to 6:30 a.m.

B. Friday, Saturday, and January 1st, no commercial use, except grocery stores and eating and drinking uses, may operate between the hours of 2:00 a.m. to 6:30 a.m.

Sec. 3.4.4. U14 Use District

A. No commercial use may operate between the hours of 2:00 a.m. to 6:30 a.m.,

B. No outdoor sales or service, including outdoor dining, may operate between the hours of 11:00 p.m. to 6:30 a.m., unless in an enclosed permanent structure.

Sec. 3.4.5. U15 Use District

Portions of properties located more than 200 feet west of North Highland Avenue's western right-of-way may be used for parking.

Sec. 3.4.6. U34, U35, and U36 Use Districts

The location of allowed uses must comply with the restrictions of the SPI-16 Street Activation Table.

Sec. 3.4.7. U40 Use District

A. Concurrency Requirement

1. On a lot of record 1 acre in size or larger, no non-industrial use occupancy permit may be issued until one or more occupancy permits have been issued for permitted industrial uses specified in "B" below.

2. The combined floor area of all industrial uses holding occupancy permits specified above must be whichever of the following is less:

    a. At least 30% of the combined floor area of the non-industrial uses holding occupancy permits; or

    b. At least 0.3 times net land area, whichever is less.

3. Exterior areas are not included in these calculations.

B. Industrial Uses

The following use categories and uses may be used to satisfy the industrial use requirements specified in "A" above:

1. All industrial uses, except self-storage.

2. All animal care.

3. Artisan workshops.

4. Catering establishments.
5. Commercial schools, provided the curriculum relates to a permitted industrial use.
6. Medical laboratories.
7. Personal services that provide repair services. Typical examples include locksmith; 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.

Sec. 3.4.8. U41 and U43 Use Districts

A. Buildings at Least 50 Years Old

The following use categories and uses are only allowed in buildings that are at least 50 years old:

1. All eating and drinking, except deliverable based commercial kitchen.
2. All entertainment and recreation.
3. All lodging.
4. All medical.
5. All residential uses.
6. All retail, except artisan workshop.

DIVISION 3.5. **ACCESSORY USES**

Sec. 3.5.1. **Definitions and Standards**

A. Accessory Car Wash

1. Definition

An accessory use that washes and cleans cars and other types of vehicles.

2. Standards

In all Use Districts, the following standards apply:

a. The use may only be accessory to a lodging, office, or medical use;

b. The use must not be visible from the exterior of property; and

c. The use must not have signage that is visible from the exterior of the property.

B. Accessory Unit

1. Definition

A dwelling unit that is secondary to the primary unit, not meeting the standards of a guest unit.

2. Standard

a. Must be located on the same lot a the primary dwelling unit;

b. Maximum number of accessory units per lot determined by the district;

c. Maximum floor area of 850 sf; 018

d. Floor area of the accessory unit must count toward the maximum allowable FAR of the district; and

e. May be attached or detached from the primary dwelling unit.

C. Guest Unit

1. Definition

A dwelling unit that is secondary to the primary unit, not meeting the standards of an accessory unit.

2. Standard

a. Must be located on the same lot a the primary dwelling unit;

b. Maximum of 1 guest unit per lot;

c. The total floor area of all accessory buildings including guest units, is limited to 30% of the floor area of the primary dwelling unit; 019

#018

Posted by **Laura Glass-Hess** on **05/25/2024** at **2:28pm** [Comment ID: 36] - Link

Suggestion

Agree: 2, Disagree: 0

Why this limitation on sf? I would like to see something that allows a basement apartment, which may be same SF as the top level.

> Reply by **SiteAdmin** on **05/26/2024** at **11:34am** [Comment ID: 38] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> The configuration you describe, where both units are similarly sized, is a duplex/two-unit configuration. The proposed use table allows that configuration in all Use Districts, except U1-U3.
>
> By definition all accessory uses must be smaller than/subordinate to the principal use on the property, otherwise they are not accessory.

#019

Posted by **GCheatham** on **07/09/2024** at **8:08pm** [Comment ID: 412] - Link

Question

Agree: 2, Disagree: 0

What all does "accessory buildings" include (other than the guest unit itself)? I assume all "residential accessory structures"? What about "accessory recreational structures"?

> Reply by **SiteAdmin** on **07/15/2024** at **3:22pm** [Comment ID: 457] - Link
>
> *Answer*
>
> *Agree: 0, Disagree: 0*
>
> Accessory buildings include things like garages, garden sheds, stables/barns, greenhouses/conservatories, pool houses, and other permanent roofed structures. A current design trend that would also qualify is the "outdoor kitchen," which is a freestanding fully enclosed or semi-enclosed kitchen for outdoor entertaining.

d. Floor area of the guest unit must count toward the maximum allowable FAR of the district; and

e. May be attached or detached from the primary dwelling unit.

D. Accessory Parking

1. Definition

Vehicular storage or parking required or provided on-site for one or more on-site uses, but not exceeding any applicable parking maximums.

E. Barn

1. Definition

An accessory structure housing livestock.

2. Standards

In all Use Districts, no barn may be within 50 feet of any lot line.

F. Drive-Through Use Group

A facility where customers remain in their vehicles while driving through a dedicated lane to conduct a transaction at an area designated as drive-through or at service window.

1. Enclosed Drive-Through

a. Definition

A drive-through facility entirely enclosed within buildings or parking structure on all sides.

b. Standards

In all Use Districts, the following districts apply:

i. Enclosed drive-throughs must be completely screened from view from the exterior of the building or parking structure containing them.

ii. No enclosed drive-through service window, menu board, trash receptacle, ordering box, or other object associated with a drive-through may be located within 60 feet of any building or parking deck facade may faces an abutting public street.

iii. No enclosed queuing may be located within 60 feet of any building or parking deck facade that faces an abutting public street, unless oriented perpendicular to the street.

iv. When a drive-through is accessory to an eating and drinking establishment, a dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.

2. Unenclosed Drive-Through

a. Definition

Any drive-through facility that is not an enclosed drive through.

b. Standards

In all Use Districts, when a drive-through is accessory to an eating and drinking establishment, a dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.

G. EV Charging Station

1. Definition

Electric vehicle charging stations equipped with Level 1 or Level 2 EVSE .

H. Farmers Market

1. Definition

See Sec. 2.4.2.B (Farmers Market).

2. Standards

a. U46 Use District

The use is only allowed when accessory to a place of worship, public school, or private education use.

I. Home Art Studio and Gallery

1. Definition

The creation, presentation and sale of works of art when conducted in a dwelling unit. Within the meaning of this section, "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. In addition, all of the above categories must be: (1) handmade by the applicant; (2) of the applicant's own design; and (3) not solely intended for utilitarian use. This definition specifically excludes T-shirts, objects produced from kits or moulds, objects produced by numbers, or objects created by mass-production. For purposes of this definition, "mass-production" means the creation of more than five (5) completed objects per day by wholly mechanical means, but specifically excludes objects created through the process of photography and printmaking.

2. Standards

a. All Use Districts

Notwithstanding the regulations found in subsection (17) (home occupation) of this section, a home art studio and gallery may be permitted upon approval of the Director, Office of Buildings upon application in such form as the Director, Office of Buildings may hereinafter direct. Approval may be granted only in compliance with the following procedures and criteria:

i. Before filing an application with the Office of Buildings, the applicant must secure a "home art studio and gallery certificate from the bureau of cultural affairs stating: (1)

That the proposed home art studio and gallery meets the definitional requirements for works of art specified in subsection (i) above; and (2) The specific category or categories of work(s) of art that are to be created for sale at the proposed location. Said certificate must then be presented by the applicant to the bureau of buildings as a part of the home art studio and gallery application. If a permit is subsequently granted by the bureau of buildings, no work of art outside the scope of said certificate may be presented or sold at the authorized location unless said certificate has been amended by the bureau of cultural affairs. All amended certificates must be presented to the bureau of buildings so that the existing permit may be appropriately amended by said bureau before any sales conducted pursuant thereto.

ii. The use of the dwelling 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 amount is less, may be used for the conduct of the home art studio and gallery. Such space may be contained in a lawful accessory structure.

iii. There may be no more than six 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.

iv. The applicant must inform the Director of the Office of Buildings, in writing, of each planned sales presentation at least ten days in advance of each presentation. The Director, Office of Buildings must cause a record to be maintained of all sales presentations at locations permitted herein so as to ensure compliance with this section. All works of art presented for sale at a home art studio and gallery must have been created on the permitted premises.

v. 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 be a member of the family living on the premises, must keep substantially all of their personal belongings which are used in normal daily life at the dwelling, and must use the address of the subject dwelling as his or her address for legal purposes such as registration to vote and payment of personal property taxes.

vi. There may be no assembly or group instruction in connection with the home art studio and gallery; except that this prohibition against assembly does not apply during the sales presentation periods authorized in paragraph (ii)(3) above. Individual instruction on a one-to-one basis is permitted.

vii. No traffic may be generated by such 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 and other than in a required front or side yard; except that these provisions do not apply during the sales presentation periods authorized in paragraph (ii)(3) above.

viii. No equipment or process may be used in such home art studio and gallery which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home art studio and gallery is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. 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.

J. Home Occupation

1. Definition

An occupation conducted in a dwelling unit. The term includes any activity for which the City of Atlanta would normally require a business license and specifically includes the use of the subject premises by professional persons engaged in the practice of law, business, or personal services. Further, "home occupation" includes the use of the premises by a manufacturer's representative providing that no merchandise may be stored on the premises other than samples which may be transported by hand and which are usually carried by such salesman, agent, or representative to prospects' office or place of business.

2. Standards

a. All Use Districts

Home occupations may be approved by the Director, Office of Buildings upon the application of the proposed principal in such form as the Director, Office of Buildings may hereinafter direct. However, approval will be granted only in compliance with the following criteria:

i. No more than two persons may be engaged in such home occupation, one of whom must be a member of the family residing on the premises.

ii. The use of the dwelling 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 amount is less, may be used for the conduct of the home occupation. Such space may be contained in a lawful accessory structure.

iii. There may be no assembly or group instructions in connection with the home occupation. Individual instruction on a one-on-one basis are permitted.

iv. 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.

v. No traffic may be generated by such home occupation in greater volumes than would normally be expected in the neighborhood and any need for parking generated by the conduct of such home occupation must be met off the street and other than in a required front or side yard.

vi. No equipment or process may be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a single-unit dwelling, or outside the dwelling unit if conducted in any other form of dwelling. 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.

vii. Any person who obtains authorization permitting the conduct of a home occupation must be a member of the family living on the premises, must take substantially all of their overnight lodging at the dwelling, must store substantially all of their personal belongings which are used in normal daily life in the dwelling, and must use the address of the subject dwelling as their address for legal purpose such as registration to vote and payment of personal property taxes.

viii. No sign advertising a home occupation, including those mounted inside windows and doors that are visible from a public right-of-way or a neighboring property line may be internally or externally illuminated.

K. Hookah and Vapor Consumption

1. Definition

Any use involving the sale and on-premise consumption of alternative nicotine products, vape juice or both.

L. Market Garden

1. Definition

See 2.4.2.D (Market Garden).

2. Standards

a. U46 Use District

The use is only allowed when accessory to a place of worship, public school, or private education use.

M. Outdoor Amplified Sounds

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.

N. Outdoor Dining

1. Definition

Accessory outdoor dining on the property of a permitted principal commercial use. Outdoor dining is in an unenclosed area with 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 may not encroach upon any public right-of-way.

ii. Outdoor dining may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

b. U12 Use District021

Outdoor rooftop dining and outdoor amplified sound are not allowed within a distance of 50 feet of a property in a U1 through U5 use districts.

O. Outdoor Display020

1. Definition

Accessory outdoor display of products actively available for sale on the property of a permitted principal commercial use or industrial use.

2. Standards

In all Use Districts, the following standards apply:

a. Outdoor display must abut the primary facade with the principal customer entrance, may not extend more than 6 feet from the facade, and may not exceed 6 feet in height.

b. Outdoor display must be removed and placed inside a building at the end of each business day.

c. Outdoor display may not encroach upon any public right-of-way.

d. Outdoor display may not impair the ability of pedestrians to use a sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

P. Outdoor Storage Use Group

1. Use Group Definition

An accessory outdoor storage on the property of a permitted principal nonresidential use. Outdoor Storage is the outdoor storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale or use.

2. Outdoor Storage, Minor

a. Definition

Outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers.

3. Outdoor Storage , Major

a. Definition

Outdoor storage of 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.

b. Standards

Outdoor storage 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 five feet high may be installed when allowed by the Form and Frontage District.

#020

Posted by **C. Claire** on **06/15/2024** at **2:03pm** [Comment ID: 156] - Link
Agree: 0, Disagree: 0
This needs more thought.

> Reply by **SiteAdmin** on **06/17/2024** at **11:51am** [Comment ID: 159] - Link
> *Question*
> *Agree: 0, Disagree: 0*
> Thank you for comments. Could you please provide more clarity on what you'd like to see?

#021

Posted by **Elena Kaplan** on **07/05/2024** at **10:38am** [Comment ID: 276] - Link
Suggestion
Agree: 0, Disagree: 0
The limitation on outdoor amplified sound should apply in more places throughout the City where residences are adjacent to commercial districts. Residents should not have to just rely on the noise ordinance and our understaffed police force to ensure that they can peacefully live in their homes.

> Reply by **SiteAdmin** on **07/07/2024** at **10:32am** [Comment ID: 305] - Link
> *Answer*
> *Agree: 1, Disagree: 0*
> Thank you for your feedback. Today, there are few restrictions on outdoor noise, except as provided in districts that are equivalent to U12, a few others, and the noise ordinance. We have added outdoor noise as a citywide accessory use (see Use Table) because there appears to be interest in limiting it on more places (based on public input received so far). Are there specific areas where you think it should be further limited?

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. U37 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 connects two buildings that are owned by the same owner and are operated by a common business enterprise;

iii. The two buildings connected by said bridge have an aggregate floor area of more than 3,500,000 gross square feet;

iv. The facades of the two buildings connected by said pedestrian bridge meets all of the requirements of section 16-18A.011 and if the facades are located along a storefront street, all of the requirements of section 16-18A.012;

v. The required sidewalks located adjacent to all sides of the two buildings connected by said pedestrian bridge meet all of the requirements of section 16-18A.009;

vi. The pedestrian bridge is 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;

vii. The pedestrian bridge does not exceed of 15 feet wide at any point between the two buildings;

viii. At least 50% of the total side wall area of the pedestrian bridge for the entire length of the bridge must consist of transparent materials allowing light to pass through from one side to another; and

ix. All requirements of City of Atlanta Code of Ordinances section 138-25 are met.

x. Notwithstanding subsections (1) and (2) above, the following additional structures are allowed:

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. However, notwithstanding section 138-25(6), the department of public works and the department of city planning has the authority to approve signage on the bridge subject to the approval of both departments and in accordance with City of Atlanta Code of Ordinances section 16-28A.001, et seq.

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. However, notwithstanding section 138-25(6), the Department of Public Works and the Department of City Planning will have the authority to approve signage subject to the approval of both departments and in accordance with City of Atlanta Code of Ordinances section 16-28A.001, et seq.

R. Private Recreation

1. Definition

Accessory recreational structures used by occupants of the property, including residents, employers, lodging guests, and authorized visitors. Examples include swimming pools, tennis courts, and other recreation amenities.

S. Renewable Energy Devices

1. Definition

Devices for the generation of energy, such as solar panels, wind generators and similar devices.

T. Residential Accessory Structures 022

1. Definition

Greenhouses, garden sheds, private garages, and similar structures.

U. Urban Garden

1. Definition

See Sec. 2.4.2.E (Urban Garden).

#022

Posted by **GCheatham** on **07/09/2024** at **7:49pm** [Comment ID: 409] - Link

Question

Agree: 0, Disagree: 0

The "guest unit" standard uses the term "accessory buildings." I assume that term includes "guest units," accessory units" and "residential accessory structures"?

DIVISION 3.6. **TEMPORARY USES**

Sec. 3.6.1. **Definitions and Standards**

A. 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.

B. Temporary Event

1. Definition

A temporary outdoor amusement enterprise, exhibit, entertainment, music venue, meeting, display or sales area, or outdoor area for religious ceremonies.

2. Standards

a. U21 Use District

Temporary events more than 90 days in duration not allowed west of Joseph E. Lowery Boulevard.